

CITY OF SPOKANE



REGARDING CITY COUNCIL MEETINGS

Notice is hereby given that City Council has resumed in-person meetings. City Council's standing committee meetings, Briefing Sessions, Legislative Sessions and study sessions are held in City Council Chambers – Lower Level of City Hall, 808 W. Spokane Falls Blvd.

City Council Members, City staff, presenters and members of the public will still have the option to participate virtually via WebEx during all meetings, with the exception of Executive Sessions which are closed to the public. Call in information for the November 6, 2023, meetings is below. All meetings will continue to be streamed live on Channel 5 and online at <https://my.spokanecity.org/citycable5/live> and <https://www.facebook.com/spokanecitycouncil>.

WebEx call in information for the week of November 6, 2023:

3:30 p.m. Briefing Session: 1-408-418-9388; access code: 2485 859 8861; password: 0320

6:00 p.m. Legislative Session: 1-408-418-9388; access code: 2490 298 7278; password: 0320

Thursday Study Session: 1-408-418-9388; access code: 2490 239 4174; password: 0320

To participate in public comment (including Open Forum):

Testimony sign up is open from 5:00-6:00 p.m. on Monday, November 6, 2023. You must sign up by 6:00 p.m. to be called on to testify. Those wishing to give testimony virtually can sign up between 5:00-6:00 p.m. at <https://forms.gle/Vd7n381x3seaL1NW6>. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for participation are provided on the form when you sign up.

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 public testimony on legislative items (two minutes for open forum)!**

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 the 6:00 p.m. legislative session, prior to the consideration of consent or legislative items, the Council shall hold an open forum unless a majority of Council Members vote otherwise. The open forum shall have 15 (fifteen) spaces of two minutes each available and members of the public who have not spoken during open forum during that calendar month will be prioritized for spaces ahead of those who have spoken during that calendar month.
- B. Members of the public can sign up for open forum in the hour preceding the legislative session, or at the conclusion of the briefing session, whichever is later, via the virtual testimony form linked in the meeting packet or in person outside Council Chambers. Each speaker must sign themselves using their true first and last name. Members of the public who are unable to sign up during the sign up period or who attempt to sign up late will not be added to the list of speakers. The order of the speakers will be determined at the discretion of the chair. Each speaker shall be limited to no more than two minutes unless a majority of the Council Members in attendance vote on an alternate time limit.
- C. No action, other than a statement of Council Members' 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 and all matters discussed in the open forum shall relate to the affairs of the City. No person shall be permitted to speak in open forum regarding items on that week's current agenda or the next week's advanced agenda, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during open forum shall address their comments to the Council President and shall maintain decorum as laid out in Rule 2.15(E). Legal or personal matters between private parties that do not impact the governance of the City of Spokane are not a permissible topic of open forum testimony.

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 during the Council's legislative session: the consent agenda as a whole, all first reading ordinances together (with the exception of first reading ordinances associated with Hearings, which shall be taken separately), 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 on issues that are not part of the current or advanced agendas during 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 true first and last 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 obscene speech, physically pounding the dais or other furniture, yelling, or personal comments or verbal insults about any individual will be permitted.
- F. A speaker asserting a statement of fact may be asked by a Council Member 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 or any other individual, and shall confine remarks to the matters that are specifically before the Council at that time.
- H. City employees may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they do the following:
 1. Announce at the beginning of their testimony that they are there in their personal capacity or their capacity as a member of a relevant board, commission, committee or community group;
 2. Protect confidential information, including, but not limited to, confidential financial information and attorney-client communications;
 3. Do not use, or be perceived to use, City funds, including giving testimony during paid work time or while in uniform; or City property, including using a City-issued computer or cell phone, in giving testimony.
- I. 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 and avoiding unlawful harassment 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 Director of Policy and Government Relations 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. All persons attending City Council Meetings or City Council sponsored meetings shall refrain from unlawfully harassing other attendees or risk being removed and/or prohibited from attending future meetings.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. Members of the public can sign up to give testimony in the hour preceding the legislative session, or at the conclusion of the briefing session, whichever is later, via the virtual testimony form linked in the meeting packet or in person outside Council Chambers. Each speaker must sign themselves using their true first and last name. Members of the public who are unable to sign up during the sign up period or who attempt to sign up late will not be added to the list of speakers. The order of the speakers shall be determined at the discretion of the chair.
- B. The City Council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.15(A), with those exceptions stated in Rule 2.16(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 the time limit is adjusted by a majority vote of the Council. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council.
- C. No public testimony shall be taken on amendments to consent or legislative agenda items, votes to override a Mayoral veto, or solely procedural, parliamentary, or administrative matters of the Council.
- D. Public testimony will be taken on consent and legislative items that are moved to Council's regular briefing session or study session unless a majority of Council votes otherwise during the meeting in which the items are moved.
- E. 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.
 4. In the event that the side for which individuals wish to speak is not identified, those wishing to give testimony shall be granted three (3) minutes to present their position after all sides have made their initial presentations and before each side's rebuttal period.
- F. 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.
- G. Testimony may also be submitted by mail to City Council Office, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA, 99201, by email to all Council Members, or via the Contact form on the Council's website.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, NOVEMBER 6, 2023

MISSION STATEMENT

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

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT LORI KINNEAR

COUNCIL MEMBER JONATHAN BINGLE

COUNCIL MEMBER RYAN OELRICH

COUNCIL MEMBER BETSY WILKERSON

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER ZACK ZAPPONE

**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

BRIEFING AND LEGISLATIVE SESSIONS

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. Pursuant to Council Rule 2.16.C, public testimony will be taken on consent and legislative items that are moved to Council's regular Briefing Session unless a majority of Council votes otherwise during the meeting in which the items are moved. The Legislative Session is also open to the public and public comment will be taken on Legislative Session items, except those that are adjudicatory or solely administrative in nature. Following the conclusion of the Legislative Agenda, an Open Forum will be held unless a majority of Council Members vote otherwise. Please see additional Open Forum information that appears at the end of the City Council agenda.

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.

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. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- Each person speaking at the public microphone shall verbally identify themselves by their true first and last name, city of residency and, if appropriate, representative capacity.
- 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. (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.
- 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 or any other individual, and shall continue to the matters that are specifically before the Council at that time.
- City staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they follow the steps outlined in the City Council Rules of Procedure.

SPEAKING TIME LIMITS: Unless the time limit is adjusted by a majority vote of the Council, each person addressing the Council shall be limited to a two-minute speaking time during Open Forum and a three-minute speaking time for other matters. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council. Note: No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council, including veto overrides.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings by accessing the City website at <https://my.spokanecity.org>.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

ROLL CALL OF COUNCIL

INTERVIEWS OF NOMINEES TO BOARDS AND COMMISSIONS

COUNCIL OR STAFF REPORTS OF MATTERS OF INTEREST

ADVANCE AGENDA REVIEW (Staff or Council Member briefings and discussion)

APPROVAL BY MOTION OF THE ADVANCE AGENDA

CURRENT AGENDA REVIEW (Presentation of any new background information and discussion of any adjustments)

EXECUTIVE SESSION

(Closed Session of Council)

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

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

PLEDGE OF ALLEGIANCE

WORDS OF INSPIRATION AND SPECIAL INTRODUCTIONS

ROLL CALL OF COUNCIL

COUNCIL AND COMMITTEE REPORTS

(Committee Reports for City Council Standing Committees and other Boards and Commissions)

PROCLAMATIONS AND SALUTATIONS

REPORTS FROM NEIGHBORHOOD COUNCILS AND/OR OTHER CITY-SPONSORED COMMUNITY ORGANIZATIONS

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

ADMINISTRATIVE REPORTS

OPEN FORUM

At each meeting before the consideration of the Consent Agenda, the Council shall hold an open public comment period for up to 15 (fifteen) speakers. Each speaker is limited to no more than two minutes. In order to participate in Open Forum, you must sign up by 6:00 p.m. If more than 15 (fifteen) speakers wish to participate in Open Forum, members of the public who have not spoken during that calendar month will be prioritized. A sign-up form will be available on the day of the meeting from 5:00-6:00 p.m. outside of Council Chambers for in-person attendees. Virtual sign up is open between 5:00-6:00 p.m. at <https://forms.gle/Vd7n381x3seaL1NW6>. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for virtual participation are provided on the form when you sign up. 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.

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

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|---|------------------------|---|
| <p>1. Value Blankets Renewals 1 of 4 for December 15, 2023, through December 14, 2024, for the Waste to Energy Facility with:</p> <p style="margin-left: 40px;">a. Dykman (Spokane Valley, WA) for the as-needed purchase of variable frequency drives—annual cost not to exceed \$80,000 (plus tax).</p> <p style="margin-left: 40px;">b. Helfrich Brothers Boiler Works, Inc. (Lawrence, MA) for the purchase of superheater tube panels—\$2,000,000 (plus tax).
(Council Sponsors: Council President Kinnear and Council Member Bingle)
David Paine</p> | <p>Approve
All</p> | <p>OPR 2022-0900
RFQ 5760-22</p> <p>OPR 2022-0901
ITB 5754-22</p> |
| <p>2. Value Blanket Amendment/Renewal 2 of 2 with Northstar Chemical, Inc. (Sherwood, OR) for the purchase of hydrochloric acid for the Waste to Energy Facility from January 1, 2024, through December 31, 2024—annual cost \$100,000 (plus tax), plus an additional \$25,000 for the current Value Blanket.</p> | <p>Approve</p> | <p>OPR 2022-0829
ITB 5063-19</p> |

(Council Sponsors: Council President Kinnear and Council Member Bingle)

David Paine

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| 3. | Value Blanket Renewal 4 of 4 with WEMCO, Inc. (Spokane) for the as-needed purchase of spare electrical parts for the cranes at the Waste to Energy Facility from November 15, 2023, through November 14, 2024—annual cost not to exceed \$49,000 (plus tax). (Council Sponsors: Council President Kinnear and Council Member Bingle) | Approve | OPR 2019-0907
RFQ 5165-19 |
| David Paine | | | |
| 4. | Lease extension with Kenworth Sales (Spokane) for a semi-truck utilized at the Waste to Energy Facility from January 1, 2023, through March 31, 2024—additional \$36,650.02 (plus applicable taxes and fees). (Council Sponsors: Council President Kinnear and Council Member Bingle) | Approve | OPR 2023-0385 |
| David Paine | | | |
| 5. | Contract Renewal 2 of 4 with Hydrotech Generator Repair Plus, Inc. dba Hydraulics Plus (Spokane Valley, WA) for the offsite rebuild of hydraulic and pneumatic cylinders for the Waste to Energy Facility from January 1, 2024 through December 31, 2024—not to exceed \$100,000 (plus tax, if applicable). (Council Sponsors: Council President Kinnear and Council Member Bingle) | Approve | OPR 2021-0786
IRFP 5525-21 |
| David Paine | | | |
| 6. | Contract Renewal 3 of 4 with Foust Fabrication Co. (Colville, WA) for as-needed offsite grapple repairs for the Waste to Energy Facility from December 1, 2023, through November 30, 2024—annual cost not to exceed \$85,000 (plus tax). (Council Sponsors: Council President Kinnear and Council Member Bingle) | Approve | OPR 2020-0866
ITB 5342-20 |
| David Paine | | | |
| 7. | Contract Renewal 4 of 4 with TestAmerica Laboratories, Inc., d/b/a Eurofins TestAmerica (Spokane Valley, WA) for analytical testing services at the Waste to Energy Facility from November 1, 2023, through October 31, 2024—annual cost not to exceed \$35,000 (incl. tax). (Council Sponsors: Council President Kinnear and Council Member Bingle) | Approve | OPR 2019-0983
IRFP 5152-19 |
| David Paine | | | |
| 8. | Contract Renewals 4 of 4 for January 1, 2024, through December 31, 2024, for the Waste to Energy Facility with: | Approve | |
| a. | Bay Valve Service, LLC (Longview, WA) for onsite valve repair—annual cost not to exceed \$325,000 (plus tax). | | OPR 2019-0957
PW ITB 5133-19 |

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| <p>b. Online Cleaning Services (Marysville, CA) for boiler blast cleaning services—annual cost not to exceed \$345,000 (plus tax).
(Council Sponsors: Council President Kinnear and Council Member Bingle)</p> | | <p>OPR 2019-0958
PW ITB 5096-19</p> |
| <p>David Paine</p> | | |
| <p>9. Purchase from PS Operating Company, LLC, d/b/a QC Supply (Schuyler, NE) of eight high performance wheeled fire extinguishers and heavy-duty outdoor covers for the Solid Waste Collection Department—\$55,567.04 (plus tax, if applicable). (Council Sponsor: Council President Kinnear)</p> | <p>Approve</p> | <p>OPR 2023-1119
RFQ 5977-23</p> |
| <p>Chris Averyt</p> | | |
| <p>10. Amendment No. 4 and Extension to Interlocal Agreement with Spokane County for transfer and disposal services at the Waste to Energy Facility, extending the contract through November 17, 2024—\$7,800,000 revenue. (Council Sponsors: Council President Kinnear and Council Member Bingle)</p> | <p>Approve</p> | <p>OPR 2014-0060</p> |
| <p>Chris Averyt</p> | | |
| <p>11. Lease Agreement Amendment with Northeast Community Center Association (NECC) (Spokane) extending the contract through December 31, 2038, allowing NECC to secure Department of Commerce loans for the project. (Council Sponsors: Council Members Stratton and Cathcart)</p> | <p>Approve</p> | <p>OPR 2007-0528</p> |
| <p>Dave Steele</p> | | |
| <p>12. Low Bid of Max J. Kuney Co. (Spokane) for the Upriver Dam Spillway Rehabilitation Phase III project—\$1,374,015 (plus tax). An administrative reserve of \$137,401.50 (plus tax), which is 10% of the contract, will be set aside. (Council Sponsor: Council President Kinnear)</p> | <p>Approve</p> | <p>OPR 2023-1120
ENG 2022081</p> |
| <p>Loren Searl</p> | | |
| <p>13. Contract with KPFF Consulting Engineers, Inc. (Spokane) to conduct the Inland Empire Way Study and preliminary engineering from November 1, 2023, through December 31, 2025—\$244,025 (plus tax, if applicable). (Latah/Hangman Neighborhood) (Council Sponsor: Council Member Bingle)</p> | <p>Approve</p> | <p>OPR 2023-1121
ENG 2022072</p> |
| <p>Inga Note</p> | | |
| <p>14. Twenty-year Loan Contract with the Department of Health Drinking Water State Revolving Fund for construction of the West Plains Booster Station at an interest rate of 2.25 percent—\$6,666,000. (Council Sponsor: Council Member Bingle)</p> | <p>Approve</p> | <p>OPR 2023-1122
ENG 2018102</p> |
| <p>Mark Papich</p> | | |

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| <p>15. Low Bid of MDM Construction Group, Inc. (Hayden, ID) for Thor Freya Couplet Phase II project—\$4,394,693.98. An administrative reserve of \$439,469.40, which is 10% of the contract price, will be set aside. (East Central Neighborhood) (Council Sponsor: Council President Kinnear)</p> | Approve | OPR 2023-1123
ENG 2021098 |
| <p>Dan Buller</p> | | |
| <p>16. Special Counsel Contract Amendment No. 4 with Craig Trueblood of the Law Firm K&L Gates, LLP (Spokane) for outside counsel services regarding the appeal of the City’s NPDES permit—additional \$150,000. Total contract amount: \$500,000. (Council Sponsor: Council President Kinnear)</p> | Approve | OPR 2022-0644 |
| <p>Elizabeth Schoedel</p> | | |
| <p>17. Recommendation to list the Parkade Parking Garage, 511 West Main Avenue, on the Spokane Register of Historic Places. (Council Sponsors: Council Members Bingle and Cathcart)</p> | Approve | OPR 2023-1124 |
| <p>Megan Duvall</p> | | |
| <p>18. Consultant Agreement with NB Engineering dba Evergreen StormH2O (Spokane) to perform a Non-Vegetated Bioretention Tape Study Project from November 1, 2023, through July 1, 2027—\$375,945. (Council Sponsor: Council President Kinnear)</p> | Approve | OPR 2023-1125
RFQu 5906-23 |
| <p>Trey George</p> | | |
| <p>19. Report of the Mayor of pending:</p> | Approve &
Authorize
Payments | |
| <p>a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2023, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____.</p> | | CPR 2023-0002 |
| <p>b. Payroll claims of previously approved obligations through_____, 2023: \$_____.</p> | | CPR 2023-0003 |
| <p>20. City Council Meeting Minutes: _____, 2023.</p> | Approve
All | CPR 2023-0013 |
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LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinance C36457 amending Ordinance No. C36345 passed by the City Council December 12, 2022, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2023, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2023, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Various Funds to make grade and associated pay range changes for various positions (as more specifically described in the ordinance).

(This action arises from the need to adjust pay ranges to align with salary analysis.) (Council Sponsors: Council Members Cathcart and Wilkerson)

David Moss

NO EMERGENCY ORDINANCES

NO RESOLUTIONS

FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

ORD C36454 Relating to the waiver of certain permitting fees for solar energy systems and electric vehicle charging stations set forth in the Spokane Municipal Code and adding fees, amending SMC 08.02.031, SMC 08.02.034, SMC 15.05.040, and SMC 15.05.050. (Council Sponsors: Council Members Bingle and Cathcart)

Tami Palmquist

ORD C36455 (To be considered under Hearings Item H1.)

ORD C36456 Relating to budget planning and budget presentations, and amending Section 07.14.030 of the Spokane Municipal Code. (Council Sponsors: Council President Kinnear and Council Members Cathcart and Bingle)

Matt Boston

FIRST READING ORDINANCES

ORD C36458 Relating to housing development regulations and extending an interim zoning ordinance; repealing Sections 17C.400.010, 17C.400.020, and 17C.400.030 of the Spokane Municipal Code; and amending Section

17C.400.040 of the Spokane Municipal Code to extend an additional six months. (Council Sponsors: Council Members Wilkerson and Cathcart)

Tim Thompson

ORD C36459

Relating to increasing housing options by permitting and encouraging the construction of middle housing in more residential zoning districts; adopting subdivision processes to encourage homeownership; implementing Section 3 of HB 1110; amending Spokane Municipal Code (SMC) chapters 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.060, 17A.020.120, 17A.020.130, 17A.020.180, 17A.020.190, 17A.020.200, 17A.040.020, 17A.040.030, 17A.040.040, 17A.040.050, 17C.120.500, 17C.122.060, 17C.200.020, 17C.200.040, 17C.200.100, 17C.230.110, 17C.230.130, 17C.300.010, 17C.300.100, 17C.300.110, 17C.300.130, 17G.020.060, 17G.025.010, 17G.030.010, 17G.030.030, 17G.030.040, 17G.070.030, 17G.070.135, 17G.080.020, 17G.080.040, 17G.080.050, 17G.080.060, 17G.080.065; repealing SMC chapters 17C.110, 17G.060, and 17G.060T, and SMC sections 17G.080.010, and 17G.080.080; adopting SMC chapters 17C.111 and 17G.061, and SMC sections 17D.060.135, 17G.080.000, and 17G.080.025; and setting an effective date. (Council Sponsors: Council Members Wilkerson and Cathcart)

Tim Thompson

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

HEARINGS

RECOMMENDATION

<p>H1. Final Reading Ordinance C36455 of the City of Spokane, Washington, adopting a six-year Citywide Capital Improvement Program for the years 2024 through 2029 and amending the Citywide Capital Improvement Program (CIP) as referenced in Appendix C of the City of Spokane Comprehensive Plan. (Council Sponsors: Council President Kinnear and Council Member Wilkerson)</p> <p>Jessica Stratton</p>	<p>Pass Upon Roll Call Vote</p>	<p>ORD C36455</p>
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**Motion to Approve Advance Agenda for November 6, 2023
(per Council Rule 2.1.2)**

ADJOURNMENT

The November 6, 2023, Regular Legislative Session of the City Council is adjourned to November 13, 2023.

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 Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mlovmaster@spokanecity.org. Persons who are deaf or hard of hearing may contact risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

NOTES



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2022-0900
Renews #	
Cross Ref #	
Project #	
Bid #	RFQ 5760-22
Requisition #	VB 301413

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	4490 PURCHASE OF VARIABLE FREQUENCY DRIVES (VFD'S) FOR THE WTE

Agenda Wording
 Value blanket renewal 1 of 4 with Dykman (Spokane Valley, WA) for the as-needed purchase of variable frequency drives (VFD's) for the WTE from Dec 15, 2023 through Dec 14, 2024 with an annual cost not to exceed \$80,000.00 plus tax.

Summary (Background)
 These VFD's will support replacement efforts for the boiler induction draft fans, as well as the primary and secondary air fans at the WTE. In 2022, based on their response to RFQ 5760-22, Dykman was awarded a one year value blanket with the option of four (4) additional one year renewals for the purchase of these VFD's. This will be the first of those renewals.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Expense	\$ 80,000.00	# 4490-44100-37148-53210-34002
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	AVERYT, CHRIS	Study Session\Other	10/23/23 PIES
Division Director	FEIST, MARLENE	Council Sponsor	CP Kinnear, CM Bingle
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	HARRINGTON, MARGARET	mdorgan@spokanecity.org	
For the Mayor	JONES, GARRETT	jsalstrom@spokanecity.org	
Additional Approvals		tprince@spokanecity.org	
Purchasing	PRINCE, THEA	rrinderle@spokanecity.org	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee


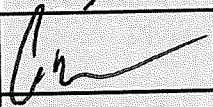
Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Value blanket renewal for the purchase of variable frequency drives (VFD's) for the WTE.
Summary (Background)	<p>These drives will support replacement efforts for the Boiler Induction Draft Fans, Primary and Secondary Air Fans.</p> <p>*use the Fiscal Impact box below for relevant financial information</p> <p>On October 27, 2022 bidding closed on RFQ 5760-22 for the as-needed purchase of these variable frequency drives. Three responses were received; Dykman (Spokane Valley, WA), Maktoum Supplier (QC, Canada) and Pro-Line Procurement Services LLC. (Jacksonville, FL). Dykman was selected as the low cost bidder. The initial value blanket award was for one year with the possibility of four (4) additional one-year renewals. This will be the first renewal from December 15, 2023 through December 14, 2024 with an annual cost not to exceed \$80,000.00 plus tax.</p>
Proposed Council Action	Approval of value blanket renewal
Fiscal Impact	<p>Total Cost: <u>\$80,000.00 plus tax</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Specify funding source: 2024 SWD Budget</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>
Operations Impacts (If N/A, please give a brief description as to why)	<p>What impacts would the proposal have on historically excluded communities?</p> <p>The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.</p>
	<p>How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?</p> <p>The contractor is governed by WA L&I.</p>

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.

		VB-301413-000	VB-301413-001
		Base Year	1st Option Year
		Valid Through 12-15-2022 Through 12-14-2023	Valid Through 12-15-2023 Through 12-14-2024
New Yaskawa Variable Frequency Drives and Kits – As Needed (<u>With Percentage Off List for VFD's Not Listed</u>) – As Needed (RFQ 5760-22)		Unit Price	Unit Price
		PRICING ADJUSTMENTS: Pricing shall be firm for a period of 3 months. After initial three-month period, pricing adjustments would be considered on a three-month basis, or more often, based on Supplier providing back up documentation. Back up documentation from manufacturer and/or other sources must be included to justify request. The United States published indices such as the Producer Price Index (PPI), or other government data, may be referenced to help substantiate the Vendor's documentation.	PRICING ADJUSTMENTS: Pricing shall be firm for a period of 3 months. After initial three-month period, pricing adjustments would be considered on a three-month basis, or more often, based on Supplier providing back up documentation. Back up documentation from manufacturer and/or other sources must be included to justify request. The United States published indices such as the Producer Price Index (PPI), or other government data, may be referenced to help substantiate the Vendor's documentation.
Yaskawa VFD P1000 Series Part Number: CIMR-PU4A0414AAA, 350HP. Unit price should not include tax.		\$15,730.20	\$ 15,730.20
Yaskawa VFD P1000 Series Part Number: CIMR-PU4A0675AAA, 500HP. Unit price should not include tax		\$22,873.20	\$ 22,873.20
Bid Section Pricing 8.1. Percentage discount off list to be provided by Supplier for additional Yaskawa Variable Frequency Drives and Kits not listed in the Pricing tab but may be realized are needed at a later point in time. Percentage Discount Off Supplier's List Cost. Discount percentages offered will remain unchanged throughout the life of the contract and any renewals.		40%	40% ★ New discount 44%
Dykman Mr. Cody Brown, Eastern and Western Montana Sales Manager Phone 509 536 8787 cbrown@dykman.com		Base Year Pricing was per 'Dykman response to RFQ 5760-22.	NAME Cody Brown
			SIGNATURE 
			DATE 10-2-23

★ Please Note, pricing has not changed but Yaskawa has increased all list pricing across the board. Dykman has a new lower discount multiplier to make up for higher list price.



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2022-0901
Renews #	
Cross Ref #	
Project #	
Bid #	ITB 5754-22
Requisition #	VB 301414

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	4490 VALUE BLANKET FOR THE PURCHASE OF SUPERHEATER TUBE PANELS

Agenda Wording

Value blanket renewal 1 of 4 with Helfrich Brothers Boiler Works, Inc. (Lawrence, MA) for the purchase of superheater tube panels from Dec 15, 2023 - Dec 14, 2024 with a total cost of \$2,000,000.00 plus tax.

Summary (Background)

The superheater section of a boiler increases the temperature of steam and dries it out; increasing the energy realized in the turbine generator. High temps and corrosion cause wear on the boiler tubes, requiring periodic replacement. This is currently scheduled in 2025, requiring a tube order to be placed in 2024. Helfrich Brothers Boiler Works was the low-cost bidder for ITB 5754-22 and awarded a one year contract with four (4) possible renewals. This is the first renewal.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 2,000,000.00

Select \$

Select \$

Select \$

Budget Account

4490-44900-37145-54803-34002

#

#

#

Approvals

Dept Head	AVERYT, CHRIS
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 9/25/23
Council Sponsor	CP Kinnear, CM Bingle

Distribution List

mdorgan@spokanecity.org
jsalstrom@spokanecity.org
tprince@spokanecity.org
rrinderle@spokanecity.org

Additional Approvals

Purchasing	PRINCE, THEA
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Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	September 25, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Value blanket renewal for the purchase of superheater tubes at the WTE.
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The superheater section of a boiler increases the temperature of the steam and dries it out; increasing the amount of energy realized in the turbine generator. High temperatures, corrosion, and erosion in the boiler causes wear on the boiler tubes, requiring periodic replacement. This periodic replacement is currently scheduled in the six year capital plan for replacement in 2025.</p> <p>On October 24, 2022, bidding closed on ITB 5754-22 for the fabrication of these superheater tube panels. There were two responses to the bid, of which Helfrich Brothers Boiler Works, Inc., of Lawrence, MA was the lowest cost responsible bidder.</p> <p>The initial value blanket was for one-year, with the possibility of four (4) additional one-year renewals and was utilized for the purchase of the secondary superheater tubes which were scheduled for replacement in 2023. The renewal will be utilized for the purchase of the primary superheater tubes, scheduled for replacement in 2025. The term will be from December 15, 2023 through December 14, 2024. The installation of these tubes will be bid out separately. The total cost of the value blanket will be \$2,000,000.00, plus tax.</p>
Proposed Council Action	Approval of value blanket renewal
Fiscal Impact Total Cost: <u>\$2,000,000.00 plus tax</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: SWD Budget Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The contractor is governed by WA L&I.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 9/14/23 **Type of expenditure:** Maint. Supplies Goods Services
Department: Solid Waste Disposal
Approving Supervisor: Chris Averyt

Amount of Proposed Expenditure: \$2,000,000
 Is this against a master agreement? If yes, please provide the number:

Funding Source 2024 SWD Budget 4490-44900-37145-54803-34002

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

This expenditure is for pre-cut and formed stainless steel sections of the Superheater at the Waste 1

What are the impacts if expenses are deferred?

If deferred, tube failures would result in unplanned down time, expensive emergency repairs and los

What alternative resources have been considered?

These are stainless steel tubes cut and bent to the facility's specifications. Repairs are done to these

Description of the goods or service and any additional information?

Value blanket for the purchase of stainless steel superheater boiler tubes that are pre-cut and bent to

Person Submitting Form/Contact: Michelle Dorgan, X6555

Division Director:
Marlene Feist

CFO Signature:
Tonya Wallace

City Administrator Signature:

Garrett Jones (Sep 20, 2023 10:40 PM)

Additional Comments:











Expenditure Control Form 2023-Helfrich Superheater Tube

Final Audit Report

2023-09-18

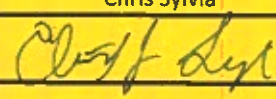
Created:	2023-09-14
By:	Michelle Dorgan (mdorgan@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAD0Bv55NWyVF1ZURk5g_TvYz515ECRy59

"Expenditure Control Form 2023-Helfrich Superheater Tube" History

-  Document created by Michelle Dorgan (mdorgan@spokanecity.org)
2023-09-14 - 10:30:18 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-09-14 - 10:31:52 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-09-14 - 10:49:43 PM GMT- IP address: 155.190.3.6
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-09-14 - 10:50:30 PM GMT - Time Source: server- IP address: 155.190.3.6
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-09-14 - 10:50:32 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-09-14 - 11:52:32 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-09-14 - 11:52:58 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-09-14 - 11:53:00 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-09-15 - 6:09:56 AM GMT- IP address: 104.28.116.105
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-09-18 - 5:43:23 PM GMT - Time Source: server- IP address: 198.1.39.252

✔ Agreement completed.

2023-09-18 - 5:43:23 PM GMT

Value Blanket VB-301414		Base Year		1st Opt Year	
		VB-301414-000		VB-301414-001	
		Valid from 12/15/2022 Through 14/14/2023		Valid from 12/15/2023 Through 12/14/2024	
		Unit Price Each		Valid from 12/15/2023 Through	
Item	Qty 1 Lot More Or Less	All Ground FREIGHT CHARGES are the responsibility of the winning supplier per bid ITB 5754-23		All Ground FREIGHT CHARGES are the responsibility of the winning supplier per bid ITB 5754-23	
Fabrication of thirty-two (32) 20-tube wide secondary Superheater pendants fitted with 310 SS rapper bars referenced in item 3 below to be delivered on or before October 30, 2023. The tube material will consist of 2" OD x .240 mwt. SA-213-TP310H on the first four (4) rows and 2 ½" OD x .240 mwt. SA-213-TP310H on the next sixteen (16) rows. On row# 4, just above the middle slip spacer, a swaged stainless steel tube from 2" to 2 ½" will be installed. A total of (19) 310 SS slip spacers will be installed in the middle section of each Superheater pendant and (10) 310 SS slip spacers will be installed in the upper section. The slips spacers will be the " D " type and cast from SA-351 CK 30 stainless steel. Both terminal tubes will have SA 210A1 "safe ends" installed to match existing. Comprising one lot. Quantity 1 Lot, More or less. All FREIGHT CHARGES are the responsibility of the winning supplier. Unit Pricing Should Not Include Tax.	1	\$1,281,390.00		\$1,383,910.00	
Fabrication of thirty-four (34) 20-tube wide primary Superheater pendants fitted with 310 SS rapper bars referenced in item 4 below to be delivered during an agreed time in the duration of the contract. The tube material will consist of 2" OD x .240 mwt. SA-213-TP310H on the first four (4) rows and 2 ½" OD x .240 mwt. SA-213-TP310H on the next sixteen (16) rows. On row# 4, just above the middle slip spacer, a swaged stainless steel tube from 2" to 2 ½" will be installed. A total of (19) 310 SS slip spacers will be installed in the middle section of each Superheater pendant and (10) 310 SS slip spacers will be installed in the upper section. The slips spacers will be the " D " type and cast from SA-351 CK 30 stainless steel. Both terminal tubes will have SA 210A1 "safe ends" installed to match existing. All FREIGHT CHARGES are the responsibility of the winning supplier. Unit Pricing Should Not Include Tax.	1	\$1,361,475.00		\$1,470,395.00	
Fabrication of thirty-four (32) sets of 310 SS rapper bars including rapper caps and SS hardware for the secondary pendants to be delivered during an agreed time in the duration of the contract. The rapper bars will be machined to fit vs. a casting type and shop installed. Winning bidder will provide a complete set of rapper bar drawings for the project. Comprising one lot. Quantity 1 Lot, More or less. All FREIGHT CHARGES are the responsibility of the winning supplier. Unit Pricing Should Not Include Tax.	1	\$159,845.00		\$172,635.00	
Fabrication of thirty-four (34) sets of 310 SS rapper bars including rapper caps and SS hardware for the primary pendants to be delivered during an agreed time in the duration of the contract. The rapper bars will be machined to fit vs. a casting type and shop installed. Winning bidder will provide a complete set of rapper bar drawings for the project. Comprising one lot. Quantity 1 Lot, More or less. Unit Pricing Should Not Include Tax.	1	\$169,640.00		\$183,215.00	
Materials, engineering and fabrication of two (2) complete sets of Penthouse Casing and Seal Plates per the provided drawings. Comprising one lot. Quantity 1 Lot, More or less. All FREIGHT CHARGES are the responsibility of the winning supplier. Unit Pricing Should Not Include Tax.	1	\$38,000.00		\$41,040.00	
Option Supply and install I OGA 310SS 2 ½" 180 degree tube shields, applied to row #20 on the upper third of the pendant and the middle sections. clips will be installed in (3) location. A total of 16 LF of coverage per pendant will be included in this option. Comprising one lot. Quantity 1 Lot, More or less. All FREIGHT CHARGES are the responsibility of the winning supplier. Unit Pricing Should Not Include Tax.	1	\$22,000.00		\$23,760.00	
Option Supply and install I OGA 310SS 2" 180 degree tube shields, applied to row# 1 from just below the top bend the complete length of the pendant and around the lower tube bend and up 1 ft. on tube #4. Tube shields shall have clips installed in (3) location. A total of 35 LF of coverage per pendant will be included in the option. Shields shall have clips will be installed in (3) location. A total of 16 LF of coverage per pendant will be included in this option. Comprising one lot. Quantity 1 Lot, More or less. All FREIGHT CHARGES are the responsibility of the winning supplier. All FREIGHT CHARGES are the responsibility of the winning supplier. Unit Pricing Should Not Include Tax.	1	\$25,000.00		\$27,000.00	
Percentage discount off list to be provided by Supplier for additional tube related items not listed in the Pricing tab but may be realized are needed at a later point in time. Enter Percentage Discount Off Supplier's List Cost.		5% Discount		5% Discount	
Should Supplier not provide percentage off discount for additional tube related items not listed in the Pricing tab but may be realized are needed at a later point in time, Supplier shall provide Percentage Markup Above Supplier's Cost. Enter Percentage Markup Above Supplier cost here.		25% Markup		25% Markup	
Vendor to provide discount percentage(s) and minimum quantity needed if any discounts apply based on order volume.		Any additional quantities over the original requirements HBBW will offer an 5% discount on the list pricing. This assume normal		Any additional quantities over the original requirements HBBW will offer an 5% discount on the list pricing. This assume normal	
Percentage discount off list to be provided by vendor for additional tube related items not listed in the Pricing tab but may be realized are needed at a later point in time.		HBBW will offer an 5% discount on the list pricing. This assume normal shipping		HBBW will offer an 5% discount on the list pricing. This assume normal shipping	
O: 978-683-7244 C: 781-636-8644 Helfrich Brothers Boiler Works, Inc.		Base Year Pricing Was Per HBBW's Response to ITB 5754-23		Name Chris Sylvia	
				Signature 	
				Date 10/10/2023	



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2022-0829
Renews #	
Cross Ref #	
Project #	
Bid #	ITB 5063-19
Requisition #	VB 301100

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	4490 VB FOR THE PURCHASE OF HYDROCHLORIC ACID (HCL)

Agenda Wording
 VB amendment/renewal 2 of 2 with Northstar Chemical, Inc. (Sherwood, OR) for the purchase of HCL for the WTE from Jan 1, 2024 through Dec 31,2024 with a total annual cost of \$100,000.00 excl. tax, plus an additional \$25,000.00 for the current VB.

Summary (Background)
 HCL is used for the regeneration of the resin in the demineralized water system that provides water to the boilers at the WTE. Based on their response to ITB 5063-19, Northstar Chemical, Inc. was awarded a three year value blanket, with two (2) additional one year renewals. This will be the last renewal with rates remaining unchanged from 2023. However, due to rate increases in 2023, the current value blanket will require an additional \$25,000.00 through the end of the year.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Expense \$ 100,000.00 (2024)		# 4490-44100-37148-53203
Expense \$ 25,000.00 (2023)		# 4490-44100-37148-53203
Select \$		#
Select \$		#

Approvals		Council Notifications	
Dept Head	AVERYT, CHRIS	Study Session\Other	PIES 10/23/23
Division Director	FEIST, MARLENE	Council Sponsor	CP Kinnear, CM Bingle
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	HARRINGTON, MARGARET	mdorgan@spokanecity.org	
For the Mayor	JONES, GARRETT	jsalstrom@spokanecity.org	
Additional Approvals		tprince@spokanecity.org	
Purchasing	PRINCE, THEA	rrinderle@spokanecity.org	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Value blanket renewal/amendment for the purchase of Hydrochloric Acid (HCL)
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Hydrochloric Acid (HCL) is used for the regeneration of the resin in the demineralized water system that provides water to the boilers at the WTE.</p> <p>On September 30, 2019, bidding closed on ITB 5063-19 for the as-needed annual requirement of Hydrochloric Acid (HCL). Four (4) responses were received and Northstar Chemical, Inc. (Sherwood, OR) was the low cost bidder. The initial value blanket award was for three (3) years from Jan. 1, 2020 through Dec. 31, 2022, with the option of two additional one-year renewals and a total cost not to exceed \$130,000.00. This will be the second renewal and will span from Jan. 1, 2024 through Dec. 31, 2024 with an additional cost not to exceed \$100,00.00 plus tax.</p> <p>Rates are to remain unchanged for this renewal, however, the rates were increased from \$.24/lb to \$.398/lb in 2023 due to significant cost increases to the supplier for chemicals and logistics. Due to this cost increase, an additional \$25,000.00 is needed for the 2023 value blanket for a total annual cost of \$92,300 plus tax.</p>
Proposed Council Action	Approval of value blanket renewal and amendment
Fiscal Impact	
Total Cost: <u>\$25,000.00 addl. For 2023 VB, \$100,000.00 for 2024 VB</u>	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Specify funding source: 2023 and 2024 SWD Budget	
Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The contractor is governed by WA L&I.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/10/23 **Type of expenditure:** Goods Services

Department: Solid Waste Disposal

Approving Supervisor: David Paine

Amount of Proposed Expenditure: \$125,000.00

Is this against a master agreement? If yes, please provide the number:

Funding Source SWD Budget 4490-44100-37148-53203

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

Hydrochloric Acid (HCL) is used for the regeneration of the resin the demineralized water system that provides water to the boilers at the WTE and is essential for the operation of the facility.

What are the impacts if expenses are deferred?

If deferred, it would likely result in an unplanned shutdown of the plant, incurring costly repairs and the loss of electrical generation revenues.

What alternative resources have been considered?

There are no alternative chemicals that are approved for this process. To change the process would result in a complete redesign and the cost associated with doing so.

Description of the goods or service and any additional information?

This is a value blanket renewal for the purchase of Hydrochloric Acid (ACL) for use at the Waste to Energy Facility. It is the second of four renewals spanning from Jan. 1, 2024 through Dec. 31, 2024. Rates for this renewal are to remain unchanged.

Person Submitting Form/Contact: Michelle Dorgan X6555

Division Director:

Marlene Feist

CFO Signature:

Tonya Wallace

City Administrator Signature:

[Signature]

Additional Comments:












Expenditure Control Form-Northstar HCL VB


Final Audit Report

2023-10-16

Created:	2023-10-10
By:	Michelle Dorgan (mdorgan@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAtbrjJxYsSCMzM1JL7W662XQSnMjCr3fA

"Expenditure Control Form-Northstar HCL VB" History

-  Document created by Michelle Dorgan (mdorgan@spokanecity.org)
2023-10-10 - 10:26:40 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-10 - 10:27:15 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-10 - 10:35:36 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-10 - 10:35:57 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-10 - 10:35:59 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-10 - 11:15:13 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-10 - 11:15:37 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-10 - 11:15:39 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-11 - 2:44:51 PM GMT- IP address: 172.224.243.10
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-16 - 10:06:30 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-16 - 10:06:30 PM GMT

Northstar Chemical		
VB-301100-000	VB-301100-001	VB-301100-002
3-Year Base Period	1st Option Year Period	2nd Option Year Period
Valid from 1/1/2020 through 12/31/2022	Valid from 1/1/2023 through 12/31/2023	Valid from 1/1/2024 through 12/31/2024
Unit Price per Pound Delivered	Unit Price Per Pound Delivered	Unit Price Per Pound Delivered
\$0.24	\$0.398	\$ \$0.3980
9%	9%	9%
3-year Base Period Was Per Northstar Chemical Response To Bid RFQ 5063-19	Name	Matt Werger Executive Vice President
	Signature	
	Date	9/26/2023



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2019-0907
Renews #	
Cross Ref #	
Project #	
Bid #	RFQ 5165-19
Requisition #	VB 301094

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	4490 VB FOR THE PURCHASE OF ELECTRICAL CRANE PARTS

Agenda Wording
 Value blanket renewal 4 of 4 with WEMCO, Inc. (Spokane, WA) for the as-needed purchase of spare electrical parts for the cranes at the WTE Facility from Nov 15, 2023 through Nov 14, 2024 with a total annual cost not to exceed \$49,000.00 plus tax.

Summary (Background)
 The WTE facility recently replaced its two refuse cranes with WEMCO designed cranes. To respond quickly to any repair and maintenance needs, spare electrical parts need to be purchased as-needed. In 2019, based on their response to RFQ 5165-19 for the purchase of these spare parts, WEMCO Inc. was awarded a one-year value blanket with the option of four (4) additional one year renewals. This will be the final renewal. Parts prices have been adjusted based on vendor costs.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Expense	\$ \$49,000.00	# 4490-44100-37148-53210-34002
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	AVERYT, CHRIS	Study Session\Other	PIES 10/23/23
Division Director	FEIST, MARLENE	Council Sponsor	CP Kinnear, CM Bingle
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	HARRINGTON, MARGARET	mdorgan@spokanecity.org	
For the Mayor	JONES, GARRETT	jsalstrom@spokanecity.org	
Additional Approvals		tprince@spokanecity.org	
Purchasing	PRINCE, THEA	rrinderle@spokanecity.org	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Value blanket renewal for the purchase of refuse crane electrical replacement parts.
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>In 2019, the WTE replaced its two refuse cranes, which were 28 years old, with WEMCO designed cranes. To respond quickly to any repair and maintenance needs, spare electrical parts need to be purchased as-needed.</p> <p>On September 24, 2019 bidding closed to RFQ 5165-19 for the purchase of these spare replacement parts. WEMCO Inc. of Spokane, WA was the only response received. The initial value blanket was for one year with the option of four (4) additional one-year renewals. This will be the last optional renewal from 11/15/23 through 11/14/24 with a total cost not to exceed \$49,000.00 plus tax.</p>
Proposed Council Action	Approval of value blanket renewal
Fiscal Impact Total Cost: <u>\$49,000.00 plus tax.</u> Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: 2024 SWD Budget Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? The contractor is governed by WA L&I.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.



CITY OF SPOKANE - WTEF
 2900 S GEIGER BLVD
 Spokane, Washington 99224-5400
 PHONE: 509.625.6527

Applicable Bid Was Bid RFQ 5165-19 New Spare Replacement Parts For Current Operating Refuse Crane System; As Needed - Annual Requirements			VB301094-000	VB301094-001	VB301094-002	VB301094-003	VB301094-004
			Base Year	1st Opt Year	2nd Opt Year	3rd Opt Year	4th Opt Year
MANUFACTURER	PART NUMBER	DESCRIPTION	Valid from 11/15/2019 through 11/14/2020	Valid from 11/15/2020 through 11/14/2021	Valid from 11/15/2021 through 11/14/2022	Valid from 11/15/2022 through 11/14/2023	Valid from 11/15/2023 through 11/14/2024
ABB	010150804	DIN RAIL	\$5.44	\$5.44	\$7.80	\$12.18	\$15.51
ABB	52002-069-53	ACS880 DRIVE 5.0HP 460VAC	\$1,880.75	\$1,880.75	\$2,156.78	\$2,173.36	\$2,214.65
ALLEN BRADLEY	006-5890	HEATER ELEMENT	\$30.27	\$31.69	\$31.69	\$68.09	\$47.78
ALLEN BRADLEY	006-5902	HEATER ELEMENT	\$29.44	\$31.69	\$31.69	\$68.09	\$47.78
ALLEN BRADLEY	006-7506	AUX CONTACT BLOCK, 1 NO-1NC	\$29.44	\$36.98	\$38.84	\$112.49	\$97.82
ALLEN BRADLEY	008-3305	CONTROL LOGIX EMPTY SLOT FILLER	\$69.89	\$75.64	\$79.11	\$141.07	\$132.84
ALLEN BRADLEY	008-3306	SWING ARM, SCREW-CLAMP, 36 POSITION	\$211.76	\$228.91	\$238.40	\$425.13	\$402.40
ALLEN BRADLEY	008-3307	SWING ARM, SCREW-CLAMP, 20-PIN	\$171.16	\$185.16	\$193.09	\$344.09	\$324.00
ALLEN BRADLEY	008-3308	OUTPUT MODULE 16PT, CONTACT	\$1,071.00	\$1,157.80	\$1,209.25	\$2,156.69	\$2,030.82
ALLEN BRADLEY	008-3309	INPUT MODULE 16PT, 120V	\$790.42	\$854.54	\$889.97	\$1,587.25	\$1,380.22
ALLEN BRADLEY	008-3331	CONTROL LOGIX POWER SUPPLY	\$1,573.82	\$1,694.00	\$1,758.37	\$3,136.00	\$2,311.85
ALLEN BRADLEY	008-3335	CONTROL LOGIX 1/0 7 SLOT CHASSIS	\$866.82	\$937.20	\$977.91	\$1,744.08	\$1,642.28
ALLEN BRADLEY	009-9177	TERMINAL BLOCK, NEMA, 20A, 600V	\$3.20	\$3.58	\$11.04	\$7.42	\$7.62
ALLEN BRADLEY	009-9115	END ANCHORS	\$6.67	\$6.67	\$6.67	\$9.91	\$10.13
ALLEN BRADLEY	009-9148	TERMINAL BLOCK, NEMA, 35A, 600V	\$3.22	\$3.47	\$10.93	\$7.42	\$7.56
ALLEN BRADLEY	009-9150	END BARRIER	\$1.29	\$1.36	\$1.56	\$2.69	\$2.76
ALLEN BRADLEY	009-9151	JUMPER, 2-POLE	\$1.49	\$1.56	\$4.87	\$3.31	\$3.33
ALLEN BRADLEY	009-9154	JUMPER, 2-POLE	\$1.49	\$1.56	\$4.87	\$3.31	\$3.33
ALLEN BRADLEY	009-9161	DIN-RAIL HIGH RISE	\$0.71	\$0.71	\$1.00	\$17.53	\$16.57
ALLEN BRADLEY	009-9177	TERMINAL BLOCK, NEMA, 20A, 600V	\$3.20	\$3.47	\$11.04	\$7.42	\$7.62
ALLEN BRADLEY	009-9464	DIN-RAIL HIGH RISE	\$6.67	\$6.67	\$8.91	\$17.53	\$16.57
ALLEN BRADLEY	113-10394	ETHERNET ADAPTER MODULE FOR POINT 1/0	\$810.63	\$856.80	\$878.77	\$1,581.68	\$1,450.17
ALLEN BRADLEY	113-10395	FIELD POTENTIAL DISTRIBUTOR FOR POINT 1/0	\$243.02	\$258.42	\$265.53	\$327.53	\$303.35
ALLEN BRADLEY	113-10399	SSI INTERFACE MODULE FOR POINT 1/0	\$492.51	\$520.98	\$535.05	\$954.23	\$882.95
ALLEN BRADLEY	113-10403	TERMINAL BLOCK FOR POINT 1/0	\$48.31	\$54.40	\$55.78	\$99.76	\$86.73
ALLEN BRADLEY	113-10518	OUTPUT MODULE, 4 RELAY OUTPUTS FOR POINT 1/0	\$382.20	\$405.73	\$416.67	\$514.48	\$476.00
ALLEN BRADLEY	113-10575	INPUT MODULE, 4 CHANNEL FOR POINT 1/0	\$311.51	\$330.96	\$338.91	\$418.48	\$387.22
ALLEN BRADLEY	113-10658	SERIAL INTERFACE RS485 MODULE	\$542.98	\$574.32	\$588.83	\$1,050.18	\$971.74

ALLEN BRADLEY	113-11205	STACK LIGHT	\$1,503.02	\$1,503.02	\$3,126.98	\$1,142.86, The Original A-B 855T Series Stack Lights are Discontinued. A-B 856T Series is the Replacement. No Part # Change.	
			\$1,503.02				
ALLEN BRADLEY	113-11543	PROCESSOR, CONTROL LOGIX 5580, 3M	\$12,480.86	\$12,896.88	\$13,571.88	\$24,205.25	\$21,797.88
ALLEN BRADLEY	113-310658	SERIAL INTERFACE RS485 MODULE	\$542.98	\$574.32	\$588.83	\$1,050.18	\$971.74
ALLEN BRADLEY	115-10403	TERMINAL BLOCK FOR POINT 1/0	\$48.62	\$54.40	\$55.78	\$99.76	\$86.73
ALLEN BRADLEY	144 -10341	OVERLOAD RELAY, NEMA , 3-POLE, 24A	\$186.04	\$194.84	\$214.24	\$428.89	\$372.95
ALLEN BRADLEY	144 -12867	FUSE HOLDER, CLASS CC, 1-POLE, 30A, 600V	\$26.69	\$27.47	\$27.84	\$134.69	\$117.11
ALLEN BRADLEY	144 -14303	PUSH BUTTON, TYPE 4/ 13, NON-ILLUM., MOM ENTARY, (BLACK)	\$62.80	\$67.62	\$83.91	\$204.40	\$177.73
ALLEN BRADLEY	144 -16195	FUSE HOLDER, CLASS CC, 3-POLE, 30A, 600V	\$83.11	\$86.73	\$89.64	\$134.69	\$376.13
ALLEN BRADLEY	144 -19695	LIGHTING CONTACTOR, 20A, 4NO, 115VAC COIL	\$1,150.97	\$1,150.97	\$1,150.97	\$2,377.03	\$2,066.98
ALLEN BRADLEY	144 -22109	POWER SUPPLY, 30W, 100-240VAC INPUT, 24VDC OUTPUT	\$388.53	\$416.31	\$421.67	\$595.63	\$517.94
ALLEN BRADLEY	144 -22587	TERMINAL SHROUD	\$297.51	\$165.16	\$164.67	\$326.07	\$292.98
ALLEN BRADLEY	144-12867	FUSE HOLDER, CLASS CC, 1-POLE, 30A, 600V	\$26.69	\$27.47	\$27.84	\$134.69	\$117.11
ALLEN BRADLEY	144-14158	SELECTOR SWITCH, TYPE 4/13, NON-ILLUMINATED, 2-POSITION	\$98.39	\$106.49	\$110.49	\$320.07	\$278.31
ALLEN BRADLEY	144-14161	SELECTOR SWITCH, TYPE 4/13, NON-ILLUMINATED, 1-NO	\$76.89	\$82.71	\$86.49	\$250.33	\$217.69
ALLEN BRADLEY	144-14505	PUSH BUTTON, TYPE 4/13, NON-ILLUM., MOMENTARY, (BLACK)	\$62.80	\$67.62	\$83.91	\$204.40	\$177.73
ALLEN BRADLEY	144-16195	FUSE HOLDER, CLASS CC, 3-POLE, 30A, 600V	\$83.11	\$86.73	\$89.64	\$134.69	\$376.13
ALLEN BRADLEY	144-16708	PANEL LIGHT BAR, 110-240V, WITHOUT ON/OFF SWITCH	\$564.78	\$576.29	\$629.00	\$1,299.24	\$924.36
ALLEN BRADLEY	144-17983	3 POS SELECTOR SWITCH, S-M-5, WITH FINGER SAFE GUARDS	\$126.27	\$135.96	\$142.07	\$410.38	\$356.84
ALLEN BRADLEY	144-18058	SELECTOR SWITCH, TYPE 4/ 13, NON-ILLUMINATED, 3-POSITION	\$98.36	\$106.49	\$110.49	\$320.07	\$278.33
ALLEN BRADLEY	144-18151	POWER DISTRIBUTION BLOCK, 1-POLE, 200 A, 600VAC/DC	\$50.51	\$52.27	\$54.80	\$158.44	\$137.78
ALLEN BRADLEY	144-18193	E-STOP OPERATOR, TYPE 4/ 13, ILLUMINATED, 2-POSITION	\$277.09	\$496.89	\$380.40	\$1,436.97	\$1,249.54
ALLEN BRADLEY	144-18194	PUSH BUTTON-ILLUM. (LED), TYPE 4/ 13, AMBER 120VAC	\$240.33	\$415.02	\$343.23	\$1,200.03	\$1,043.51
ALLEN BRADLEY	144-18195	PUSH BUTTON-ILLUM. (LED), TYPE 4/ 13, RED 120VAC	\$240.33	\$415.02	\$343.23	\$1,200.03	\$1,043.51
ALLEN BRADLEY	144-22109	POWER SUPPLY, 30W, 100-240VAC INPUT, 24VDC OUTPUT	\$388.53	\$416.31	\$421.67	\$595.63	\$517.94
ALLEN BRADLEY	144-22112	SELECTOR SWITCH, TYPE 4/4X/ 13, NON-ILLUMINATED, 3-POS	\$280.89	\$298.16	\$304.82	\$596.72	\$518.89
ALLEN BRADLEY	144-22266	E-STOP OPERATOR, TYPE 4/ 13, NON-ILLUMINATED, 2-POSITION	\$422.89	\$455.09	\$468.69	\$937.88	\$815.54
ALLEN BRADLEY	144-22388	AUX CONTACT BLOCK, 1 NO-1NC	\$57.18	\$33.49	\$31.82	\$91.89	\$79.91
ALLEN BRADLEY	144-22446	CONTACTOR, NEMA, 3-POLE, SIZE 7, 120VAC COIL	\$25,215.11	\$23,903.42	\$47,692.31	\$72,199.48	\$65,809.08
ALLEN BRADLEY	144-47729	KEY SWITCH, TYPE 4/ 13, NON-ILLUMINATED, 2-POS. MAINTAIN	\$461.54	\$461.54	\$512.04	\$363.08	\$373.13

ALLEN BRADLEY	144-148494	PUSH BUTTON-ILLUM. (LED), TYPE 4/ 1 3, AMBER 120VAC	no bid	no bid	no bid	no bid	no bid
ALLEN BRADLEY	1492-J16	SCREW TYPE TERMINAL BLOCK, 18 -4AWG, GREY	\$3.98	\$3.98	\$8.98	\$11.31	\$10.97
ALLEN BRADLEY	1492-J35	SCREW TYPE TERMINAL BLOCK, 12 -1/0AWG, GREY	\$7.53	\$7.53	\$17.02	\$21.47	\$20.83
ALLEN BRADLEY	1492-J4	SCREW TYPE TERMINAL BLOCK, 22-1 0AWG, GREY	\$1.33	\$1.33	\$3.00	\$3.78	\$3.66
ALLEN BRADLEY	1492-J6	SCREW TYPE TERMINAL BLOCK, 22-8AWG, GREY	\$1.89	\$1.89	\$4.22	\$5.31	\$5.15
ALLEN BRADLEY	1492-JG35	SCREW TYPE TERMINAL BLOCK, GND, 12-1/ 0AWG, GREEN/YELLOW/1	\$12.84	\$12.84	\$29.00	\$36.55	\$35.45
ALLEN BRADLEY	1492-JG4	SCREW TYPE TERMINAL BLOCK, GND, 22-1 0AWG, GREEN/YELLOW	\$6.24	\$6.24	\$14.08	\$17.76	\$17.58
ALLEN BRADLEY	1492-JG10	SCREW TYPE TERMINAL BLOCK, GND, 18-6AWG, GREEN/YELLOW	\$7.36	\$7.36	\$16.54	\$20.87	\$19.83
ALLEN BRADLEY	1492-JG50	SCREW TYPE TERMINAL BLOCK, GND, 10-1/0AWG, GREEN/YELLOW/1	\$33.91	\$33.91	\$76.60	\$96.59	\$92.73
ALLEN BRADLEY	1492-J10	SCREW TYPE TERMINAL BLOCK, 18 - 6AWG, GREY	\$3.11	\$3.11	\$5.24	\$6.60	\$6.40
ALLEN BRADLEY	1492-JS0	SCREW TYPE TERMINAL BLOCK, 10 -1/ 0AWG, GREY	\$16.73	\$16.73	\$37.80	\$47.65	\$46.36
ALLEN BRADLEY	900 -1000	CONTACTOR, NEMA, 3-POLE, SIZE 0, 120VAC COIL	\$207.78	\$219.53	\$238.00	\$315.31	\$274.18
ALLEN BRADLEY	900 -9104	POWER DISTRIBUTION BLOCK, 3-POLE, 175A, 600V	\$75.53	\$77.87	\$79.96	\$231.33	\$201.16
ALLEN BRADLEY	900-4000	CONTACTOR, NEMA, 3-POLE, SIZE 0, 120VAC COIL	\$207.78	\$219.53	\$238.00	\$315.31	\$274.18
ALLEN BRADLEY	901-9001	JUMPER, 2-POLE	\$1.71	\$1.71	\$4.87	\$3.31	\$3.33
ALLEN BRADLEY	901-9003	CONTROL RELAY, 8 -POLE, 120VAC COIL	\$384.69	\$413.51	\$420.24	\$841.34	\$731.60
ALLEN BRADLEY	901-9004	JUMPER, 2-POLE	\$1.71	\$1.71	\$4.87	\$3.31	\$3.33
ALLEN BRADLEY	901-9020	MOUNTING DIN RAIL	\$13.47	\$13.47	\$21.27	\$21.27	\$15.51
ALLEN BRADLEY	901-9027	CONTROL RELAY, 4-P OLE, 120VAC COIL	\$259.89	\$279.33	\$283.93	\$568.20	\$494.09
ANYBUS	113-11283	CONVERTER, CAN-ETHERNET/IP	\$1,765.14	\$1,765.14	\$1,912.15	\$3,874.00	\$3,649.46
ANYBUS	113-11665	ETHERNET RA DIO, RJ45 ETHERNET/PoE WIRELESS BOLT	\$920.77	\$853.60	\$996.77	\$1,728.14	\$1,835.45
ANYBUS	115 -11283	CONVERTER, CAN-ETHERNET/IP	\$1,765.14	\$1,765.14	\$1,912.15	\$3,874.00	\$3,649.46
ASSMANN	005-4291	CABLE, 9-PIN FEMALE TO 9-PIN FEMALE, 6 FT.	\$18.29	\$18.29	\$30.11	\$52.18	\$45.38
CITADEL	113-11519	INDUSTRIAL PC	\$9,100.00	\$9,100.00	\$8,817.31	\$19,487.89	No Longer Used, No Bid
CITADEL	113-11520	INDUSTRIAL PC TOUCH SCREEN, 15 INCH, 24VDC, PANEL MOUNT	\$12,532.69	\$12,092.50	Discontinued, No Bid	Discontinued, No Bid	No Longer Used, No Bid
CITADEL	113-11521	POWER SUPPLY FOR NETFORCE IPC	\$437.51	\$437.51	\$437.51	\$905.54	No Longer Used, No Bid
CITADEL	113-11522	NETFORCE DUAL USB ADAPTER CABLE	\$149.73	\$149.73	\$149.73	\$303.40	No Longer Used, No Bid
CITADEL	113-11523	NETFORCE RJ485 ETHERNET ADAPTER CABLE	\$149.73	\$149.73	\$149.73	\$303.40	No Longer Used, No Bid
CITADEL	113-41664	POWER SUPPLY CABLE, 24-48VDC FOR NETFORCE, 15 FT.	\$330.56	\$330.56	no bid	\$459.77	No Longer Used, No Bid
CITADEL	115-11522	DUAL USB ADAPTER CABLE FOR NETFORCE	\$149.73	\$149.73	\$149.73	\$303.40	No Longer Used, No Bid
CONDUCTIX	XA-24061J	600AMP COLLECTOR, C-BSE TEM SHRT 120 LG	\$758.91	\$758.91	\$812.56	\$1,284.59	Discontinued, Replaced by XA-HB2C-600T-120. Replacement Price: \$936.24
CROUSE HINDS	CCP6034BC	60AMP, 480V, 3 POLE, 4 WIRE, MALE PLUG	\$680.09	\$680.09	\$1,152.08	\$1,152.08	\$987.49
CROUSE HINDS	FDI	RECEPTICLE HOUSING	\$61.13	\$61.13	\$78.02	\$100.02	\$90.13, Min Order Quantity of 2, Special Order, Non-Cancellable, Non-Returnable

DILLON	CGS-3-BI	CGS CRANEGARD , NEGATIVE WEIGHT SET, 500LBS TRIGGER	\$3,863.08	\$3,863.08	\$4,057.63	No bid. Removed from Crane. Not Used	No bid. Removed from Crane. Not Used
ENCLSR INC./IEC	144-22269	CUSTOM ENC., NEMA 12, 7-DR. 60 X 213.5 X 18, FLANGE DISC.	no bid; No Need To Replace	no bid	no bid	no bid	no bid
ENCLSR INC./IEC	144-22263	CUSTOM ENC., NEMA 12, 4-DR. 60 X 122 X 18, FLANGE DISC.	no bid; No Need To Replace	no bid	no bid	no bid	no bid
ENCLSR INC./IEC	9-05627	PANEL, 56 X 27.5	no bid Main Enclosure Back Panel	no bid	no bid	no bid	no bid
ENCLSR INC./IEC	9-05656	PANEL, 56 X 56	no bid Main Enclosure Back Panel	no bid	no bid	no bid	no bid
ERICO	144-21111	FLEXIBLE TINNED COPPER BUSBAR, FLEX 3MTC 4X SOX 1	\$777.11	\$777.11	\$777.11	\$1,347.31	\$1,581.62
ERICO	144-21812	FLEXIBLE TINNED COPPER BUSBAR, FLEX 3MTC 3X 32X 1	\$307.97	\$331.80	\$331.80	\$575.26	\$675.26
ERICO	144-22144	FLEXIBLE TINNED COPPER BUSBAR, FLEX 3MTC 3X 40 X 1	\$381.74	\$418.02	\$418.02	\$724.72	\$850.75
FEDERAL SIGNAL	144-12882	WARNING HORN, NEMA 4X AND NEMA 1 2, 120VAC	\$266.87	\$266.87	\$266.87	\$320.31	\$342.69
FERRAZ/BUSSMANN	006-4073	FUSE, CLASS CC, BA, 600V	\$8.40	\$8.40	\$8.87	\$42.78	\$37.20
FERRAZ/BUSSMANN	006-4081	FUSE, CLASS CC, 0.5 A, 600V	\$1.98	\$10.31	\$10.82	\$42.78	\$37.20
FERRAZ/BUSSMANN	25413-00190	FUSE SEC CONTROL, MIDGET-4A 250V	no bid	no bid	no bid	no bid	no bid
FERRAZ/BUSSMANN	25430-20160	FUSE TRANSF PRI, CLASS CC-1.6A 600V	no bid	no bid	no bid	no bid	no bid
FERRAZ/BUSSMANN	HC57361844	FUSE, CLASS T-20A 600V	no bid	no bid	no bid	no bid	no bid
GEMCO	AT 2006-404-L-40-A	ROTARY LIMIT SWITCH, SPDT	\$977.51	\$982.17	\$1,043.33	\$1,304.09	\$1,382.32
GEMCO	AT 2006-404-L-80-A	ROTARY LIMIT SWITCH, SPDT	\$977.51	\$982.17	\$1,043.33	\$1,304.09	\$1,382.32
GRACE ENG.	113-10764	PROGRAMMING PORT, NEMA 12/4, ETHERNET PORT, 120V OUTLE	\$333.05	\$342.38	\$302.58	\$576.32	\$565.40
HAMMOND	EN4SD363012GY	36" X 30" X 12", NEMA 4/12, GREY	\$848.69	\$848.69	\$848.69	\$910.37	\$848.54
HAMMOND	EN4TD24488GY	24" X 48" X 8", NEMA 4/12, GREY	\$1,094.54	\$1,094.54	\$1,094.54	\$1,172.63	\$1,093.55
HAMMOND	EP2448	24" X 48", BACKING PANEL, WHITE	\$311.67	\$311.67	\$311.67	\$335.33	\$283.94
HAMMOND	EP3630	36" X 30", BACKING PANEL, WHITE	\$307.89	\$307.89	\$307.89	\$338.45	\$281.32
HOFFMAN	007-2121	PANEL, 28.20 X 2 2.20	no bid; No Need To Replace	no bid	no bid	no bid	no bid
HOFFMAN	007-2131	PANEL, 28.20 X 28 .20	no bid; No Need To Replace	no bid	no bid	no bid	no bid
HOFFMAN	007-2157	PUSHBUTTON ENCLOSURE, (1) 30.SMM OPERATOR	no bid	no bid	no bid	no bid	no bid
HOFFMAN	007-9930	ELECTRIC HEATER WITH THERMOSTAT, 100W, 110VAC	\$362.44	\$362.44	\$276.29	\$584.35	\$508.14
HOFFMAN	007-9934	ELECTRIC HEATER WITH THERMOSTAT, 400W, 110VAC	\$497.89	\$497.89	\$379.05	\$802.02	\$697.40
HOFFMAN	007-9938	ELECTRIC HEATER WITH THERMOSTAT, 800W, 115VAC	\$582.24	\$566.22	\$639.33	\$935.23	\$813.25
HOFFMAN	009-9358	SWITCH, DOOR-ACTIVATED	\$31.27	\$31.27	\$38.27	\$115.67	\$100.58
HOFFMAN	009-9358	SWITCH, DOOR-ACTIVATED		\$31.27	\$38.27	\$115.67	\$100.58
HOFFMAN	144-19577	ENC LOSU RE, NEMA 4/ 1 2, SINGLE-DOOR, 30 X 30 X 8	no bid; No Need To Replace	no bid	no bid	no bid	no bid
HOFFMAN	144-21843	ENCLOSURE, NEMA 4/12, 6x6x4, CONTINUOUS HINGE	no bid; No Need To Replace	no bid	no bid	no bid	no bid
HOFFMAN	144-22427	ENCLOSURE, NEMA 4/ 1 2, SINGLE-DOOR, 30 X 24 X 1 2	no bid; No Need To Replace	no bid	no bid	no bid	no bid
HUBBEL	GFRST83W	20AMP, 125V, HOSPITAL GRADE, GFCI	\$104.58	\$104.58	\$151.80	\$66.33	\$124.16

HUBBEL	HBL430RS2W	30AMP, 480V, 3 POLE, 4 WIRE, RECEPTICLE, HINGED LID	\$313.46	\$313.46	\$489.12	\$503.58	\$479.68
HUBBEL	MB302W	RECEPTICLE HOUSING, METALLIC 30 DEGREE, ANGLE	\$92.51	\$92.51	\$126.24	\$147.40	\$116.48
ILSCO	144-16392	GROUND LUG, TWO-CONDUCTOR	\$98.47	\$107.84	\$134.76	\$292.89	\$662.25
ILSCO	44-16392	GROUND LUG, TWO - CONDUCTOR	\$98.47	\$107.84	\$134.76	\$292.89	\$662.25
JR MERRITT	144-22587	OPERATOR ARMCHAIR	\$33,115.38	\$35,000.00	\$61,250.00	\$101,832.51	\$104,650.00
LITTELFUSE	009-9126	SURGE SUPPRESSOR, MOV	\$6.27	\$6.27	\$5.91	\$3.98	\$8.91
MACROMATIC	144-19027	PHASE MONITOR RELAY, 90-500V, DPDT, MAN . & AUTO RESET	\$290.42	\$243.02	\$243.02	\$485.94	\$499.38
MAGNETEK	102629	MAIN HOIST BRAKE	\$22,016.92	\$22,016.92	\$22,016.92	\$14,758.14	\$12,922.27
MAGNETEK	11 4-11263	BRIDGE CONTROL ENCLOSURE	no bid; No Need To Replace	no bid	no bid	no bid	no bid
MAGNETEK	114-11264	HOIST/TROLLEY CONTROL ENCLOSURE	no bid; No Need To Replace	no bid	no bid	no bid	no bid
MAGNETEK	114-11265	PULPIT FLEX-M TRANSCIEVER PANEL	no bid	no bid	no bid	no bid	no bid
MAGNETEK	114-11266	CAB CHAIR	no bid	no bid	no bid	no bid	no bid
MAGNETEK	114-11270	480VAC PANELBOARD	no bid	no bid	no bid	no bid	no bid
MAGNETEK	114-11271	240/120VAC PANELBOARD	no bid	no bid	no bid	no bid	no bid
MAGNETEK	114-11274	DECK LEVEL E-STOP ENCLOSURE	\$388.89	\$388.89	\$408.35	\$480.42	\$256.02
MAGNETEK	114-11275	BRIDGE WIRELESS BOLT ENCLOSURE	\$1,023.08	\$1,023.08	\$1,436.28	\$1,728.14	\$1,835.45
MAGNETEK	114-11276	PULPIT WIRELESS BOLT ENCLOSURE	\$1,023.08	\$1,023.08	\$1,436.28	\$1,728.14	\$1,835.45
MAGNETEK	114-11372	REMOTE 1/0 ENCLOSURE	no bid; No Need To Replace	no bid	no bid	no bid	no bid
MAGNETEK	144-23963	IMPULSE G+ & VG+ 54 460V AND 575 CONTROL PWR SUPPLY		\$725.00	\$691.54	\$795.28	\$691.54
MAGNETEK	144-17970	DRIVE SUPPORT BRACKET	no bid; No Need To Replace	no bid	no bid	no bid	no bid
MAGNETEK	144-23093	ADJUSTABLE FREQUENCY DRIVE, 24A, 460VAC	\$4,143.85	\$4,143.85	\$4,260.83	\$5,740.20	\$4,991.48
MAGNETEK	144-23097	ADJUSTABLE FREQUENCY DRIVE, 60A, 460VAC	\$8,179.00	\$8,588.00	\$8,733.42	\$11,765.60	\$10,692.49
MAGNETEK	144-23161	ADJUSTABLE FREQUENCY DRIVE, 60A, 460VAC	\$8,719.09	\$9,155.00	\$9,309.54	\$12,541.12	\$11,674.55
MAGNETEK	144-23168	ADJUSTABLE FREQUENCY DRIVE, 260A, 460VAC	\$25,450.00	\$26,723.00	\$27,173.17	\$36,608.71	\$33,372.12
MAGNETEK	144-23959	IMPULSE G+, VG+ SERIES 4 ETHERNET IP OPTION CARD	\$695.00	\$695.00	\$691.54	\$875.34	\$761.17
MAGNETEK	144-23963	IMPULSE G+ & VG+ 54 460V AND 575 CONTROL PWR SUPPLY	\$725.00	\$725.00	\$691.54	\$795.28	\$691.54
MAGNETEK	144-23969	MOUNTING KIT FOR G+VG+ SERIES 4 KEYPAD	\$307.69	\$307.69	\$378.46	\$349.92	\$304.28
MAGNETEK	146 -10137	DYNAMIC BRAKING UNIT, 90KW, 460V	\$1,959.00	\$1,959.00	\$1,934.40	\$2,606.29	\$2,266.34
MAGNETEK	146-10141	DYNAMIC BRAKING UNIT, 220KW, 460V	\$2,625.00	\$2,625.00	\$2,591.60	\$3,491.51	\$3,036.09
MAGNETEK	147 -20014	LASERGUARD 2 SYSTEM	\$2,492.31	\$2,492.31	\$2,446.15	\$2,554.74	\$2,221.51
MAGNETEK	175 -13538	TRANSCIEVER RADIO SYSTEM	no bid	no bid	no bid	no bid	no bid
MAGNETEK	175 -13538-1000	FLEX-M RADIO TRANSCIEVER	no bid	no bid	no bid	no bid	no bid
MAGNETEK	175-13535	XLTX RADIO SYSTEM	no bid	no bid	no bid	no bid	no bid
MAGNETEK	175-13535 -2000	FLEX-M RADIO RECEIVER	no bid	no bid	no bid	no bid	no bid
MAGNETEK	175-13535 -2000SW	CUSTOM SOFTWARE	no bid Magnetek Does Not Furnish Software as a stand alone item	no bid	no bid	no bid	no bid
MAGNETEK	175-13535-1000	XLTX TRANSMITTER	\$5,789.23	\$5,789.23	\$9,110.77	\$6,981.82	\$7,212.31
MAGNETEK	175-13535-2000	FLEX-M RECEIVER	no bid	no bid	no bid	no bid	no bid

MAGNETEK	175-13535-IOOSW	CUSTOM SOFTWARE	no bid Magnetek Does Not Furnish Software as a stand alone item	no bid	no bid	no bid	no bid
MAGNETEK	175-13538-1000	PULPIT FLEX-M TRANSCEIVER	no bid	no bid	no bid	no bid	no bid
MAGNETEK	175-13538-2000	CRANE FLEX-M TRANSCEIVER	no bid	no bid	no bid	no bid	no bid
MAGNETEK	175-13538-2000SW	CUSTOM SOFTWARE	no bid Magnetek Does Not Furnish Software as a stand alone item	no bid	no bid	no bid	no bid
MAGNETEK	175-13538-J OOSW	CUSTOM SOFTWARE	no bid Magnetek Does Not Furnish Software as a stand alone item	no bid	no bid	no bid	no bid
MAGNETEK	175-13538-2000	FLEX-M RADIO TRANSCEIVER		no bid	no bid	no bid	no bid
MAGNETEK	178-00541	SHOULDER BELT	\$51.11	\$51.20	\$119.47	\$103.44	\$89.96
MAGNETEK	178-01377-2431	ANTENNA KIT, 2.4GHZ, 20FT+ IOFT CABLE, ANTENNA, BRACKET	\$722.22	\$722.22	\$1,221.66	\$1,015.68	\$883.20
MAGNETEK	178-01591-0010	XLTX TOP HOUSING, STANDARD	\$384.37	\$384.37	\$483.65	no bid	\$119.47
MAGNETEK	178-01591-1700	XLTX BOTTOM HOUSING, 2.4GHZ, HIGH POWER, FHSS, BLUE	\$171.80	\$179.84	\$	no bid	\$440.88, Discontinued. New Part #198-80205-1003
MAGNETEK	178-01591-2000	XLTX HANDLE	\$70.40	\$70.40	\$	no bid	\$86.75
MAGNETEK	178-01592-1301	CPU/RF BOARD, 2.4SHZ, HIGH POWER, FHSS, PT15	\$440.00	\$744.37	\$	no bid	no bid
MAGNETEK	178-01595-1120	PADDLE SW, STEPLESS, SPRING-RETURN, PROG PER SCHEMATIC	\$182.22	\$182.40	\$	no bid	\$247.47
MAGNETEK	178-01597-0128	BATTERY PACK, 3.6V, NIMH	\$227.20	\$227.20	\$365.87	\$281.31	\$244.62
MAGNETEK	178-01597-0129	BATTERY PACK, 4.SV, ALKALINE	\$131.11	\$131.20	\$211.56	\$169.29	\$140.80
MAGNETEK	178-01599-0010	EMERGENCY STOP, 2-POS, MA-MA A, 4-PIN-WIRED	\$401.60	\$401.60	\$	no bid	\$507.73
MAGNETEK	178-01599-1010	PUSHBUTTON, 1-POLE, YELLOW, 3-PIN-WIRED	\$64.00	\$64.00	\$	no bid	\$83.91
MAGNETEK	178-01601-2000	KEYSWITCH, 2-POS, MA-MA, IP66, 3-PIN-WIRED	\$320.00	\$320.00	\$	no bid	\$391.11
MAGNETEK	178-01603 -2031	ROTARY SWITCH, 3-POS, 8-PIN-WIRED	\$187.20	\$187.20	\$	no bid	\$228.98
MAGNETEK	178-01604-0101	XLTX INTERFACE BOARD	\$567.14	\$567.14	\$	no bid	no bid
MAGNETEK	178-01607-0010	XLTX DISPLAY	\$482.95	\$482.95	\$	no bid	no bid
MAGNETEK	178-01712-0010	BATTERY KIT: CHARGER, 100-240VAC PS, 2 NIMH BATT.	\$731.08	\$731.08	\$1,176.86	\$668.06	\$783.75
MAGNETEK	178-01774-0010	ENGRAVED RECEIVER NAMEPLATE	No Bid Not Available as Replacement Component	no bid	no bid	no bid	no bid
MAGNETEK	178-01785-024H	FLEX-M CPU/RF MODULE, 2.4GHZ HIPWR, PT15, GEN2 W/SW	\$1,461.54	\$1,461.54	\$1,288.86	\$987.37	\$858.58
MAGNETEK	19 8-80104-RLYOI	FLEX-M RELAY MODULE, 8 CONTACT	\$527.26	\$527.06	\$891.48	\$1,516.15	\$1,318.40
MAGNETEK	198-80104-DNPTI	FLEX-M DIGITAL INPUT MODULE, 8 INPUTS, 4-240VAC/DC	\$1,077.78	\$1,077.78	\$1,823.02	\$1,516.15	\$1,318.40
MAGNETEK	198-80104-PSDCOO	FLEX-M POWER SUPPLY MODULE, 6-36VDC, GEN2	\$712.25	\$712.25	\$1,204.43	\$1,009.95	\$870.40
MAGNETEK	198-80104-RLYOI	FLEX-M RELAY MODULE, 8 CONTACT	\$527.26	\$527.26	\$891.48	\$1,516.15	\$1,318.40
MAGNETEK	198-80500-0006	START TOGGLE SWITCH, 3-POS, MA-OFF-MO, 5-PIN-WIRED	\$256.00	\$256.00	\$	no bid	\$275.91
MAGNETEK	198-80500-0070	TOGGLE SWITCH, 2-POS, MA-MA, 3-PIN-WIRED	\$129.60	\$129.60	\$	no bid	\$159.29
MAGNETEK	20-500-0037E	FLEX-M LABELS	No Bid Not Available as Replacement Component	no bid	no bid	no bid	no bid
MAGNETEK	4021EI	TROLLEY BRAKING RESISTOR	\$1,025.00	\$1,025.00	\$1,442.22	\$1,129.83	\$1,012.03

MAGNETEK	4052FH	AUX HOIST BREAKING RESISTOR	\$3,927.00	\$3,927.00	\$5,303.15	\$4,157.34	\$3,723.82
MAGNETEK	4052V	BRIDGE & GRIPPER BRAKING RESISTOR	\$1,905.00	\$1,905.00	\$2,355.29	\$1,846.12	\$1,653.02
MAGNETEK	4240FH	MAIN HOIST BREAKING RESISTOR	\$3,690.00	\$16,517.00	\$4,199.78	\$16,417.65	\$15,227.57
MARATHON	123902	13ABW X 5.75" FINISHED BORE AND KEYWAY WHEEL	\$3,346.77	\$3,346.77	\$3,242.03	\$4,426.12	\$3,848.80
MARATHON	361280	13ABW X 5.75" -S22 5, FINISHED BORE KEYWAY WHEEL	\$4,054.31	\$5,592.77	\$3,927.26	\$5,360.91	\$4,661.66
MARATHON	143-13183	MAIN HOIST MOTOR, 175HP BLUEMAX	\$31,158.46	\$32,808.91	\$35,294.45	\$57,193.05	\$60,330.22
MARATHON SPCL	144 -15684	POWER STUD BLOCK, 3-POLE, 200A, 600V	\$72.84	\$84.31	\$103.18	\$297.87	\$259.02
MARATHON SPCL	144 -19244	PDB, 1500A, 1 SOOVAC/ DC, 1 P, 3/8" STUDS, 2LN/2 LD, COVER	\$300.84	\$289.42	\$332.82	\$1,121.78	\$1,041.60
MARATHON SPCL	144 -22436	PDB, 430A, ISOOVAC/ DC, IP, (1) M10x35mm LINE & LOAD	\$81.67	\$119.27	\$86.73	\$345.40	\$420.22
MARATHON SPCL	144 -22457	POWER STUD BLOCK, 310A, 3-POLE, 600V	\$81.29	\$81.29	\$110.13	\$234.49	\$203.91
MARATHON SPCL	144-13684	POWER STUD BLOCK, 3-POLE, 200A, 600V	\$72.84	\$84.31	\$103.18	\$297.87	\$259.02
MARATHON SPCL	144-17890	POWER DISTRIBUTION BLOCK, 950A, 3-POLE, 600V	\$880.57	\$880.57	\$1,387.46	\$2,725.86	\$2,342.65
MARATHON SPCL	144-18311	POWER BLOCK COVER	\$28.20	\$16.18	\$16.18	\$47.53	\$92.31
MARATHON SPCL	144-19244	PDB, 1500A, 1 SOOVAC/ DC, 1 P, 3/8" STUDS, 2LN/2 LD, COVER	\$300.84	\$289.42	\$332.82	\$121.78	\$1,041.60
MARATHON SPCL	144-19592	POWER STUD BLOCK, 600VAC/VDC, 3-POLE, 410A WITH COVER	\$187.07	\$272.84	\$272.84	\$967.93	\$976.36
MARATHON SPCL	144-20635	POWER STUD BLOCK, 3P, 760A, 600V	\$398.73	\$468.78	\$573.07	\$1,147.38	\$985.32
MARATHON SPCL	144-22436	PDB, 430A, ISOOVAC/ DC, IP, (1) M 10 x35mm LINE & LOAD	\$81.67	\$119.27	\$86.73	\$345.40	\$420.22
MARATHON SPCL	144-22457	POWER STUD BLOCK, 310A, 3-POLE, 600V	\$81.29	\$81.29	\$110.13	\$234.49	\$203.91
MARATHON SPCL	144-43684	POWER STUD BLOCK, 3-POLE, 200A, 600V	\$83.64	\$84.31	\$103.18	\$297.87	\$259.02
MARATHON SPCL	900 -9132	POWER STUD BLOCK, 3 - POLE, 230A, 600V	\$172.62	\$199.82	\$256.36	\$728.35	\$852.71
MARATHON SPCL	HH834500-LU02	POWER BLOCK COVER, 3 POLE	\$24.69	\$26.53	\$26.53	\$54.62	\$83.13
MEANWELL	144 -15681	POWER SUPPLY, 24VDC, 10.0A	\$279.33	\$289.42	\$327.22	\$567.11	\$490.28
MEANWELL	144-15675	POWER SUPPLY, 24VDC, 4.0A	\$113.64	\$108.89	\$121.33	\$277.10	\$285.20
MTE	006 -3218	REACTOR, 3 PHASE, 55 / 82.SA	\$560.00	\$1,507.69	\$860.92	\$759.08	\$573.23
MTE	006 -3230	REACTOR, 3 PHASE, 250/375A	\$2,151.00	\$5,791.15	\$3,661.72	\$2,913.43	\$2,687.23
MTE	006-3210	REACTOR, 3 PHASE, 25/37.5A	\$487.00	\$1,311.15	\$788.43	\$669.12	\$607.60
MTE	006-3216	REACTOR, 3 PHASE, 45/67.5A	\$516.00	\$1,389.23	\$817.05	\$698.74	\$660.06
MTE	006-3230	REACTOR, 3 PHASE, 250/375A	\$2,151.00	\$5,791.15	\$3,661.72	\$2,913.43	\$2,687.26
N-TRON	115-11171	ETHERNET SWITCH, UNMANAGED, 16 PORT	\$1,163.08	\$1,074.18	\$1,140.68	\$1,826.38	\$1,588.15
PANDUIT	144-10829	WIREWAY SET, 4" X 4" X 6", WHITE, CHANNEL & COVER	no bid Internal to large Enclosures	no bid	no bid	no bid	no bid
PANDUIT	144-13543	WIREWAY SET, 3" X 2" X 6", WHITE, CHANNEL & COVER	no bid Internal to large Enclosures	no bid	no bid	no bid	no bid
PANDUIT	908-9146	WIREWAY SET, 2" X 4" X 6", WHITE, CHANNEL & COVER	no bid Internal to large Enclosures	no bid	no bid	no bid	no bid
PANDUIT	908-9154	WIREWAY SET, 3" X 4" X 6", WHITE, CHANNEL & COVER	no bid Internal to large Enclosures	no bid	no bid	no bid	no bid

PFANNENBERG	144-15476	AIR CONDITIONER , 10000 BTU, HIGH TEMP 140F, 230V	\$1,612.69	\$6,800.77	\$7,120.62	\$9,162.60	\$8,670.89, High Temp 140F Units are Discontinued. Replaced by Standard Temp 131F Units. No Part # Change
POWEROHM RESISTORS	GCE4	DB RESISTOR, 78 OHM , 600W	\$444.58	\$479.65	\$697.35	\$578.38	\$593.89
RICE LAKE	193708	CABLE ASSY, LOAD SENSOR, 90 DEGREE, 20FT	\$333.33	\$333.33	\$402.96	no bid	\$470.77
RICE LAKE	2809326.1	9K LOAD CELL, 2.25" X 4.5", 17-4 STAINLESS STEEL, MAIN HOIST	\$5,209.62	\$5,507.46	\$7,814.42	\$8,682.69	\$9,110.90
RICE LAKE	2809326.2	GK LOAD CELL, 2.25" X 3.5", 17-4 STAINLESS STEEL, AUX. HOIST	\$5,209.62	\$5,507.46	\$7,814.42	\$8,682.69	\$9,110.90
RICE LAKE	2809326.6	ENCLOSURE W/DUAL SCT-2200 & POWER SUPPLIES	\$2,076.92	\$2,276.82	\$4,156.00	\$4,617.78	\$4,845.52
ROCKWELL	113-10627	FACTORY TALK VIEW RUNTIME	no bid	no bid	no bid	no bid	no bid
SIXNET	113-10950	ETHERNET SWITCH, UNMANAGED, 5 PORT	\$397.71	\$397.71	\$387.73	\$484.55	\$546.92
SIXNET	113-11077	POWER OVER ETHERNET INJECTOR, 1 PoE PORT, 24VDC IN.	\$448.72	\$871.00	\$667.58	\$1,226.51	\$1,073.72
SIXNET	115-11077	POWER OVER ETHERNET INJECTOR, 1 PoE PORT, 24VDC IN .	\$448.72	\$871.00	\$667.58	\$1,226.51	\$1,073.72
SIXNET	115-11059	ETHERNET SWITCH , UNMANAGED, 8-PORT	\$620.23	\$667.60	\$914.20	\$1,487.77	\$1,296.32
SQUARE D	144-15267	CIRCUIT BREAKER, 3-POLE, SODA, G00VAC	\$1,999.95	\$2,040.18	\$2,101.15	\$7,076.25	\$6,466.55
SQUARED	144-21938-1000	CIRCUIT BREAKER, 1 POLE, 0 . SA, 277VAC	\$65.89	\$67.87	\$64.49	\$231.33	\$201.16
SQUARED	144-21938-1002	CIRCUIT BREAKER , 1 POLE, 2A, 277VAC	\$54.22	\$62.58	\$64.49	\$231.33	\$201.16
SQUARED	144-21938-1010	CIRCUIT BREAKER , 1 POLE, 10A , 277VAC	\$54.07	\$55.69	\$64.49	\$231.33	\$201.16
SQUARED	144-21939-G3015	CIRCUIT BREAKER, 3-POLE, 1 5A, 600VAC	\$375.06	\$386.02	\$468.25	\$1,454.52	\$1,074.03
SQUARED	144-21939-G3050	CIRCUIT BREAKER, 3-POLE, 50A, 600VAC	\$407.08	\$454.65	\$431.95	\$1,544.52	\$1,264.80
SQUARED	144-21958-EC	CIRCUIT BREAKER JUMPER END COVER	\$34.27	\$34.27	\$36.36	\$93.49	\$81.29
SQUARED	144-22104	8-FRAME CIRCUIT BREAKER PADLOCK ATTACHMENT, OFF-ONLY	\$78.20	\$79.80	\$77.73	\$261.44	\$227.33
SQUARED	144-11259	UTILITY TRANSFORMER , 10 KVA	\$4,892.68	\$4,692.68	\$4,692.68	\$4,221.49	\$5,920.52
SQUARED	144-15269	CIRCUIT BREAKER , 3-POLE, 700A , G00VAC	\$2,627.18	\$2,679.74	\$2,760.12	\$9,295.32	\$8,852.12
SQUARED	144-15588	CIRCUIT BREAKER AU X CONTACT, GA, G00VAC	\$782.03	\$782.03	\$309.65	\$1,053.05	\$915.69
SQUARED	144-15670	PADLOCK ATTACHMENT	\$104.80	\$106.91	\$110.09	\$370.76	\$322.40
SQUARED	144-19962	CIRCUIT BREAKER , 3-POLE, 350A, G00VAC	\$1,999.95	\$2,040.18	\$2,101.15	\$7,076.25	\$6,466.55
SQUARED	144-20341	TERMNAL BUS CONNECTOR KIT, M-FRAME & P-FRAME, SET OF 1	\$25.67	\$25.67	\$24.78	\$83.98	\$73.02
SQUARED	144-20342	PHASE BARRIER, M-FRAME & P-FRAME, SET OF 3	\$42.98	\$43.82	\$41.11	\$137.84	\$119.87
SQUARED	144-20348	CABLE MECHANISM FORM & P FRAME CIRCUIT BREAKERS, 50"	\$577.85	\$601.28	\$619.37	\$2,085.25	\$1,813.26
SQUARED	144-20349	CIRCUIT BREAKER FLANGE HANDLE, 6", NEMA 1/3/3R/4/12	\$191.38	\$199.11	\$205.11	\$478.26	\$491.49
SQUARED	144-21938-1002	CIRCUIT BREAKER , 1 POLE, 2A, 277VAC	\$54.22	\$62.58	\$64.49	\$231.33	\$201.16
SQUARED	144-21938-1003	CIRCUIT BREAKER, 1 POLE, 3A, 277VAC	\$65.89	\$65.89	\$64.49	\$231.33	\$201.16
SQUARED	144-21938-1005	CIRCUIT BREAKER, 1 POLE, 5A, 277VAC	\$59.27	\$68.84	\$64.49	\$231.33	\$201.16
SQUARED	144-21938-1010	CIRCUIT BREAKER, 1 POLE, 10A, 277VAC	\$54.07	\$55.69	\$64.49	\$231.33	\$201.16
SQUARED	144-21938-1020	CIRCUIT BREAKER, 1 POLE, 20A, 277VAC	\$54.07	\$55.69	\$64.49	\$231.33	\$201.16

SQUARED	144-21938-1035	CIRCUIT BREAKER, 1 POLE, 35A, 277VAC	\$56.89	\$62.58	\$64.49	\$231.33	\$201.16	
SQUARED	144-21938-2015	CIRCUIT BREAKER, 2 POLE, 15A, 240VAC	\$116.67	\$120.18	\$142.96	\$314.82	\$273.75	
SQUARED	144-21938-EC	CIRCUIT BREAKER JUMPER END COVER	\$34.27	\$34.27	\$36.36	\$93.49	\$81.29	
SQUARED	144-21938-JJ	CIRCUIT BREAKER JUMPER, 1 POLE, BOA, 480Y/277VAC, 57 CB	\$9.89	\$9.89	\$537.91	\$1,061.82	\$923.32	
SQUARED	144-21939-63100	CIRCUIT BREAKER , 3-POLE, 100A, 600VAC	\$1,230.65	\$1,230.65	\$1,230.65	\$1,656.35	\$1,440.31	
SQUARED	144-21939-65100	CIRCUIT BREAKER, 3-POLE, 100A, 600VAC	\$1,230.65	\$1,230.65	\$1,230.65	\$1,656.35	\$1,440.31	
SQUARED	144-21939-G2015	CIRCUIT BREAKER, 2-POLE, 15A, 600VAC	\$375.06	\$386.22	\$397.88	\$1,235.14	\$1,074.03	
SQUARED	144-21939-G3030	CIRCUIT BREAKER, 3-POLE, 30A, 600VAC	\$407.08	\$419.31	\$431.95	\$1,454.52	\$1,264.80	
SQUARED	144-21939-G3100	CIRCUIT BREAKER, 3-POLE, 100A, 600VAC	\$463.72	\$477.62	\$1,230.65	\$1,656.35	\$1,440.31	
SQUARED	144-31938-1J	CIRCUIT BREAKER JUMPER, 1 POLE, BOA, 480 Y/ 277VAC, 57 CB		\$9.89	\$537.91	\$1,061.82	\$923.32	
SQUARED	144-22103	8-FRAME CIRCUIT BREAKER LUG WITH CONTROL TAP, 3P	\$78.20	\$80.53	\$76.49	\$258.27	\$224.58	
SQUARED	144-22104	8-FRAME CIRCUIT BREAKER PADLOCK ATTACHMENT, OFF-ONLY	\$78.20	\$79.20	\$77.73	\$261.44	\$227.33	
SQUARED	144-22382	480VAC PANELBOARD, NEMA 12	\$3,173.02	\$3,173.02	no bid	no bid	no bid	
SQUARED	144-22383	240/120VAC PANELBOARD, NEMA 12	\$2,375.26	\$2,375.26	no bid	no bid	no bid	
SQUARED	144-24958-1002	CIRCUIT BREAKER , 1 POLE, 2A, 277VAC	\$174.40	\$62.58	\$64.49	\$231.33	\$201.16	
SQUARED	144-24958-EC	CIRCUIT BREAKER JUMPER END COVER	\$91.11	\$34.27	\$36.36	\$93.49	\$81.29	
SQUARED	907-9213	TRANSFORMER, 3000VA, 230/480V-115V	\$534.34	\$545.03	\$561.40	\$2,012.86	\$1,750.31	
TRANSTECTOR	144-22173	TRANSIENT VOLTAGE SURGE SUPPRESSOR, 480VAC DELTA	\$393.08	\$393.08	\$393.08	\$696.31	\$976.74	
VAHLE	2823681	LKG-A, 17 551, APOS READING HEAD	\$1,754.62	\$1,801.35	\$2,346.57	\$2,621.05	\$2,753.14	
VPI	113-11188	CAT6 SHIELDED CABLE, 2 FT	\$10.89	\$12.64	\$14.78	\$38.02	\$33.07	
VPI	113-11190	CAT6 SHIELDED CABLE, 5 FT	\$14.58	\$17.51	\$21.40	\$44.36	\$38.58	
VPI	113-11192	CAT6 SHIELDED CABLE, 10 FT	\$22.96	\$26.64	\$32.67	\$47.53	\$41.33	
VPI	113-11193	CAT6 SHIELDED CABLE, 14 FT	\$25.29	\$25.29	\$33.07	\$47.53	\$41.33	
VPI	113-11194	CAT6 SHIELDED CABLE, 25 FT	\$46.67	\$46.67	\$65.33	\$63.38	\$55.11	
VPI	115-11189	CAT6 SHIELDED CABLE, 3 FT	\$14.58	\$14.58	\$14.98	\$38.02	\$33.07	
VPI	113-11190	CAT6 SHIELDED CABLE, 5 FT	\$14.58	\$17.51	\$21.40	\$44.36	\$38.58	
VPI	113-11194	CAT6 SHIELDED CABLE, 25 FT	\$46.67	\$46.67	\$65.33	\$63.38	\$55.11	
ALLEN BRADLEY		HMI MONITOR (Replaces Citadel 113-11520)				\$9,421.66	\$9,278.93	
Percentage Off List for any other crane related associated Mechanical Spare Parts not listed on "RFQ 5338-20 Pricing Page", but may be realized are needed at a later point in time. Enter Percentage Off List			0.00%	0.00%	0.00%	0.00%	0.00%	
<p>Matt Humphrey Part Sales & Service Coordinator mhumphrey@wemcoinc.com Main: +1 509 244 4773 Cell: +1 509 998 5985</p>							Name	Matt Humphrey
							Signature	
							Date	10/5/2023



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-0385
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	CR 25359

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 SEMI TRUCK LEASE EXTENSION

Agenda Wording

Lease extension with Kenworth Sales for a semi truck utilized at the Waste to Energy Facility from Jan. 1, 2023 through Mar. 31, 2024 for an additional cost of \$36,650.02 plus applicable taxes and fees.

Summary (Background)

The WTE's semi-tractor was in an accident and rendered inoperable. Due to market conditions and new vehicle availability at that time a long-term lease was the most cost-effective option to replace the vehicle. It is currently leased through 9/22/2023 and will need extended through 3/30/2024 to meet the department's needs. An additional \$36,650.02, is needed for this extension, making the total annual cost \$84,682.45 plus tax.

Lease? YES Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 36,650.02

Select \$

Select \$

Select \$

Budget Account

4490-44100-37148-54501

#

#

#

Approvals

Dept Head	AVERYT, CHRIS
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	CP Kinnear, CM Bingle
Distribution List	mdorgan@spokanecity.org
	jsalstrom@spokanecity.org
	tprince@spokanecity.org

Additional Approvals

Purchasing	PRINCE, THEA
ACCOUNTING - LEASE	BAIRD, CHRISTI

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Kenworth semi-truck lease extension
Summary (Background)	The Waste to Energy Facility's semi-tractor was in an accident and rendered inoperable. Due to market conditions and new vehicle availability at that time a long-term lease was the most cost-effective option to replace the vehicle. The vehicle is currently leased through 9/22/2023 and will need extended through 3/30/2024 to meet the department's needs. An additional \$36,650.02 is needed for this extension, making the total annual cost \$84,682.45.
Proposed Council Action	Approval of lease extension
Fiscal Impact	<p>Total Cost: <u>\$36,650.02 additional for a total annual cost of \$84,682.45</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Specify funding source: 2023 SWD Budget</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>
Operations Impacts (If N/A, please give a brief description as to why)	<p>What impacts would the proposal have on historically excluded communities?</p> <p>The vehicle is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.</p> <p>How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?</p> <p>The contractor is governed by WA L&I.</p> <p>How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?</p> <p>The COS Procurement Policies regulate and safeguard this process.</p>

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.



KENWORTH SALES

RENTAL AGREEMENT

RENTAL AGREEMENT 150-104774

CUSTOMER NUMBER 573-100691

Customer Details

City of Spokane
 915 N Nelson St

 Spokane, Washington, 99202
 (509) 655-0959
 US DOT
 MC/CVOR #
 PO #

Rental Unit Details

Vehicle # 150-769 License Plate # AM615
 VIN 1XKZD49XXMJ440086
 Type TADC
 Weight Limit (GVW/GCW) 80,000
 Fuel Out 8/8 Fuel In
 DEF Out 8/8 DEF In
 Odometer Out 49,562 Odometer In
 Hours Out Hours In

Driver Details

Name Terry Somers
 DOB **/**/****
 License # WDL3Z9T7633B
 State WA
 Exp.Date 8/5/2025
 Class

Agreement Details

Rental Type Pure Rental
 Lease Unit #
 Date Due Back 3/30/2024 Time Due Back 06:00 PM PT
 Date Out 9/23/2023 Time Out 10:00 AM PT
 Date In Time In
 Days Used

Terms

VEHICLE IS TO BE USED FOR CUSTOMER'S BUSINESS ONLY. FAILURE TO RETURN THE RENTED VEHICLE AFTER WRITTEN NOTICE TO RETURN SUCH VEHICLE COULD CONSTITUTE A FELONY UNDER APPLICABLE LAW. I HAVE READ THE TERMS AND CONDITIONS ON BOTH SIDES OF THIS AGREEMENT AND AGREE THERETO. THIS LESSOR COOPERATES WITH ALL FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICIALS NATIONWIDE TO PROVIDE THE IDENTITY OF CUSTOMERS WHO OPERATE THIS RENTED COMMERCIAL MOTOR VEHICLE (CMV). CUSTOMER MUST COMPLETE AND RETURN LESSOR SUPPLIED TRIP REPORT FOR STATE TAX REPORTING. CUSTOMER WILL PAY ALL UNREPORTED MILES TRAVELLED AT \$ 0.25 PER MILE

Transaction Details

	Rate	Quantity	Amount
Daily Rate @	\$265.00	3	\$795.00
Weekly Rate @	\$1,325.00	1	\$1,325.00
Monthly Rate @	\$5,741.67	6	\$34,450.02
Mileage Rate @	\$0.16	500	\$80.00
Hourly Rate @			
SUB TOTAL			\$36,650.02
Sales Tax			\$0.00
Fuel Rate/Gallon		0	
DEF Rate/Gallon		0	
Environment Fee	\$6.00	1	\$6.00
Smoking Fee	\$250.00	1	\$250.00
Liability @			CP
Physical Damage @			CP

Comments

Insurance Details

Customer to furnish liability insurance as specified in paragraph 5(b)
 Customer to furnish physical damage insurance as specified in paragraph 5(d)

Non Hazardous Material

CUSTOMER SIGNATURE: _____ DATE: 9/23/2023
 RENTED BY : Daniel Marshall CHECKED IN BY : _____

Kenworth Sales Company PacLease
 6420 East Broadway
 Spokane, WA 99212
 (509) 535-5753

Hours of Operation
 Mon-Fri :
 Saturday: Closed
 Sunday: Closed

PACCENTRAL 24 HOUR
 EMERGENCY SERVICE
 1-800-759-2979

COMPANY RENTS THE VEHICLE DESCRIBED IN THIS AGREEMENT TO CUSTOMER ("RENTER") SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. Prohibited Uses. Renter agrees the Vehicle will not be operated or used:

- (a) By any person under the age of 21, unless a federal, state, or provincial law prohibits the setting of an age requirement.
- (b) By any person who is not a qualified and licensed driver.
- (c) By any person who has obtained authority to operate the Vehicle by fraud or misrepresentation; whose license has been suspended or revoked within the last three (3) years; or who has been convicted of a major traffic violation (excluding parking violations), including but not limited to careless or reckless driving or driving while under the influence of alcohol, drugs or other intoxicants within the prior three (3) years.
- (d) By any person under the influence of intoxicants or drugs, or suffering from any incapacity affecting the ability to drive.
- (e) In excess of applicable speed limit; in a reckless or abusive manner; in a race or speed contest; or for any illegal purpose.
- (f) Outside the scope of the driver's employment or outside the usual course of Renter's business.
- (g) When the Vehicle is loaded in excess of its maximum rated capacity; when the cargo is improperly loaded or secured; or when the Vehicle is used to transport persons other than in the passenger compartment.
- (h) To transport hazardous materials as defined by law, unless authorized in writing by the Company.
- (i) To transport any car, truck, animal, or human being inside the cargo section of the vehicle.
- (j) In any area where there is not sufficient height or width clearance or which is not paved.
- (k) In any unsafe, reckless, or grossly negligent manner.

A PROHIBITED USE OF THE VEHICLE VIOLATES THIS AGREEMENT AND MAKES THE VEHICLE SUBJECT TO IMMEDIATE RECOVERY BY THE COMPANY. PROHIBITED USES MAY ALSO VOID ANY APPLICABLE INSURANCE COVERAGE.

2. Authorized Driver(s). The Vehicle may only be driven by licensed and qualified drivers who operate the Vehicle in accordance with the terms of this Agreement.

3. Renter's Representations and Obligations. Renter acknowledges and agrees:

- (a) The Vehicle is owned by the Company or PACCAR Leasing Company ("PLC").
- (b) The Vehicle has been inspected by the Renter and is received in good condition.
- (c) Renter will not perform any repairs, adjustments, or replacement of any parts without the Company's written consent.
- (d) The Vehicle will at all times be operated under the Renter's exclusive possession and control and only in a lawful manner in connection with present business of Renter.
- (e) Renter and Renter's drivers are not employees or agents of the Company or PLC.
- (f) Renter will pay any special license or tax required by the business of Renter, including without limitation such licenses, taxes, fines, or tolls imposed against Renter arising out of the operation of the Vehicle. Renter further agrees to file, or assist the Company in the filing of, any and all returns or reports required by any governmental authority as a result of Renter's use or operation of the Vehicle.
- (g) To conduct pre- and post-trip inspections of the vehicle and notify PacLease of any Vehicle issues. Renter agrees that PacLease will not be liable for any FMCSA violations or citations for which PLC was not provided notice.
- (h) To complete at the Company's request at the end of each trip a report in a format which permits the Company to comply with licensing and fuel tax reporting obligations. RENTER AGREES TO REIMBURSE THE COMPANY FOR ANY FINES OR COSTS RESULTING FROM RENTER'S INACCURATE OR INCOMPLETE TRIP REPORTS.
- (i) Fuel is not included in the cost of the rental. Renter is responsible for returning the Vehicle with a full tank. If Renter does not refuel the Vehicle prior to return, Renter will pay refueling service charges plus the cost of fuel (which may be more than retail fuel prices). Renter also is responsible for any fuel permits ordered during the term of this Agreement.
- (j) To refrain from tampering or disabling any telematics device. Renter is responsible for the full replacement cost for any loss or

damage to the device. All hardware, software, and data will remain the property of PLC.

4. Payment. Renter agrees to pay Company all rental and other charges set forth in this Agreement covering the Vehicle(s) without deduction or set-off. All charges shall be paid at the time of the transaction or within seven (7) days of invoice. Renter agrees to pay a late charge of 1 1/2 percent per month or the maximum legally permissible amount on each billing not to exceed 1 1/2 percent per month for all sums not paid as provided herein. Renter agrees to pay all costs of collection incurred by PacLease or PLC, including reasonable attorneys' fees.

5. Insurance. Renter agrees to maintain insurance coverage during the term of this Agreement as follows:

(a) If Renter purchases insurance coverage offered through the Allen Insurance Group, the Vehicle will be covered by an automobile liability and/or property damage insurance policy issued by Wesco Insurance Company, a copy of which is available for inspection upon request from the Company. RENTER AGREES TO COMPLY WITH AND BE BOUND BY ALL TERMS, CONDITIONS, AND EXCLUSIONS OF THE POLICY, WHICH ARE INCORPORATED BY REFERENCE HEREIN. The insurance coverage shall not exceed \$1,000,000 combined single limit for both bodily injury and property damage. Coverage is excluded for property owned by or in the possession of the Renter or for any injuries of any nature whatsoever to Renter, Renter's agents, employees, guests, members of Renter's household or other occupants of the Vehicle. Additional exclusions apply and breach of this Agreement may void insurance coverage. The Company is not an insurance broker and does not warrant that the insurance coverage offered is sufficient to protect Renter from liabilities that might arise. Renter is free to purchase additional insurance as may be determined necessary.

(b) If Renter declines liability insurance coverage offered through the Allen Insurance Group, Renter shall, at its sole cost and expense, maintain an automobile liability insurance policy with bodily injury and property damage liability limits of not less than \$1,000,000 combined single limit on a primary and not excess or contributory basis covering its liability for damages as a result of the maintenance, use, operation, storage, or transportation of the Vehicle. The insurance will be maintained with insurers licensed and authorized to do business in the states in which the Vehicle will be operated and with an "A.M. Best" rating of not less than B+ VII. The Company and PLC must be named as additional insureds without liability for premiums. The insurance must provide for prompt written notice to the Company and PLC of any failure to pay a premium and for at least thirty (30) days' prior written notice of cancellation or non-renewal of the policy and of any material change in or to the coverage. Renter shall furnish the Company with a certificate issued by the insurer or a licensed insurance broker confirming the required insurance coverage is maintained and in full force and effect.

(c) If Renter accepts physical damage insurance coverage offered by the Allen Insurance Group, Renter's liability for physical damage to the Vehicle shall be limited to the amount shown as the deductible in this Agreement.

(d) If Renter declines physical damage insurance coverage offered by the Company, Renter or Renter's insurer, as applicable, shall be liable for all loss or damage to the Vehicle.

6. Indemnity. RENTER AGREES TO INDEMNIFY AND HOLD HARMLESS THE COMPANY AND PLC FROM AND AGAINST THE FOLLOWING:

(a) ANY CLAIM OR CAUSE OF ACTION FOR DEATH OR INJURY TO PERSONS, OR LOSS OR DAMAGE TO PROPERTY, ARISING OUT OF OR CAUSED BY RENTER'S POSSESSION, USE, OR MAINTENANCE OF THE VEHICLE, AND ANY SUCH CLAIM OR CAUSE OF ACTION WHICH THE OWNER OF THE VEHICLE MAY BE REQUIRED TO PAY AS A RESULT OF ANY STATUTORY MINIMUM FINANCIAL RESPONSIBILITY OBLIGATIONS.

(b) ANY AND ALL LOSSES, DAMAGES, COSTS AND EXPENSES INCURRED BY THE COMPANY BECAUSE OF INJURY OR DAMAGE SUSTAINED BY ANY OCCUPANT, EITHER AUTHORIZED OR UNAUTHORIZED, OF SAID VEHICLE, INCLUDING WITHOUT LIMITATION RENTER, RENTER'S EMPLOYEES, AGENTS OR REPRESENTATIVES AND LOSS OR DAMAGE TO ANY CARGO OR OTHER PROPERTY IN OR CARRIED BY THE VEHICLE, INCLUDING CONSEQUENTIAL DAMAGES, AND FOR ANY LOSS OR DAMAGE TO ANY OTHER PROPERTY OF RENTER, ITS AGENTS OR EMPLOYEES, LEFT IN OR ON THE VEHICLE AT ANY TIME OR PLACE.

Kenworth Sales Company PacLease

6420 East Broadway

Spokane, WA 99212

(509) 535-5753

Hours of Operation

Mon-Fri :

Saturday: Closed

Sunday: Closed

**PACCENTRAL 24 HOUR
EMERGENCY SERVICE**

1-800-759-2979

(c) ALL LOSS, DAMAGE, COST AND EXPENSE RESULTING FROM RENTER'S VIOLATION OF THIS AGREEMENT.
 (d) RENTER'S INDEMNITY OBLIGATIONS SHALL SURVIVE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

7. Renter's Liability. Renter understands and agrees it shall be liable for:

(a) All loss or damage to the Vehicle occurring during the rental period.

In the event the Vehicle is lost or destroyed, the amount owed shall be the greater of the encumbered value of the Vehicle or the actual cash value.

(b) All damage to the Vehicle and related expenses caused by:

(1) Renter's breach of this Agreement; (2) Renter's failure to maintain adequate fluids, oil, coolant, DEF, and water levels in the Vehicle; (3) failure to properly and timely perform the regeneration process of the diesel particulate filter; and (4) Renter's neglect of any necessary service, maintenance, or repairs of the Vehicle, subject to first obtaining authorization from the Company or such work.

(c) All loss or damage to the Vehicle if it is used, operated, or driven in violation of this Agreement, or if the loss or damage results from collision with any structure because of insufficient height or width clearance.

(d) The value of all tires, tools, and accessories lost or stolen from the Vehicle.

(e) The fixed portion of the rental charge when the Vehicle is out of service due to an accident or misuse.

(f) All damages resulting from excessive or improper loading of the Vehicle.

(g) All damages resulting from operating the Vehicle off a public road, including wrecker charges to extricate the Vehicle.

(h) All fines or penalties, including forfeiture or seizure, resulting from Renter's use of the Vehicle.

8. Accidents. Renter must immediately notify the Company of any accident, loss of, or damage to the Vehicle and shall promptly deliver to the Company any document received by Customer related to any claim or lawsuit. Renter shall cooperate with the Company and its insurer in the investigation and defense of any claim or suit.

9. Extended Rental. If the rental period is extended, Renter agrees to

pay the Company, on demand, the following:
 (a) Mileage charges computed at the rates specified in this Agreement until the Vehicle is returned to the Company.

(b) Service and time charges computed at the rates specified in this Agreement until the Vehicle is returned to the Company.

(c) Any other amounts due hereunder.
 10. Default. If Renter fails to pay promptly any rental payment or other amounts owing when due and such failure continues to remain uncured for a period of seven (7) days after receiving a Notice to Cure or fails to furnish and pay the charges for insurance provided in Section 4 or if any proceeding or case is instituted by or against Renter under any provisions of the U.S. Bankruptcy Code or any state insolvency law or for the appointment of a receiver, or if Renter makes an assignment for the benefit of creditors or becomes insolvent as that term is defined in the Uniform Commercial Code, or

12. Inspection and Repossession. Upon reasonable notice, the Company lawfully may inspect the Vehicle at any time during the rental term. Renter agrees that Company may download diagnostic and ECM data.

13. Subletting. Subletting or re-letting the Vehicle is prohibited and voids this Agreement.

14. FLORIDA. Florida regulations require that Renter acknowledge and agree that the Company or PLC may file consolidated fuel tax returns on behalf of its customers which may include the operations of Vehicles rented to Renter under a PacLease Rental Agreement which may, from

time to time, travel into and through the state of Florida, and that PacLease will be responsible for the fuel tax on the gallons of fuel consumed over Florida highways by vehicles rented to Renter under a

PacLease Rental Agreement, and for registering with the Florida Department of Highway Safety and Motor Vehicles, securing

Florida fuel tax identification devices/ decals, reporting fuel used, reporting

miles traveled, and remitting the total tax accrued to the Florida

Department of Highway Safety and Motor Vehicles, subject to the provision of

this Section, and that PacLease may receive fuel use tax refunds as a

result of fuel tax overpayments in the State of Florida. Renter further acknowledges and agrees that all trip records, original fuel

receipts, and other records or documents relating to the use of the Vehicles

become the property of PacLease. If the Renter fails to provide all trip

records, original fuel receipts, and other records or documents relating to

the use of the Vehicle on a regular weekly basis, or at the end of the

rental period, whichever comes first, Renter will be held responsible for

any fines or cost resulting from Renter's failure to provide PacLease

with proper trip records, original fuel receipts, and other records or documents relating to the use of the Vehicle.

15. CALIFORNIA. Renter understands that when using a heavy-duty

tractor to pull a 53-foot or longer box-type trailer on a highway

within California, the heavy-duty tractor must be compliant with sections

95300 95311, Title 17, California Code of Regulations, and that it is the

responsibility of Renter to ensure the tractor and trailer are

compliant. The regulations may require the tractor and trailer to have low

rolling resistance tires that are U.S. Environmental Protection Agency

(U.S. EPA) Verified SmartWay Technologies compliant prior to current

or future use in California, or may entirely prohibit use of the tractor

in California if it is a model year 2011 or later tractor and is not a

U.S. EPA Certified SmartWay tractor. Renter is solely responsible for

compliance with all laws and regulations if operating within California. Renter

acknowledges that vehicles rented outside of the state of

California may not be compliant with all California Air Resources Board (CARB)

requirements.
 16. Miscellaneous Provisions.

(a) Renter agrees the provisions in this Agreement apply to any substitute Vehicle made available to Renter.

(b) No right of the Company under this Agreement may be waived

Kenworth Sales Company PacLease

6420 East Broadway

Spokane, WA 99212

(509) 535-5753

Hours of Operation

Mon-Fri :

Saturday: Closed

Sunday: Closed

**PACENTRAL 24 HOUR
EMERGENCY SERVICE**

1-800-759-2979

if Customer breaches any material provision of this Agreement, or if in any proceeding in which Renter is involved any execution, writ, or process is obtained where the Vehicle(s) may be taken or confiscated, then Renter shall be in default under this Agreement. In the event of any such default, PacLease shall have all remedies provided by law and in equity and, at its sole option, shall have the right at any time to exercise concurrently or separately, any such remedy, including but not limited to termination of this Agreement and repossession of the Vehicle(s), and Renter shall be liable for all costs and expenses incurred by Company in pursuing such remedies, including reasonable attorney's fees.

11. Return of Vehicle. Renter agrees to return the Vehicle to the Company at the location and before the time specified in this Agreement, unless otherwise agreed in writing by the parties. If no time is specified for return of the Vehicle, Renter will return the Vehicle no later than seven (7) days after the Vehicle is rented. Vehicle shall be returned in the same condition as rented, normal wear and tear excepted.

except in writing by an authorized representative of the Company.
(c) If any provision of this Agreement is found to be unenforceable in any jurisdiction, the remainder of the Agreement shall not be affected.
(d) Renter acknowledges that Company is not the manufacturer of the Vehicle and that Company MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, AS TO THE WORKMANSHIP, DESIGN OR CONDITION OF THE VEHICLE, THE MERCHANTABILITY OF THE VEHICLE, OR ITS FITNESS FOR A PARTICULAR PURPOSE.
(e) THE COMPANY SHALL HAVE NO LIABILITY FOR ANY INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES ARISING OUT OF THE RENTAL OF THIS VEHICLE.
(f) This Agreement remains effective until Renter performs all obligations, including but not limited to payment of all amounts due and return of Vehicle to the Company.
(g) Customer agrees that evidence of insurance provided by Renter to Company may be shared by Company with PacLease franchisees.
(h) Renter agrees that his/her electronic signature is the legally binding equivalent to Renter's handwritten signature and that it has the same validity and meaning as Renter's handwritten signature.
3504.PLC (R9-13)

Kenworth Sales Company PacLease
6420 East Broadway
Spokane, WA 99212
(509) 535-5753

Hours of Operation
Mon-Fri :
Saturday: Closed
Sunday: Closed

**PACCENTRAL 24 HOUR
EMERGENCY SERVICE**
1-800-759-2979

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2021-0786
Renews #	
Cross Ref #	
Project #	
Bid #	IRFP 5525-21
Requisition #	CR 25562

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 OFFSITE REBUILD OF HYDRAULIC/PNEUMATIC CYLINDERS

Agenda Wording

Contract renewal 2 of 4 with Hydrotech Generator Repair Plus, Inc. dba Hydraulics Plus (Spokane Valley, WA) for the offsite rebuild of hydraulic and pneumatic cylinders from Jan 1, 2024 - Dec 31, 2024 and a cost not to exceed \$100,000.00.

Summary (Background)

The WTE uses various hydraulic and pneumatic cylinders throughout the facility. Rebuilding these cylinders with OEM parts extends their life and is more cost effective than purchasing all new cylinders. On Oct 18, 2021, bidding closed on IRFP 5525-21 for the offsite rebuild of these cylinders and Hydraulics Plus was the only respondent. The resulting contract was for one year with the option of four (4) additional one year renewals. This will be the second renewal. Rates to remain unchanged.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 100,000.00

Select \$

Select \$

Select \$

Budget Account

4490-44100-37148-54803-34002

#

#

#

Approvals

Dept Head	AVERYT, CHRIS
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	CP Kinnear, CM Bingle

Distribution List

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jsalstrom@spokanecity.org

tprince@spokanecity.org

Purchasing PRINCE, THEA

rrinderle@spokanecity.org

DocuSign: Loretta Roberts, Prsident,
lroberts@hydraulicsplusinc.com

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Contract renewal for off-site rebuild of hydraulic and pneumatic cylinders for the WTE
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The WTE uses various hydraulic and pneumatic cylinders throughout the facility. Rebuilding these cylinders with OEM parts extends their life and is more cost effective than purchasing all new cylinders.</p> <p>On Oct. 18, 2021, bidding closed on IRFP 5525-21 for the off site rebuild of hydraulic and pneumatic cylinders using OEM parts and Hydrotech Generator Repair Plus, Inc., dba Hydraulics Plus, of Spokane Valley, WA, was the only response received. The initial contract award was for one year, spanning from Jan. 1, 2022 to Dec. 31, 2022, with the option of four (4) additional one-year renewals. This will be the second renewal and will span from Jan. 1, 2024 through Dec. 31, 2024 with a total annual cost not to exceed \$100,000.00 excluding taxes. Rates are to remain unchanged.</p>
Proposed Council Action	Approval of contract renewal
<p>Fiscal Impact Total Cost: <u>\$100,000.00 plus tax</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: 2024 SWD Budget</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.</p>	
<p>How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?</p> <p>The contractor is governed by WA L&I.</p>	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/10/23 **Type of expenditure:** Goods Services

Department: Solid Waste Disposal

Approving Supervisor: David Paine

Amount of Proposed Expenditure: \$100,000.00 plus tax

Is this against a master agreement? If yes, please provide the number:

Funding Source 2024 SWD Budget 4490-44100-37148-54803-34002

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

The WTE uses various hydraulic and pneumatic cylinders throughout the facility. Having the ability to rebuild them with OEM parts extends their life and is more cost effective than purchasing new cylinders.

What are the impacts if expenses are deferred?

If deferred, not only would more costly replacement cylinders need purchased, but unplanned failures could result as well.

What alternative resources have been considered?

The only alternative would be to purchase new cylinders, rather than rebuilding the existing ones. This would result in significant up front costs but less maintenance costs initially.

Description of the goods or service and any additional information?

This is for the second of four (4) one-year renewals of OPR 2021-076 with Hydrotech Generator Repair Plus, Inc. dba Hydraulics Plus. It would commence on January 1, 2024 and run through December 31, 2024. It is an annual reoccurring expenditure that was budgeted for in 2024.

Person Submitting Form/Contact: Michelle Dorgan X6555

Division Director:

Marlene Feist

CFO Signature:

Tonya Wallace

City Administrator Signature:

[Signature]

Additional Comments:












Expenditure Control Form-Hydraulics Plus

Final Audit Report

2023-10-16

Created:	2023-10-10
By:	Michelle Dorgan (mdorgan@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAf_jhJKGLRFE4407m5vFpVFbxcF5FJD7u

"Expenditure Control Form-Hydraulics Plus" History

-  Document created by Michelle Dorgan (mdorgan@spokanecity.org)
2023-10-10 - 10:15:25 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-10 - 10:19:46 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-10 - 10:33:51 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-10 - 10:34:23 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-10 - 10:34:25 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-10 - 11:18:10 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-10 - 11:18:25 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-10 - 11:18:27 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-11 - 2:44:54 PM GMT- IP address: 172.224.243.10
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-16 - 9:16:35 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-16 - 9:16:35 PM GMT



City of Spokane
CONTRACT RENEWAL
2 of 4

Title: **OFF SITE REBUILD OF HYDRAULIC AND PNEUMATIC CYLINDERS**

This Contract Renewal is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **HYDROTECH GENERATOR REPAIR PLUS, INC. dba HYDRAULICS PLUS, INC.**, whose address is 5507 East Broadway Avenue, Spokane, Washington 99212, as (“Company”), individually hereafter referenced as a “party”, and together as the “parties”.

WHEREAS, the parties entered into a Contract wherein the Company agreed to provide Off Site Rebuild Of Hydraulic and Pneumatic Cylinders with OEM Parts Only, and

WHEREAS, the initial contract provided for four (4) additional one (1) year renewals, with this being the second of those renewals.

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

1. CONTRACT DOCUMENTS.

The Contract dated December 9, 2021, 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 TERM.

This Contract Renewal shall become effective on January 1, 2024 and shall end on December 31, 2024.

3. COMPENSATION.

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

4. DEBARMENT AND SUSPENSION.

The Company has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

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

HYDROTECH GENERATOR REPAIR PLUS, INC. dba HYDRAULICS PLUS, INC.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:
Attachment A - Certificate of Debarment

23-192

ATTACHMENT 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.

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

 CITY OF SPOKANE - WTEF 2900 S GEIGER BLVD Spokane, Washington 99224 PHONE: 509.625.6527	Base Year Pricing 1/1/2022 Through 12/31/2022	1st Opt Renewal Pricing 1/1/2023 Through 12/31/2023	2nd Opt Renewal Pricing 1/1/2024 Through 12/31/2024
	OPR 2021-0786 PRICING		
Off Site Cylinder Rebuilds	Total Cost Per Service	Total Cost Per Service	Total Cost Per Service
Hourly Rate	\$85.00	\$85.00	\$ <u>85.00</u>
Percentage of Increase On Parts (Percentage Markup will remain unchanged throughout the life of the contract)	20%	20%	20%
Re-Chroming cost per square inch	\$0.78	\$0.78	\$ <u>0.78</u>
<i>Should additional cylinders, other than the current brands and types listed on Cylinder List, need to be rebuilt proposal shall include:</i>			
Hourly Rate	\$85.00	\$85.00	\$ <u>85.00</u>
Percentage of Increase On Parts (Percentage Markup will remain unchanged throughout the life of the contract)	20%	20%	20%
Hydrotech dba Hydraulics Plus	Base Year Pricing was per Hydraulics Plus Response to IRFP 5525-21	Name	<i>Loretta Roberts</i>
Ms. Loretta Roberts		Signature	<i>Loretta Roberts</i>
lroberts@hydraulicsplus.com / Phone 509 536 9464		Date	<i>9/18/2023</i>

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2020-0866
Renews #	
Cross Ref #	
Project #	
Bid #	ITB 5342-20
Requisition #	CR 25561

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 OFFSITE GRAPPLE REPAIRS FOR THE WTE

Agenda Wording

Contract renewal 3 of 4 with Foust Fabrication Co. (Colville, WA) for as-needed offsite grapple repairs for the WTE from Dec 1, 2023 through Nov 30, 2024 with an annual cost not to exceed \$85,000.00 plus tax.

Summary (Background)

The grapples used on the cranes at the WTE Facility operate in a 24/7 environment, transporting solid waste to the incinerator. As part of the facility's maintenance program, the grapples are rotated out annually and refurbished. On Oct 16, 2020, bidding closed on ITB 5342-20 and Foust Fabrication Co. was the low cost bidder for this services. The initial contract awarded was for one year with the option of four (4) additional one year renewals. This will be the third renewal.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ \$85,000.00

Select \$

Select \$

Select \$

Budget Account

4490-44100-37148-54803-34002

#

#

#

Approvals

Dept Head	AVERYT, CHRIS
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	CP Kinnear, CM Bingle

Distribution List

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jsalstrom@spokanecity.org

tprince@spokanecity.org

Purchasing PRINCE, THEA

rrinderle@spokanecity.org

DocuSign: Mireya Fitzloff, Project Manager,
mireya@foustfab.com

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Contract renewal for off-site grapple repairs for the WTE
Summary (Background)	<p>The grapples used on the cranes at the WTE facility operate in a 24/7 environment transporting municipal solid waste. As part of the facilities maintenance program, the grapples are rotated out annually and refurbished. Without a backup grapple, a failure would result in an unplanned boiler shut down.</p> <p>On Oct. 16, 2020, bidding closed on ITB 5342-20 for this as-needed annual requirement for offsite grapple rebuilding. There were three (3) responses received; Foust Fabrication Co. (Colville, WA), K&N Electric Motors, Inc. (Spokane Valley, WA) and WEMCO Inc. (Spokane, WA). Foust Fabrication Co. was the lowest cost, responsive and responsible bidder and was awarded a one year contract, from Dec. 1, 2020 through Nov. 30, 2021 with the option of four (4) additional one-year renewals. This will be the third renewal and span from Dec. 1, 2023 through Nov. 30, 2024 with an additional cost not to exceed \$85,000.00 excluding taxes. Rates for this renewal are to remain unchanged.</p>
Proposed Council Action	Approval of contract renewal
<p>Fiscal Impact Total Cost: <u>\$85,000.00 plus tax</u> Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: 2024 SWD Budget</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.</p>	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The contractor is governed by WA L&I.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.



City of Spokane
CONTRACT RENEWAL
3 of 4
Title: GRAPPLE REBUILD OFFSITE, AS NEEDED ANNUAL REQUIREMENT

This Contract Renewal is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **FOUST FABRICATION CO. d/b/a FOUST FAB & ERECTORS FOUST FABRICATION**, whose address is 1159 Orin Rice Road, Colville, Washington 99114 as (“Company”), individually hereafter referenced as a “party”, and together as the “parties”.

WHEREAS, the parties entered into a Contract wherein the Company agreed to perform Grapple Rebuild Offsite, As Needed Annual Requirement for the City; and

WHEREAS, the initial contract provided for four (4) additional one-year renewals, with this being the third of those renewals.

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

1. CONTRACT DOCUMENTS.

The original Contract, dated December 1, 2020 and December 2, 2020, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Renewal shall become effective on December 1, 2023 and run through November 30, 2024.

3. COMPENSATION.

The City shall pay an estimated maximum annual cost not to exceed **EIGHTY-FIVE THOUSAND AND 00/100 (\$85,000.00)**, plus applicable sales tax, in accordance with the Pricing Sheet attached hereto, for everything furnished and done under this Contract Renewal. This is the maximum amount to be paid under this Renewal, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Renewal document.

4. DEBARMENT AND SUSPENSION.

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

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

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

**FOUST FABRICATION CO., d/b/a FOUST
FAB & ERECTORS FOUST FABRICATION**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

- Attachment A - Certificate Regarding Debarment
- Attachment B – Pricing Sheet

**ATTACHMENT 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)

ATTACHMENT B



Foust Fabrication Co.	OPR 2020-0866	OPR 2020-0866	OPR 2020-0866	OPR 2020-0866
	Base Year	1st Opt Year	2nd Opt Year	3rd Opt Year
As Needed, Offsite Grapple Repair	Valid from 12/01/2020 through 11/30/2021	Valid from 12/01/2021 through 11/30/2022	Valid from 12/01/2022 through 11/30/2023	Valid from 12/01/2023 through 11/30/2024
Item	Unit Price	Unit Price	Unit Price	Unit Price
All-inclusive firm fix price* to furnish all labor, materials, equipment and supervision required to perform offsite, rebuild and repair of grapple presented during mandatory pre-bid, in strict accordance with the contract documents. Price is not to include tax. NOTE: The all-inclusive price does not include hard facing material cost of Lincoln wear shield 60 for hard facing, as it is not known how much would be required until actual rebuild or repaired is conducted.	\$51,905.00	\$65,522.00	\$65,522.00	\$65,522.00
Per pound cost, Lincoln Wear Shield 60 Hard Facing				
The awarded vendor would be required to provide a bill of material to support the total poundage of Lincoln Wear Shield 60 Hard Facing that was that was utilized to rebuild and repair the grappled. This cost would be an addition to the stated all-inclusive firm fix price* which had not included hard facing material cost.	\$8.88	\$8.88	\$8.88	\$8.88
Vendor to provide Percentage Markup Above Vendor's Cost, should Vendor not provide percentage off list cost, for any other additional products or materials not listed on vendor's specification sheet, but may be realized is needed at a later point in time to complete grapple rebuild or repair.	15% Markup Above Vendor's Cost	15% Markup Above Vendor's Cost	15% Markup Above Vendor's Cost	15% Markup Above Vendor's Cost
Grapple Pick-up Fee	\$561.50	\$561.50	\$561.50	\$561.50
Grapple Delivery Fee	\$561.50	\$561.50	\$561.50	\$561.50
Hourly Rate	\$92.00	\$92.00	\$92.00	\$92.00
Foust Fabrication Co.	Base Year Pricing Per Foust Fabrication response to ITB 5342-20	Name		Mireya Fitzloff
Colby Foust, President/CEO		Signature		
Phone (509) 680 4889		Date		9/19/2023
coby@foustfab.com				

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2019-0983
Renews #	
Cross Ref #	
Project #	
Bid #	IRFP 5152-19
Requisition #	CR 25559

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 ANALYTICAL TESTING SERVICES AT THE WTE

Agenda Wording

Contract renewal 4 of 4 for analytical testing services at the WTE with Eurofins Environment Testing, LLC. (Spokane Valley, WA) from Nov 1, 2023 through Oct 31, 2024 with an annual cost not to exceed \$35,000.00 including tax.

Summary (Background)

The WTE's environmental permits require routine testing of ash and residues remaining after combustion. Waste generated during operations, soil and storm water also require hazardous waste determinations. The initial contract for these services was awarded to Test America (later assigned to Eurofins) for one year with the possibility of four (4) one year renewals based on their response to IRFP 5152-19. Due to the lifetime contract value of \$196,000.00, council approval is needed.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 35,000.00

Select \$

Select \$

Select \$

Budget Account

4490-44100-37148-54101

#

#

#

Approvals

Dept Head	AVERYT, CHRIS
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	CP Kinnear, CM Bingle

Distribution List

mdorgan@spokanecity.org
jsalstrom@spokanecity.org

Additional Approvals

tprince@spokanecity.org

Purchasing	PRINCE, THEA
-------------------	--------------

rrinderle@spokanecity.org

DocuSign: Randee Arrington, Lab Manager,
Randee.Arrington@et.eurofinsus.com

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2024
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Contract renewal for analytical testing at the WTE
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Waste to Energy Facility’s environmental permits and regulations require routine testing of ash and residues remaining after the combustion process. Also, waste generated through facility operations, as well as soil and water from the facility’s storm water swales requires designation.</p> <p>On Sep. 13, 2019, bidding closed on IRFP 5152-19 for analytical testing services for ash, hazardous waste determinations and storm/swale water and soil testing. Test America was the winning bidder and awarded a one-year contract with the possibility of four (4) additional one-year renewals and an annual cost not to exceed \$39,000.00 including tax. In 2022, the contract was assigned to Eurofins Environment Testing Northwest, LLC. due to a change of ownership.</p> <p>This will be renewal #4 of 4 for analytical testing services and will run from November 1, 2023 through October 31, 2024 with an annual cost not to exceed \$35,000.00 including taxes. Due to the lifetime value of the contract, which is now \$196,000.00, this contract will require City Council approval.</p>
Proposed Council Action	Approval of contract renewal.
Fiscal Impact Total Cost: <u>\$35,000.00</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: 2024 SWD Budget Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? The work is required to maintain the Facility’s ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The contractor is governed by WA L&I.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.



City of Spokane
CONTRACT RENEWAL #4 of 4
Title: Analytical Test Service IRFP 5152-19

This Contract Renewal is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **TestAmerica Laboratories, Inc., d/b/a Eurofins TestAmerica**, whose address is 11922 East 1st Avenue, Spokane Valley, Washington 99206 as ("Company"), individually hereafter referenced as a "Party", and together as the "Parties".

WHEREAS, the parties entered into a Contract wherein the Company agreed to perform Analytical Test Service for Ash, Hazardous Waste Determinations, and Storm Water Swale Water per IRFP 5152-19; and

WHEREAS, the original Contract allowed for four (4) additional one-year renewals, this being number four (4), therefore the original Contract needs to be formally renewed by this written Contract Renewal document; and

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

1. CONTRACT DOCUMENTS.

The original Contract, dated November 1, 2019, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Renewal shall become effective on November 1, 2023, and shall end October 31, 2024.

3. COMPENSATION.

The City shall pay an estimated maximum annual cost not to exceed **THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00)** for everything furnished and done under this Contract Renewal. This is the maximum amount to be paid under this Renewal, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Renewal document.

4. DEBARMENT AND SUSPENSION.

The Company 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 (see attached Exhibit A).

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

**TESTAMERICA LABORATORIES, INC.
d/b/a EUROFINS TESTAMERICA**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

- Exhibit A – Certificate of Debarment
- Exhibit B - Contract Renewal 4th Year Option Year Pricing

U2023-086

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 certifies, 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)

EXHIBIT B

4th Opt Yr OPR 2019-0983 (11/1/23 to 10/31/24) Analytical Test Services for Ash, Hazardous Waste Determinations, and Storm Water Swale Water & Soil	Vendor Name: Eurofins TestAmerica Spokane 11922 E 1st Avenue Spokane, WA 99206		Fill in available turnaround times
	Accreditation # (WAC 173-50): <u>C569</u>		

A	ASH TESTS- Chemical Analysis	ANTICIPATED EVENTS PER YEAR	ANTICIPATED SAMPLES PER EVENT	Unit Price for 3 Week Turnaround	Unit Price for 2 Week Turnaround	Unit Price for 5 BD Turnaround	Unit Price for 3 BD Turnaround	Unit Price for 2 BD Turnaround	Unit Price for 1 BD Turnaround
A-1	TCLP - RCRA Metals(1) (Method 1311)(3)	4	14	\$ 121.00	\$ 121.00	\$ 157.30	\$ 193.60	\$ 211.75	x
A-2	Total Metals(2) (Method 6010 & 7470)(3)	1	28	\$ 76.00	\$ 76.00	\$ 98.80	\$ 121.60	\$ 133.00	\$ 152.00
A-3	Dioxin/Furan (Method 8280)(3)	1	28	\$ 460.00	\$ 598.00	\$ 736.00	\$ 920.00	x	x

B	STORMWATER TESTS- Chemical Analysis	ANTICIPATED EVENTS PER YEAR	ANTICIPATED SAMPLES PER EVENT	Unit Price for 3 Week Turnaround	Unit Price for 2 Week Turnaround	Unit Price for 5 BD Turnaround	Unit Price for 3 BD Turnaround	Unit Price for 2 BD Turnaround	Unit Price for 1 BD Turnaround
B-1	Conductivity	1	3	\$ 14.00	\$ 14.00	\$ 18.20	\$ 22.40	\$ 24.50	\$ 28.00
B-2	pH	1	3	\$ 10.00	\$ 10.00	\$ 13.00	\$ 16.00	\$ 17.50	\$ 20.00
B-3	Total Hardness (EPA 130.2/SM2340B)	1	3	\$ 26.00	\$ 26.00	\$ 33.80	\$ 41.60	\$ 45.50	\$ 52.00
B-4	Sulfate (EPA 300.0)	1	3	\$ 15.00	\$ 15.00	\$ 19.50	\$ 24.00	\$ 26.25	\$ 30.00
B-5	Chloride (EPA 300.0)	1	3	\$ 15.00	\$ 15.00	\$ 19.50	\$ 24.00	\$ 26.25	\$ 30.00
B-6	Nitrate as N (EPA 300.0)	1	3	\$ 15.00	\$ 15.00	\$ 19.50	\$ 24.00	\$ 26.25	\$ 30.00
B-7	Total Lead (EPA 200.7)	1	3	\$ 31.00	\$ 31.00	\$ 40.30	\$ 49.60	\$ 54.25	\$ 62.00
B-8	Total Cadmium (EPA 200.7)	1	3	incl w B-7	incl w B-7	incl w B-7	incl w B-7	incl w B-7	incl w B-7
B-9	Total Mercury (EPA 245.1)	1	3	\$ 24.00	\$ 24.00	\$ 31.20	\$ 38.40	\$ 42.00	\$ 48.00
B-10	Total Zinc (EPA 200.7)	1	3	incl w B-7	incl w B-7	incl w B-7	incl w B-7	incl w B-7	incl w B-7

C	SWALE SOIL TESTS- Chemical Analysis	ANTICIPATED EVENTS PER YEAR	ANTICIPATED SAMPLES PER EVENT	Unit Price for 3 Week Turnaround	Unit Price for 2 Week Turnaround	Unit Price for 5 BD Turnaround	Unit Price for 3 BD Turnaround	Unit Price for 2 BD Turnaround	Unit Price for 1 BD Turnaround
C-1	Total Lead – Method 6010C	1	3 per year	\$ 26.00	\$ 26.00	\$ 33.80	\$ 41.60	\$ 45.50	\$ 52.00
C-2	Total Cadmium – Method 6010C	1	3 per year	incl w C-1	incl w C-1	incl w C-1	incl w C-1	incl w C-1	incl w C-1
C-3	Total Mercury – Method 7471B	1	3 per year	\$ 24.00	\$ 24.00	\$ 31.20	\$ 38.40	\$ 42.00	\$ 48.00

D	WASTE DESIGNATION- Chemical Analysis	ANTICIPATED EVENTS PER YEAR	ANTICIPATED SAMPLES PER EVENT	Unit Price for 3 Week Turnaround	Unit Price for 2 Week Turnaround	Unit Price for 5 BD Turnaround	Unit Price for 3 BD Turnaround	Unit Price for 2 BD Turnaround	Unit Price for 1 BD Turnaround
D-1	TCLP - RCRA Metals(1) (Method 1311)(3)	1	3	\$ 76.00	\$ 76.00	\$ 98.80	\$ 121.60	\$ 133.00	x
D-3	Ignitability(4)	1	3	\$ 33.00	\$ 33.00	\$ 42.90	\$ 52.80	x	x
D-4	Corrosivity(5)	1	3	\$ 10.00	\$ 10.00	\$ 13.00	\$ 16.00	\$ 17.50	\$ 20.00
D-2	Fish Bioassav (Department of Ecology 80-12)	1	3	Unit Price for 3 Week Turnaround	Unit Price for 2 Week Turnaround	Unit Price for 5 BD Turnaround	Unit Price for 3 BD Turnaround	Unit Price for 2 BD Turnaround	Unit Price for 1 BD Turnaround
				\$ -	\$ -	x	x	x	x

E	SERWM Fee per sample	ANTICIPATED EVENTS PER YEAR	ANTICIPATED SAMPLES PER EVENT	Unit Price for 3 Week Turnaround	Unit Price for 2 Week Turnaround	Unit Price for 5 BD Turnaround	Unit Price for 3 BD Turnaround	Unit Price for 2 BD Turnaround	Unit Price for 1 BD Turnaround
		1	1	\$ 2.50					
	Other Analyses - For analyses not shown, what percent discount will be given of the standard pricing? <i>Attach standard price list.</i> <i>Eurofins TestAmerica is providing our old WA State pricing, which we offer without further discount. Within a month, we should have the new WA State pricing which we will provide to you, without further discount. This new price list will be similar but a few prices have changed (a few have gone up, a few have gone down). Since the new WA State contract is still in the bid review stage, we don't have a new price list yet but it can be provided as soon as it is finalized.</i>		% Discount no discount off our WA State pricing						

(1) Toxicity Characteristic Leaching Procedure (TCLP). The RCRA metals are arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver.
(2) Total Metals include mercury, arsenic, beryllium, cadmium, chromium, cobalt, lead, mercury, nickel, selenium.
(3) Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (Third Edition (November 1986) as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996), IIIA (dated April 1998), IIIB (dated July 2005), Update IVA and IVB (dated February 2007)), and Update V (dated August 2015).
(4) Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D93-06, or a Setafash Closed Cup Tester, using the test method specified in ASTM Standard D3278-96 (2004)e1
(5) Method 9040C for liquids, Method 9045D for solids

Describe available courier services below including delivery methods and pricing.

Eurofins TestAmerica Spokane does not provide Courier Service. Typically, samples from these projects are dropped off at the lab.

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2019-0957
Renews #	
Cross Ref #	
Project #	
Bid #	PW ITB 5133-19
Requisition #	CR 25560

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 ONSITE VALVE REPAIR SERVICES AT THE WTE

Agenda Wording

Contract renewal 4 of 4 with Bay Valve Service, LLC (Longview, WA) for onsite valve repair services at the WTE from Jan 1, 2024 through Dec 31, 2024 with an annual cost not to exceed \$325,000.00 plus tax.

Summary (Background)

The WTE has many valves that are critical to the operation of the plant. Onsite maintenance is required for safe and efficient operation. A valve failure could result in a plant shutdown. In 2019, Bay Valve Service, LLC. was the only response received to PW ITB 5133-19 for these services and was awarded a one year contract with the option of four (4) additional one-year renewals. This will be the final renewal and rates will remain the same.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Expense \$ 325,000.00

Select \$

Select \$

Select \$

Budget Account

4490-44100-37148-54803-34002

#

#

#

Approvals

Dept Head	AVERYT, CHRIS
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	CP Kinnear, CM Bingle

Distribution List

mdorgan@spokanecity.org

jsalstrom@spokanecity.org

Additional Approvals

tprince@spokanecity.org

Purchasing PRINCE, THEA

rrinderle@spokanecity.org

DocuSign: Mike Dombek, Branch Manager,
mdombek@iss-na.com

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2024
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Contract renewal for on-site valve repairs at the WTE
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Waste to Energy Facility has many types of valves which are critical to the operation of the plant. On-site maintenance is required for safe and efficient operation. Any number of valve failures could result in a plant shutdown.</p> <p>On September 30, 2019 bidding closed to PW ITB 5133-19 for these valve repair services and Bay Valve Service, LLC of Longview, WA was the only response received. The initial contract was from Jan. 1, 2020 through Dec. 31, 2020 with the option of four (4) additional one-year renewals and an annual cost not to exceed \$300,000.00 including taxes. This will be the last renewal spanning from January 1, 2024 through December 31, 2024 with an additional cost not to exceed \$325,000.00 plus tax.</p>
Proposed Council Action	Approval of contract renewal.
Fiscal Impact Total Cost: <u>\$325,000.00 plus tax</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: 2024 SWD Budget Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? The contractor is governed by WA L&I.	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The COS Procurement Policies regulate and safeguard this process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/10/23 **Type of expenditure:** Goods Services

Department: Solid Waste Disposal

Approving Supervisor: David Paine

Amount of Proposed Expenditure: \$325,000.00

Is this against a master agreement? If yes, please provide the number:

Funding Source SWD Budget: 4490-44100-37148-54803-34002

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

This is for as-needed valve repair services at the Waste to Energy Facility. The ability to respond quickly to needed repairs is necessary to keep the facility running without interruption.

What are the impacts if expenses are deferred?

If deferred, needed maintenance and repairs on the valves would not be possible and would likely result in an unplanned shutdown of the plant, incurring even more costly repairs and the loss of electrical revenues.

What alternative resources have been considered?

Basic maintenance and operation of the valves is performed by WTE staff, but the more complex repairs needs done by a specialized crew. There are no known alternative resources for this service.

Description of the goods or service and any additional information?

This is for the last of four (4) one-year renewals of OPR 2019-0957 with Bay Valve Services that supports any as-needed valve repairs and maintenance required at the WTE Facility. It would commence on January 1, 2024 and run through December 31, 2024. It is an annual reoccurring expenditure that was budgeted for in 2024.

Person Submitting Form/Contact: Michelle Dorgan x6555

Division Director:

Marlene Feist

CFO Signature:

Tonya Wallace

City Administrator Signature:

[Signature]

Additional Comments:












Expenditure Control Form-Bay Valve

Final Audit Report

2023-10-16

Created:	2023-10-10
By:	Michelle Dorgan (mdorgan@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAryeDbcAiZP7eWwgML93HSO2noluunbDs

"Expenditure Control Form-Bay Valve" History

-  Document created by Michelle Dorgan (mdorgan@spokanecity.org)
2023-10-10 - 10:23:51 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-10 - 10:25:04 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-10 - 10:35:10 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-10 - 10:35:29 PM GMT - Time Source: server- IP address: 198.1.39.252
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-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-10 - 11:16:33 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-10 - 11:16:35 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-11 - 2:44:54 PM GMT- IP address: 172.224.243.10
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-16 - 9:12:27 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-16 - 9:12:27 PM GMT



City of Spokane
CONTRACT RENEWAL
4 OF 4
Title: ON-SITE VALVE REPAIR SERVICES

This Contract Renewal is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **BAY VALVE SERVICE, LLC**, whose address is 213 Douglas Street, Longview, Washington 98632 as ("Contractor"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into a Contract wherein the Contractor agreed to perform On-Site Valve Repair Services for the City; and

WHEREAS, the original Contract provided for 4 additional one-year renewals with this being the last of those renewals; and

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

1. CONTRACT DOCUMENTS.

The original Contract, dated November 7, 2019 and November 20, 2019, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Renewal shall become effective on January 1, 2024 and shall end December 31, 2024.

3. COMPENSATION.

The City shall pay an estimated maximum annual cost not to exceed **THREE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 (\$325,000.00)**, plus applicable tax, in accordance with Contractors 2024 Rates attached hereto, for everything furnished and done under this Contract Renewal. This is the maximum amount to be paid under this Renewal, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Renewal document.

4. DEBARMENT AND SUSPENSION.

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

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

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

BAY VALVE SERVICE, LLC.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

- Certificate of Debarment
- Bay Valve Service, LLC’s 2024 Rates

23-190

ATTACHMENT 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.

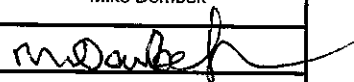
3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:


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.

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

EMERGENCY UNSCHEDULED SERVICES												
Line #	Description	Estimated Yearly Quantity of Hours, More Or Less, That Could Be Incurred for EMERGENCY UNSCHEDULED SERVICES	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	EMERGENCY: Contractor To Be On-Site At WTE After Notification Within		12 Hrs.		12 Hrs.		12 Hrs.		12 Hrs.		12 Hrs.	
2	Straight Time	16 hours	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00
3	Overtime Labor	8 hours	\$183 / HR	\$1,464.00	\$183 / HR	\$1,464.00	\$183 / HR	\$1,464.00	\$183 / HR	\$1,464.00	\$122 / HR	\$1,464.00
4	Mob			\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00
5	Demob			\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00
6	Percentage Markup For Parts / Materials Above Cost Pertaining To Unscheduled Service		25%		25%		25%		25%		25%	
NON-EMERGENCY UNSCHEDULED SERVICES												
Line #	Description	Estimated Yearly Quantity of Hours, More Or Less, That Could Be Incurred for NONE-EMERGENCY; UNSCHEDULED SERVICES	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	NONE-EMERGENCY: Contractor To Be On-Site At WTE After Notification Within		12 Hrs.		12 Hrs.		12 Hrs.		12 Hrs.		12 Hrs.	
2	Straight Time	16 hours	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00	\$122 / HR	\$1,952.00
3	Overtime Labor	8 hours	\$183 / HR	\$1,464.00	\$183 / HR	\$1,464.00	\$183 / HR	\$1,464.00	\$183 / HR	\$1,464.00	\$122 / HR	\$1,464.00
4	Mob			\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00
5	Demob			\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00
6	Percentage Markup For Parts / Materials Above Cost Pertaining To Unscheduled Service		25%		25%		25%		25%		25%	
Bay Valve Services LLC, 213 Douglas Street, Longview WA 98632 MIKE DOMBEK, Branch Manager mike.dombek@iss-na.com Phone 360 578 0658												NAME Mike Dombek Signature  Date 9/14/2023

 CITY OF SPOKANE - WTEF 2900 S GEIGER BLVD Spokane, WA 99224-5400 Phone 509 625 6527			BASE YEAR PRICING 1/1/2020 THOROUGH 12/31/2020		1st OPT YEAR PRICING 1/1/2021 THOROUGH 12/31/2021		2nd OPT YEAR PRICING 1/1/2022 THOROUGH 12/31/2022		3rd OPT YEAR PRICING 1/1/2023 THOROUGH 12/31/2023		4th OPT YEAR PRICING 1/1/2024 THOROUGH 12/31/2024	
OPR 2019-0957 PRICING Onsite Valve Repair Services; Scheduled and UNIT PRICE PER COLD IRON OUTAGE												
Line #	Description	Estimated Hours, More Or Less, That Could Be Incurred for A Single Cold Iron Outage	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	Straight Time	344 hours	\$122 / HR	\$41,968.00	\$122 / HR	\$41,968.00	\$122 / HR	\$41,968.00	\$122 / HR	\$41,968.00	\$122 / HR	\$41,968.00
2	Overtime Labor	299 hours	\$183 / HR	\$54,717.00	\$183 / HR	\$54,717.00	\$183 / HR	\$54,717.00	\$183 / HR	\$54,717.00	\$122 / HR	\$54,717.00
3	Mob			\$25,376.00		\$25,376.00		\$25,376.00		\$25,376.00		\$25,376.00
4	Demob			\$19,032.00		\$19,032.00		\$19,032.00		\$19,032.00		\$19,032.00
5	Percentage Markup For Parts / Materials Above Cost		25%		25%		25%		25%		25%	
UNIT PRICE PER NON-COLD IRON OUTAGE												
Line #	Description	Estimated Hours, More Or Less, That Could Be Incurred for A Single Non-Cold Iron Outage	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	Straight Time	80 hours,	\$122 / HR	\$9,760.00	\$122 / HR	\$9,760.00	\$122 / HR	\$9,760.00	\$122 / HR	\$9,760.00	\$122 / HR	\$9,760.00
2	Overtime Labor	40 hours,	\$183 / HR	\$7,320.00	\$183 / HR	\$7,320.00	\$183 / HR	\$7,320.00	\$183 / HR	\$7,320.00	\$183 / HR	\$7,320.00
3	Mob			\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00
4	Demob			\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00		\$3,810.00
5	Percentage Markup For Parts / Materials Above Cost		25%		25%		25%		25%		25%	



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2019-0958
Renews #	
Cross Ref #	
Project #	
Bid #	PW ITB 5096-19
Requisition #	CR 25563

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	DAVID PAINE 625-6878
Contact E-Mail	DPAINE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 BOILER BLAST CLEANING SERVICES AT THE WTE

Agenda Wording
 Contract renewal 4 of 4 with Online Cleaning Services (Marysville, CA) for boiler blast cleaning services from Jan 1, 2024 through Dec 31, 2024 with an annual cost not to exceed \$345,000.00 plus tax.

Summary (Background)
 Prior to maintenance outages, precision blasting with explosives is done in the boilers to facilitate more efficient cleaning and repairs. Online Cleaning Services was the only respondent to PW ITB 5096-19 for this service. The initial contract award was for one year with the option of four (4) additional one year renewals. This will be the last renewal.

Lease? NO	Grant related? NO	Public Works? YES
Fiscal Impact		Budget Account
Expense	\$ 345,000.00	# 4490-44100-37148-54803-34002
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	AVERYT, CHRIS	Study Session\Other	PIES 10/23/23
Division Director	FEIST, MARLENE	Council Sponsor	CP Kinnear, CM Bingle
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	HARRINGTON, MARGARET	mdorgan@spokanecity.org	
For the Mayor	JONES, GARRETT	jsalstrom@spokanecity.org	
Additional Approvals		tprince@spokanecity.org	
Purchasing	PRINCE, THEA	rrinderle@spokanecity.org	
		DocuSign: Kim Ontiveros, Office Manager, admin@onlinecleaningservices.com	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	David Paine
Contact Email & Phone	dpaine@spokanecity.org , 625-6878
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Contract renewal for boiler blasting services at the WTE
Summary (Background)	<p>Prior to maintenance outages, precision blasting with explosives is done in the boilers to facilitate more efficient cleaning and repairs.</p> <p>*use the Fiscal Impact box below for relevant financial information</p> <p>On September 30, 2019 bidding closed to PW ITB 5096-19 for these services and Online Cleaning Services of Marysville, CA was the only response received. The initial contract was from January 1, 2020 through December 31, 2020 with the option of four (4) additional one-year extensions. This will be the final renewal beginning on January 1, 2024 and ending on December 31, 2024 with an anticipated annual cost not to exceed \$345,000.00 excluding tax.</p>
Proposed Council Action	Approval of contract renewal
Fiscal Impact	
Total Cost: <u>\$345,000.00 plus tax</u>	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Specify funding source: 2024 SWD Budget	
Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
The work is required to maintain the Facility's ability to generate low-cost power supplied to the grid. Low-cost power is imperative to curbing the rise in cost of electricity.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	
The contractor is governed by WA L&I.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	
The COS Procurement Policies regulate and safeguard this process.	

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work supports the continued safe operation the Facility. The expenditure is supportive of the Sustainable Action Plan and the Capital Improvement Program.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/10/23 **Type of expenditure:** Goods Services

Department: Solid Waste Disposal

Approving Supervisor: David Paine

Amount of Proposed Expenditure: \$345,000.00

Is this against a master agreement? If yes, please provide the number:

Funding Source 2024 SWD Budget 449-44100-37148-54803-34002

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

Prior to maintenance outages, blasting with explosives is done in the boilers to facilitate more efficient cleaning and repairs.

What are the impacts if expenses are deferred?

Without scheduled maintenance at the facility, unplanned outages will occur and will result in costly repairs and a loss in electrical revenues.

What alternative resources have been considered?

There are no known alternative resources.

Description of the goods or service and any additional information?

This is for the last of four (4) one-year renewals of OPR 2019-0958 with Online Cleaning Services for blasting services at the Waste to Energy Facility. It would commence on January 1, 2024 and run through December 31, 2024. It is an annual reoccurring expenditure that was budgeted for in 2024.

Person Submitting Form/Contact: Michelle Dorgan X6555

Division Director:

Marlene Feist

CFO Signature:

Tonya Wallace

City Administrator Signature:

[Signature]

Additional Comments:












Expenditure Control-Online Cleaning 2024

Final Audit Report

2023-10-16

Created:	2023-10-10
By:	Michelle Dorgan (mdorgan@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAxAxHiQJIPneMQTyj-Dt_yjjO0lvuKIPS6X

"Expenditure Control-Online Cleaning 2024" History

-  Document created by Michelle Dorgan (mdorgan@spokanecity.org)
2023-10-10 - 10:21:20 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-10 - 10:22:26 PM GMT
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-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
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2023-10-10 - 11:17:43 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
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Signature Date: 2023-10-16 - 9:13:23 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-16 - 9:13:23 PM GMT



City of Spokane
CONTRACT RENEWAL
4 OF 4
Title: BOILER BLAST
CLEANING SERVICES

This Contract Renewal is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **ONLINE CLEANING SERVICES, LLC** whose address is 2689 Highway 20, Marysville, CA 95901 as (“Contractor”), individually hereafter referenced as a “party”, and together as the “parties”.

WHEREAS, the parties entered into a Contract wherein the Contractor agreed to provide the BOILER BLASTING CLEANING SERVICES for the City; and

WHEREAS, the original Contract provided for four (4) one (1) year renewals, with this being the final of those renewals; and

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

1. CONTRACT DOCUMENTS.

The original Contract, dated December 23, 2019 and January 10, 2020, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Renewal shall become effective on January 1, 2024 and shall run through December 31, 2024.

3. COMPENSATION.

The City shall pay an estimated maximum annual cost not to exceed **THREE HUNDRED FORTY-FIVE THOUSAND AND 00/100 DOLLARS (\$345,000.00)**, plus applicable sales tax, for everything furnished and done under this Contract Renewal. This is the maximum amount to be paid under this Renewal, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Renewal document.

4. DEBARMENT AND SUSPENSION.

The Contractor has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

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

ONLINE CLEANING SERVICES, LLC

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

Attachment A – Certification Regarding Debarment

**ATTACHMENT 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 style="border: none; border-top: 1px solid black;"/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr style="border: none; border-top: 1px solid black;"/> Program Title (Type or Print)
<hr style="border: none; border-top: 1px solid black;"/> Name of Certifying Official (Type or Print)	<hr style="border: none; border-top: 1px solid black;"/> Signature
<hr style="border: none; border-top: 1px solid black;"/> Title of Certifying Official (Type or Print)	<hr style="border: none; border-top: 1px solid black;"/> Date (Type or Print)



CITY OF SPOKANE - WTEF
 2900 S GEIGER BLVD
 Spokane, WA 99224-5400
 Phone 509 625 6527

4th OPTION RENEWAL PRICING
 1/1/2024 THOROUGH 12/31/2024

OPR 2019-0958 PRICING

Boiler Blast Cleaning Services At The WTE

4th Renewal

Cold Iron Blasting Service Requirement:

	Unit Price	Extended Price	Overall Extended
FIRST BOILER:			
1. Labor Cost On-line/Off-line Blast Cleaning			
(Estimated 1.5 Shifts of 12 hrs On-line Cleaning; 4 number of people)			
(Estimated 1 Shifts of 6 hrs Off-line Cleaning; 4 number of people)			
Hrly Rates \$ 500 Total Estimated # Hours 24	Total Labor		
	\$12,000.00		
2. Bill of Material On-line Plus Cost	\$6,960.00		
3. Bill of Material Off-line Plus Cost	\$972.00		
4. Mob and Demob	\$3,800.00		
5. Per Diem Total	\$2,400.00		
6. Applicable Sales Tax - 9%	\$2,351.88		
EXTENDED TOTAL FOR FIRST BOILER		\$28,483.88	
SECOND BOILER:			
1. Labor Cost On-line/Off-line Blast Cleaning			
(Estimated 1.5 Shifts of 12 hrs On-line Cleaning; 4 number of people)			
(Estimated 1 Shifts of 6 hrs Off-line Cleaning; 4 number of people)			
Hrly Rates \$ 500 Total Estimated # Hours 24	Total Labor		
	\$12,000.00		
2. Bill of Material On-line Plus Cost	\$6,960.00		
3. Bill of Material Off-line Plus Cost	\$972.00		
4. Mob and Demob	\$3,800.00		
5. Per Diem Total	\$2,400.00		
6. Applicable Sales Tax - 9%	\$2,351.88		
EXTENDED TOTAL FOR SECOND BOILER		\$28,483.88	
OVERALL EXTENDED TOTAL COST COLD IRON BLASTING:			\$56,967.76

Non-Cold Iron Requirements: (Both Boilers)

	Unit Price	Extended Price	Overall Extended
1. Labor Cost On-line Blast Cleaning Both Boilers/Off-line Blast Cleaning One Boiler			
(Estimated 3 Shifts of 12 hrs On-line Cleaning; 4 number of people)			
(Estimated 1 Shifts of 6 hrs Off-line Cleaning; 4 number of people)			
Hrly Rates \$ 500 Total Estimated # Hours 42	Total Labor		
	\$21,000.00		
2. Bill of Material On-line Plus Cost	\$13,920.00		
3. Bill of Material Off-line Plus Cost	\$972.00		
4. Mob and Demob	\$3,800.00		
5. Per Diem Total	\$3,200.00		
6. Applicable Sales Tax - 9%	\$3,860.28		
EXTENDED TOTAL FOR FIRST BOILER		\$46,752.28	
2. Labor Cost Off-line Blast Cleaning Other Boiler			
(Estimated 1 Shifts of 6 hrs Off-line Cleaning; 4 number of people)			
Hrly Rates \$ 500 Total Estimated # Hours 6	Total Labor		
	\$3,000.00		
2. Bill of Material On-line Plus Cost	n/a		
3. Bill of Material Off-line Plus Cost	\$972.00		
4. Mob and Demob	\$3,800.00		
5. Per Diem Total	\$1,600.00		
6. Applicable Sales Tax - 9%	\$843.48		
EXTENDED TOTAL FOR OTHER BOILER		\$10,215.48	
OVERALL EXTENDED TOTAL COST NON-COLD (Both Boilers)			\$56,967.76

Non-Cold Iron Requirements: (Single Boiler)

	Unit Price	Extended Price	Overall Extended
1. Labor Cost On-line Blast Cleaning/Off-line Blast Cleaning One Boiler			
SINGLE BOILER:			
(Estimated 1.5 Shifts of 12 hrs On-line Cleaning; 4 number of people)			
(Estimated 1 Shifts of 6 hrs Off-line Cleaning; 4 number of people)			
Hrly Rates \$ 500 Total Estimated # Hours 24	Total Labor		
	\$10,800.00		
2. Bill of Material On-line Plus Cost	\$7,010.00		
3. Bill of Material Off-line Plus Cost	\$972.00		
4. Mob and Demob	\$3,800.00		
5. Per Diem Total	\$2,400.00		
6. Applicable Sales Tax - 9%	\$2,248.38		
OVERALL EXTENDED TOTAL COST FOR NON-COLD IRON REQUIREMENTS (Single Boiler)			\$27,230.38

Intermediate On-line Blast Cleaning Both Boilers Non Cold Iron Requirement:		Unit Price	Extended Price	Overall Extended
1. Labor Cost On-line Blast Cleaning Both Boilers				
(Estimated <u>3</u> Shifts of <u>12</u> hrs On-line Cleaning; <u>4</u> number of people)				
Hrly Rates \$ <u>500</u> Total Estimated # Hours <u>36</u> Total Labor		\$18,000.00		
2. Bill of Material On-line Plus Cost		\$13,920.00		
3. Mob and Demob		\$3,800.00		
4. Per Diem Total		\$2,400.00		
5. Applicable Sales Tax - 9%		\$3,430.80		
OVERALL EXTENDED TOTAL COST INTERMEDIATE ON-LINE BLAST CLEANING BOTH BOILERS NON COLD IRON				\$41,550.80
Expeller Dropchute/Fire Box Off-line Blast Cleaning Requirement Affected Boiler:		Unit Price	Extended Price	Overall Extended
1. Labor Cost				
(Estimated <u>1</u> Shifts of <u>8</u> hrs Online Cleaning; <u>2</u> number of people)				
Hrly Rates \$ <u>420</u> Total Estimated # Hours <u>8</u> Total Labor		\$3,360.00		
2. Bill of Material Online Plus Cost		\$2,320.00		
3. Mob and Demob		\$2,100.00		
4. Per Diem Total		\$800.00		
5. Applicable Sales Tax -9%		\$772.20		
6. Estimated response time to WTE with required blasting supplies: <u>6 - 12 hours</u>				
OVERALL EXTENDED COST EXPELLER DROPCHUTE OFF-LINE BLAST CLEANING REQUIREMENT AFFECTED BOLIER:				\$9,352.20
Online Cleaning Services LLC, 2689 Hwy 20, Marysville, CA 95901 Mr. Rudy Steur rsteur@onlinecleaningservices.com / (250) 486 4966-cell / (530) 741-0873-office		Name	Rudolf Steur	
		Signature	Rudolf Steur	
		Date	10/4/2023	

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1119
Renews #	

Submitting Dept	SOLID WASTE COLLECTION	Cross Ref #	
Contact Name/Phone	CHRIS AVERYT 625-6540	Project #	RFQ 5977-23
Contact E-Mail	CAVERYT@SPOKANECITY.ORG	Bid #	RFQ 5977-23
Agenda Item Type	Purchase w/o Contract	Requisition #	PO 202535
Agenda Item Name	4500 PURCHASE OF HIGH PERFORMANCE WHEELED FIRE EXTINGUISHERS & COVERS		

Agenda Wording

Purchase of eight (8) high performance wheeled fire extinguishers and heavy-duty outdoor covers from PS Operating Company, LLC, d/b/a QC Supply (Schuyler, NE) - \$55,567.04, plus applicable tax.

Summary (Background)

In July 2023, a solid waste truck caught fire at SCSC in the truck parking area adjacent to the CNG Station and Fleet Garage. After the incident, it was decided that there was a need for larger fire extinguishers with a suppression agent more effective on Class B and C fires. RFQ 5977-23 was issued for eight (8) high performance 125 lb. wheeled fire extinguishers with Purple K suppression agent and covers. Nine responses were received; QC Supply was deemed the lowest cost responsive bidder.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 60,568.07

Select \$

Select \$

Select \$

Budget Account

4500-44200-37148-56401-99999

#

#

#

Approvals**Dept Head** AVERYT, CHRIS**Division Director** FEIST, MARLENE**Finance** ALBIN-MOORE, ANGELA**Legal** HARRINGTON, MARGARET**For the Mayor** JONES, GARRETT**Additional Approvals****Purchasing** PRINCE, THEA**Council Notifications****Study Session\Other** PIES 10.23.2023**Council Sponsor** CP Kinnear**Distribution List**

caveryt@spokanecity.org

rschoonover@spokanecity.org

jsalstrom@spokanecity.org

rhughes@spokanecity.org

rrinderle@spokanecity.org

dcuesta@qcsupply.com

Tax & Licenses

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	4500 – Solid Waste Collection
Contact Name	Chris Averyt
Contact Email & Phone	caveryt@spokanecity.org , 509.625.6540
Council Sponsor(s)	CP Kinnear
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Purchase of Eight (8) High Performance Wheeled Fire Extinguishers & Covers
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>On July 14, 2023, a solid waste truck caught fire in the truck parking area on the west side of the Spokane Central Service Center building. This area includes the CNG fueling station and is near the Fleet Garage. Fortunately, there were no injuries, but the truck was a complete loss.</p> <p>For additional safety and to prevent a catastrophic loss of equipment in the future, it was determined that the parking area needs larger, wheeled, high performance fire extinguishers. RFQ 5977-23 was issued for eight (8) wheeled 125 lb extinguishers with Purple K dry chemical extinguishing agent and outdoor covers. Nine bids were received; QC Supply was deemed the lowest cost responsive bidder.</p> <p>Purple K is considered to be 2x more effective than sodium bicarbonate and 4-5x more effective than carbon dioxide-based suppressants. It suppresses Class B and C fires and is often used at oil refineries, service stations, power plants, and other places where large volumes of flammable liquids are used.</p> <p>These fire extinguishers have a twelve (12) year warranty.</p>
Proposed Council Action	Approve Purchase
<p>Fiscal Impact Total Cost: <u>\$55,567.04, plus applicable tax</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Solid Waste Capital Equipment Budget</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.) The additional fire extinguishers will be included in the department’s annual fire extinguisher maintenance every October.</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
N/A – this will not impact historically excluded communities.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A – data will not be collected.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The department will review industry improvements to fire extinguisher equipment and suppression agents available prior to future bids. Costs, not covered by the warranty, will be monitored.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

CFU 1.2 Operational Efficiency & SMC 13.02.0200 Universal Service by the City – This purchase will protect solid waste vehicles, equipment, and employees. The department would be unable to provide efficient and essential service without enough vehicles or staffing.



CITY OF SPOKANE
 Nelson Center
 Purchasing
 PHONE 509 625 6527

RFQ 5977-23 Wheeled Fire Extinguisher, High Performance 125 Lb. Purple K Dry Chemical Full Charged. Qty 8 with Covers.

Annual Estimated quantities are for the purpose of comparing bids on a uniform basis. Payment will be made only for quantities actually ordered, delivered and accepted, whether greater or less than the stated amounts.

VENDOR		Grainger (Omnia 192163)		ConServ		Fire Protection Specialists		QC Supply		YPG Trading Corp		A&D Fire / Hill		Revelae Group LLC		Performance Systems Integrated LLC		Mallory Safety & Supply	
Item	Qty	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price	Unit price	Extended Price
Wheeled Fire Extinguisher, High Performance 125 Lb. Purple K Dry Chemical Full Charged meeting stated spec's. Unit Pricing Should Not Include Tax. Supplier is responsible for standard ground Freight/Shipping Cost.	8	\$3763.79 (quote 48510080) would need to be standalone order	\$30,110.32	\$3,789.00	\$30,312	7,300	58,400	\$6,818.20	\$54,545.60	\$7,125.00	\$7,000	\$8,636.00	\$69,088	\$7,440.00	\$59,520	\$10,795.48	\$86,364	\$7,068.78	\$56,550
Heavy Duty 125# Wheeled Unit Cover meeting stated spec's. Unit Pricing Should Not Include Tax. Supplier is responsible for standard ground Freight/Shipping Cost.	8	\$296.53 (quote 2055524385) would need to be standalone order.	\$2,372.24	\$200.00	\$1,600	400	3,200	\$127.68	\$1,021.44	\$63.25	506	\$315.00	\$2,520	\$150.00	\$1,200	\$198.72	\$1,590	No Bid	No Bid
	Freight	\$12.50	\$12.50																
Subtotal		\$32,495.06		\$31,912.00		\$61,600.00		\$55,567.04		\$57,506.00		\$71,608.00		\$60,720.00		\$87,953.60		\$56,550.24	
Tax 9%		\$2,924.56		\$2,872.08		\$5,544.00		\$5,001.03		\$5,175.54		\$6,444.72		\$5,464.80		\$7,915.82		\$5,089.52	
Extended Total		\$35,419.62		\$34,784.08		\$67,144.00		\$60,568.07		\$62,681.54		\$78,052.72		\$66,184.80		\$95,869.42		\$61,639.76	



Agenda Sheet for City Council Meeting of:
11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2014-0060
Renews #	
Cross Ref #	RES 2014-0131
Project #	
Bid #	
Requisition #	N/A

Submitting Dept	SOLID WASTE DISPOSAL
Contact Name/Phone	CHRIS AVERYT 625-6540
Contact E-Mail	CAVERYT@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4490 CITY/COUNTY DISPOSAL INTERLOCAL AGREEMENT AMENDMENT NO. 4

Agenda Wording
Amendment No. 4 to the Interlocal Agreement (ILA) between the City of Spokane and Spokane County for transfer and disposal services at the City's Waste to Energy Facility (WTE).

Summary (Background)
In 2017, the term of the ILA was amended to five (5) years, with five (5) one-year extensions that will renew automatically on September 1st each year. This amendment extends the term to November 17, 2024 to align with the transfer station's operations contract and also includes an increase of the County's disposal rate from \$57.07/ton to \$65.00/ton, as well as the addition of Waste Management as the bypass services provider with associated pricing.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Revenue	\$ \$7,800,000.00 (bypass & WTE tons)	# 4490-44110-37052-34379
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	AVERYT, CHRIS	Study Session\Other	PIES 10/23/23
Division Director	FEIST, MARLENE	Council Sponsor	CP Kinnear, CM Bingle
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	SCHOEDEL, ELIZABETH	mdorgan@spokanecity.org	
For the Mayor	JONES, GARRETT	jsalstrom@spokanecity.org	
Additional Approvals		tprince@spokanecity.org	
Purchasing		caveryt@spokanecity.org	
		eschoedel@spokanecity.org	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Solid Waste Disposal
Contact Name	Chris Averyt
Contact Email & Phone	caveryt@spokanecity.org , 509-625-6540
Council Sponsor(s)	CP Kinnear, CM Bingle
Committee Date	October 23, 2024
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Amendment #4 to the Disposal Interlocal Agreement between the City of Spokane and Spokane County.
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>In 2014, under Resolution No. 14-0131 and OPR 2014-0060, an Interlocal Agreement (ILA) outlining the transfer and disposal of solid waste between the City and County was finalized. The ILA laid the foundation for a smooth transition of the management of the Regional Solid Waste System from the City to the County, effective November 17, 2014. The City and County have worked together very effectively under the terms of that ILA, providing reliable solid waste transfer and disposal services to all the member jurisdictions of the Regional Solid Waste System.</p> <p>In 2017, the ILA was amended to adjust the disposal rate for the County, eliminate the termination clause and amend the term to five years with five 1-year extension options that will renew automatically on September 1st each year. The first 1-year extension began automatically on September 1, 2023.</p> <p>The provisions of this ILA amendment/extension include:</p> <ul style="list-style-type: none"> • An increase of the County's disposal rate from \$57.07/ton to \$65.00/ton • Extension of the term to November 17, 2024 to align with the transfer stations operations contract.. • The addition of Waste Management as the bypass services provider and associated pricing.
Proposed Council Action	Council approval of Amendment #4 to the ILA
Fiscal Impact Total Cost: <u>Anticipated annual revenue of \$7,800,000.00 for both bypass and WTE tons</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Click or tap here to enter text. Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.) Revenue generating	
Operations Impacts (If N/A, please give a brief description as to why)	

What impacts would the proposal have on historically excluded communities?

This proposal would ensure approved and permitted disposal of solid waste so that historically excluded communities are not impacted by a lack of services.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A- The City and County Solid Waste System do not have access to this type of customer data in relation to solid waste.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Waste volumes and associated revenues are closely monitored on a monthly basis which allows the City and County staff to collaborate effectively and streamline procedures for weighing and tracking loads from the two County Transfer Stations. Also, the coordination of special services related to educational programs and promotion of waste reduction, recycling and composting have shown highly effective outcomes through this type of collaboration.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This ILA amendment aligns with the Comprehensive Solid Waste Management Plan, which is a requirement under RCW 70A.205.040. The purpose of the requirement is to plan for solid waste and materials reduction, collection, handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. This ILA formally establishes that relationship and other provisions of the plan between the City and County.



City of Spokane
**INTERLOCAL AGREEMENT FOR SOLID
WASTE AMENDMENT #4 & EXTENSION**

THIS INTERLOCAL AGREEMENT AMENDMENT #4 / EXTENSION is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City," and SPOKANE COUNTY, a political subdivision of the State of Washington, "County", whose address for the transaction of business is 1116 West Broadway Avenue, Spokane, Washington 99260. Together referenced as the "Parties".

WHEREAS, the Parties entered into an Interlocal Agreement Between the City of Spokane and Spokane County Regarding Transfer and Disposal of Solid Waste, (Agreement) on February 19, 2014 and subsequently amended on January 21, 2015 to provide an early buy out for the purchase of the Transfer Stations, on June 22, 2015 to provide for all by-pass waste delivered to the Waste-To-Energy Facility under current contract, and August 15, 2017 to provide an extension to the term of the agreement, update disposal rates and the termination clause; and

WHEREAS, the Parties agree to amend the Interlocal Agreement to reflect a change in the County Disposal Rate for solid waste and by-pass waste, amend the underlying contract to reflect the additional terms required as a result of a new by-pass waste contract with Waste Management, amend to add additional negotiated terms as contained in Attachments C and D, and extend the Interlocal Agreement to November 16, 2024; and

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

A. CONTRACT DOCUMENTS.

The Interlocal Agreement, dated February 19, 2014, any previous amendments, addenda and / or extensions / renewals thereto (collectively, "Agreement"), are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

B. EFFECTIVE DATE / EXTENSION.

This Interlocal Agreement Amendment / Extension shall become effective when fully executed and shall end November 17, 2024. Section 3 of the Agreement is hereby deleted.

C. AMENDMENT.

A. *Section 4H* of the Agreement is hereby amended to read as follows:

H. County Disposal Rate:

Solid Waste Delivered to WTE: For the period of this extension, the County shall pay to the City **SIXTY-FIVE AND NO/100 DOLLARS (\$65.00)** per ton for each ton of solid waste delivered from the Transfer Stations to the Waste to Energy Facility by the County.

By-pass Waste Delivered to Waste Management: For the period of this extension, the County shall pay to the City **FIFTY-EIGHT AND 95/100 DOLLARS (\$58.95)** per ton for each ton of By-pass solid waste delivered by the County to Waste Management from the Transfer Stations.

B. Section 4M of the Agreement is hereby amended to read as follows:

M. Non-processible Waste:

The CITY shall be responsible for identifying and disposing of any non-processible waste delivered to the Waste to Energy Facility. The CITY and the COUNTY further agree, that upon request of the CITY during times when the Waste to Energy Facility is unavailable to process waste, the COUNTY agrees to load waste (by-pass) from one or both County Transfer Stations into containers and deliver directly to a mutually agreed upon location for further transport and disposal at a landfill.

Replacement or Repair of Containers for By-pass Transportation. The COUNTY and its subcontractors, shall be liable for the repair or replacement of Containers/Trailers and Vehicles to the extent such is necessary because of the negligence of the COUNTY or County's Transfer Stations contracted operator, including but not limited to, overloading or improper loading of Equipment. If damage occurs to the equipment, the disposal provider for By-pass Waste will document the damage and send such documentation to the responsible Party. Once repairs are completed, disposal provider for By-pass Waste will invoice the responsible Party directly for reimbursement.

If a container or trailer is delivered by the COUNTY to the disposal provider for By-pass waste with external evidence (such as smoke or extreme heat) that the container or trailer might contain Unacceptable Waste, or might reasonably contain Unacceptable Waste and the disposal provider for By-pass waste takes steps it believes is necessary to protect its employees and the public from potential hazard, the COUNTY, or its subcontractors, is responsible for all costs and liability associated with managing Unacceptable Waste within the container.

"Unacceptable Waste" means Hazardous Waste and any waste, the acceptance and handling of which would cause a violation of any solid waste facility permits or applicable law.

C. Section 4D of the Agreement is hereby amended to read as follows:

D. County Flow Control:

The COUNTY shall maintain, and enforce within its jurisdiction, its Flow Control Ordinance for the duration of this Agreement, so long as the Flow Control Ordinance is legally enforceable. During the term of this Agreement, subject to the exceptions currently in effect contained in its Flow Control Ordinance and as otherwise provided in this Agreement, the COUNTY designates the Waste To Energy Facility to be the sole final disposal site for solid waste at all times the Facility is in operation. The COUNTY shall not, directly or indirectly, site or permit to be sited any solid waste disposal site other than the Waste To Energy Facility, and shall enforce the Flow Control Ordinance continuously; provided, however, that this requirement shall not apply to hazardous waste. The designation of the Waste To Energy Facility as the sole final disposal site for solid waste shall be made by the COUNTY concurrently with the effective date of this Agreement, but in no event later than November 17, 2014. This clause shall not apply to any municipality within Spokane County that does not execute an interlocal agreement with the COUNTY to participate in the County Regional Solid Waste System.

D. Section 4I of the Agreement is hereby amended to read as follows:

I. Billing:

The CITY shall bill the COUNTY monthly on or before the 20th of the month for the previous month.

The monthly bill shall be determined by multiplying the Solid Waste tonnage delivered by the COUNTY from the Transfer Stations to the Waste to Energy Facility by the applicable County Disposal rate, and multiplying the Solid Waste tonnage delivered by the COUNTY from the Transfer Stations to the by-pass waste receiving facility by the applicable County disposal rate.

The CITY shall be responsible for weighing Solid Waste as it enters the CITY's Waste To Energy Facility. The CITY can authorize weighing of the Solid Waste by the COUNTY as it leaves the COUNTY Transfer Stations inbound to the CITY's Waste To Energy Facility. The COUNTY shall provide to the CITY copies of the COUNTY's weigh tickets within 10 days for verification. The COUNTY shall weigh by-pass waste as it leaves the Transfer Stations. The CITY shall be responsible for receiving weigh tickets from the By-pass waste receiving facility for by-pass waste delivered from the COUNTY Transfer Stations. The PARTIES can mutually agree to other methods for weighing of the Solid Waste delivered to the Waste To Energy Facility or by-pass waste receiving facility by the COUNTY.

The COUNTY shall advise the CITY in writing within ten (10) business days of invoice receipt if it has any questions, needs further information, or disputes the bill. The COUNTY will reimburse the CITY for the monthly billing within sixty (60) calendar days of invoice receipt for all portions of the bill which are not disputed. Any dispute between the PARTIES as to any billing shall be resolved pursuant to the Dispute Resolution Section. If a billing not subject to dispute is outstanding for more than three (3) months, it shall, at the sole discretion of the CITY, accrue interest at the current local government investment pool rate until paid.

E. Additional Agreed Terms:

By-pass Waste. The COUNTY shall be responsible for (i) loading By-pass Waste at the Transfer Stations into Containers provided by the disposal provider for By-pass Waste in compliance with all Applicable Laws and other Contract Standards, including but not limited to U.S. Department of Transportation requirements; (ii) transportation and delivery of loaded Containers of By-pass Waste from the Transfer Stations to the Receiving Facility; and (iii) transportation and delivery of empty Equipment from the Receiving Facility to the Transfer Stations.

Title. Title to and liability for Unacceptable Waste shall remain with the COUNTY at all times. If the COUNTY through the Transfer Stations delivers Unacceptable Waste to the disposal provider for By-pass waste or the Waste to Energy Facility, the Unacceptable Waste may be returned to the Transfer Stations or the COUNTY may be required to remove and dispose of the Unacceptable Waste at the COUNTY's expense. The County shall indemnify, hold harmless and pay or reimburse the CITY for any and all costs, liabilities, damages and/or fines incurred as a result of or relating to the tender or delivery of Unacceptable Waste to the disposal provider for By-pass waste or other failure to comply or conform to this Contract, including costs of inspection, testing and analysis. Title to Contract Waste shall pass to the upon acceptance at the Disposal Site.

F. The Agreement is further amended to include the following attachments, C & D:

Exhibit C – Special terms and conditions with respect to City’s selection of option under RCW 70A.205.040(4) in conjunction with comprehensive solid waste management plan update; and

Exhibit D – Special terms and conditions with respect to Parties’ obligations with regard to the County Regional Solid Waste System.

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.

PASSED AND ADOPTED this _____ day of _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON**

Attest:

MARY L. KUNEY, CHAIR

Ginna Vasquez
Clerk of the Board

JOSH KERNS, VICE-CHAIR

AL FRENCH, COMMISSIONER

AMBER WALDREF, COMMISSIONER

CHRIS JORDAN, COMMISSIONER

Approved as to form:

Deputy Civil Prosecuting Attorney

CITY OF SPOKANE

Attest:

By _____
Signature Date

City Clerk

Type or Print Name

Approved as to form:

Title

Assistant City Attorney

Attachments that are part of this Agreement:

Exhibit C and Exhibit D – as stated in Section 3.

U2023-048d

EXHIBIT "C"

**SPECIAL TERMS AND CONDITIONS WITH RESPECT TO CITY'S SELECTION OF
OPTION UNDER RCW 70A.205.040(4) IN CONJUNCTION WITH COMPREHENSIVE SOLID
WASTE MANAGEMENT PLAN UPDATE**

**B.1: CITY'S SELECTION OF OPTION UNDER RCW 70A.205.040(4) IN CONJUNCTION WITH
COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN**

The CITY hereby selects the following option as provided for in RCW 70A.205.040(4)(c) in conjunction with its solid waste management, namely:

Authorize the COUNTY to prepare a plan for the CITY's solid waste management for inclusion in the Comprehensive Solid Waste Manage Plan.

With regard to this option, the CITY:

- a. Authorizes the COUNTY to prepare a plan for the CITY's solid waste management as well as any amendments, revisions or updates thereto for inclusion in the SCCSWMP consistent with chapter RCW 70A.205 applicable WAC regulations and Guidelines for Development of Local Comprehensive Solid Waste Management Plan and Plan Revisions (February 2010- Publication No. 10-07-005),
- b. Agrees to provide information to the COUNTY in conjunction with the preparation of the draft SCCSWMP or any amendments, revisions or updates thereto,
- c. Agrees to provide timely comments on any draft SCCSWMP or any amendments, revisions or updates thereto,
- d. Agrees to timely adopt the draft SCCSWMP or any amendments, revisions or updates thereto and in writing notify the COUNTY,
- e. Authorizes the COUNTY to submit the draft SCCSWMP or any amendments, revisions or updates thereto on behalf of the CITY and COUNTY to Washington State Department of Ecology ("WDOE") for its approval under RCW 70A.205.055, and
- f. Agrees that when the SCCSWMP or any amendment, revisions or update thereto is finally adopted by WDOE it shall be binding upon the CITY in its solid waste management.

With regard to this option, the COUNTY:

- a. Shall prepare a plan for the CITY's solid waste management as well as any amendments, revisions or updates thereto for inclusion in the SCCSWMP consistent with chapter 70A.205 RCW, applicable WAC regulations and Guidelines for Development of Local Comprehensive Solid Waste Management Plan and Plan Revisions (February 2012- Publication No. 10-07-005),

- b. Shall submit the draft SCCSWMP or any amendments, revisions or updates thereto to the Solid Waste Advisory Committee for its review and comments,
- c. Shall submit the draft SCCSWMP or any amendments, revisions or updates thereto on behalf of the CITY and COUNTY to WDOE for its approval under RCW 70A.205.055, and
- d. Shall pay for all costs of preparing the SCCSWMP or any amendments, revisions or updates thereto.

The COUNTY will seek financial aid from WDOE for preparing the SCCSWMP or any amendments, revisions or updates thereto as provided for in RCW 70A.205.080. Provided, however, the PARTIES agree that any moneys expended by the COUNTY in preparing the SCCSWMP or any amendments, revisions or updates thereto in excess of WDOE financial aid, at the sole option of the COUNTY, shall be included in establishing any "gate fee" to be charged to individuals disposing of solid waste at COUNTY owned transfer stations and ultimately reimbursed to the COUNTY. The COUNTY shall maintain records of any all costs incurred in preparing the SCCSWMP or any amendments, revisions or updates thereto.

(This space intentionally left blank.)

EXHIBIT "D"

SPECIAL TERMS AND CONDITIONS WITH RESPECT TO PARTIES' OBLIGATIONS WITH REGARD TO THE COUNTY REGIONAL SOLID WASTE SYSTEM

C. 1: CITY'S OBLIGATION WITH REGARD TO THE COUNTY REGIONAL SOLID WASTE SYSTEM

The CITY joins the County Regional Solid Waste System. The CITY hereby covenants, agrees and contracts to exercise its police and contractual powers and authority as may now or hereafter be recognized in contract or at law to direct the deposit of Solid Waste generated within its geographical boundaries to the County Regional Solid Waste System. In conjunction with this obligation, the CITY will adopt and enforce the COUNTY's Flow Control Ordinance within its jurisdiction. During the term of this Agreement, subject to the exceptions currently in effect contained in the Flow Control Ordinance, the CITY (i) shall designate the County Regional Solid Waste System as its sole disposal site at all times, and (ii) shall enforce the Flow Control Ordinance continuously. In executing this Agreement, the CITY is designating the County Regional Solid Waste System as its sole disposal site at all times as required by the preceding sentence.

C. 2: COUNTY'S OBLIGATIONS WITH REGARD TO THE COUNTY REGIONAL SOLID WASTE SYSTEM

The COUNTY shall own, maintain and operate the County Regional Solid Waste System. The COUNTY shall additionally establish and maintain an enterprise fund for the County Regional Solid Waste System. All revenues, expenditures, liabilities, and assets, including Transfer Stations, belonging to the Regional Solid Waste System will be accounted for in the enterprise fund in compliance with Generally Accepted Accounting Principles. In the unlikely event that the County Regional Solid Waste System is ever dissolved, all assets within the enterprise fund will be transferred to the Landfill Closure Fund and used to mitigate landfill closure liabilities and expenses.

The COUNTY shall establish and set the gate fee to be charged for the delivery of all solid waste to the Transfer Stations. The City of Spokane shall establish and set the gate fee to be charged for the delivery of all solid waste to the WTE. The Transfer Stations gate fee may include a component to address the cost of closure, postclosure and cleanup of pre-existing landfills. For the purpose of this section, the terminology pre-existing landfills shall mean COUNTY owned Solid Waste disposal sites that have been closed and includes Colbert Landfill, Greenacres Landfill, Mica Landfill, as well as the County owned portion of the Old Marshall Landfill.

The COUNTY shall establish and maintain a Solid Waste Advisory Committee as provided for in RCW 70A.205.110. The SWAC and its composition/membership will be established by the Board of County Commissioners. Each Signatory Regional City/Town shall have representation on the SWAC during the term of its Agreement with the COUNTY.

The purpose of the SWAC shall be to create a forum for discussion between the COUNTY and the participating jurisdictions concerning the System and to create a body to which information concerning the System can be provided. The SWAC shall have no independent decision-making authority. The SWAC shall have the following responsibilities along with any additional responsibilities directed by the COUNTY:

- (1) assist in the development of programs and policies concerning solid waste handling and disposal,
- (2) review and comment upon proposed rules, policies, or ordinances prior to their adoption, and
- (3) review and make a recommendation to the COUNTY on the amount of the Gate Fee to be charged by the COUNTY for disposal of solid waste by customers at the Transfer Stations. In conjunction with making any recommendation on the Gate Fee, the SWAC shall include at least the following cost factors: (i) disposal costs; (ii) the acquisition costs of the Transfer Stations; (iii) operating and debt service reserves; (iv) debt service; (v) the operation and maintenance expenses of the Transfer Stations; (vi) Landfill Closure costs; and (vii) County Regional Solid Waste System Program costs, including but not limited to programs to educate and promote the concepts of waste reduction and recycling pursuant to RCW 70A.205.070, litter control programs, and moderate-risk waste management pursuant to chapter RCW 70A.300

The COUNTY shall provide a statement of County Regional Solid Waste System income and expenses to the SWAC for each fiscal year upon closure of the financial records or on such other periodic basis as necessary for the SWAC to make a recommendation on the amount of the Gate Fee. The COUNTY shall provide the SWAC with three (3) months advance notice of any proposed change in the Gate Fee. Failure of the SWAC to make a recommendation to the COUNTY on any change to the Gate Fee after notice shall not preclude the COUNTY from enacting any change to the Gate Fee.

C. 3: POTENTIAL FUTURE TRANSPORT AND DISPOSAL OPTIONS

During the term of this Agreement, the COUNTY plans to further investigate the cost-effectiveness of various alternatives for Solid Waste disposal.

C. 4: EVALUATION OF COMMUNITY CLEAN-UP PROGRAM

During the term of this Agreement, the COUNTY plans to investigate and evaluate the development of a "Community Clean-up Program" as a service provided under the Spokane County Regional Solid Waste System.

C. 5: PAYMENTS FROM THE CITY OF SPOKANE

Any payments received by the COUNTY from the City of Spokane pursuant to Section 4.J. ("Utility Taxes") of the City/County Agreement shall be shared proportionately, after the deduction of all appropriate and reasonable administrative costs, based upon the tons of solid waste delivered to the County Regional Solid Waste System from the COUNTY and the signatory regional cities.



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2007-0528
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FACILITIES MANAGEMENT
Contact Name/Phone	DAVE STEELE 625-6064
Contact E-Mail	DSTEELE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	5900 FACILITIES NORTHEAST COMM CENTER LEASE EXTENSION

Agenda Wording

The Facilities Department in partnership with the Northeast Community Center leadership, is forwarding a ground lease term extension that moves the expiration date to 2038, allowing NECC to secure DOC loans for the project.

Summary (Background)

To expand mental health care availability in Spokane's Hillyard community, the NECC has secured a partnership with the Department of Commerce and MultiCare Health Systems for the development and sublease of a new clinic on the NECC property. The clinic will be located in the former Hillyard Library building at the NECC. The amended lease between the City of Spokane and the NECC extends the lease expiration date from December 31, 2032 to December 31, 2038 to meet DOC loan document requirements.

Lease? YES Grant related? NO Public Works? NO

Fiscal Impact

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

Budget Account

#
#
#
#

Approvals

Dept Head	TEAL, JEFFREY
Division Director	WALLACE, TONYA
Finance	ORLOB, KIMBERLY
Legal	HARRINGTON, MARGARET

Council Notifications

Study Session\Other	10/16/2023
Council Sponsor	Stratton and Cathcart
Distribution List	korlob@spokanecity.org

For the Mayor

Additional Approvals

Purchasing	
ACCOUNTING - LEASE	BAIRD, CHRISTI

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	Facilities Department
Contact Name	Dave Steele
Contact Email & Phone	509-625-6064
Council Sponsor(s)	CM Stratton / Cathcart
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Northeast Community Center – Lease Term Extension
Summary (Background) *Use the Fiscal Impact box below for relevant financial information	<p>The Facilities Department in partnership with the Northeast Community Center leadership, is forwarding a ground lease term extension that moves the expiration date to 2038, allowing NECC to secure DOC loans for the project.</p> <p>In an effort to expand mental health care availability in the Spokane’s Hillyard community, the NECC has secured a partnership with the Department of Commerce and MultiCare Health Systems for the development and sublease of a new clinic on the NECC property. This clinic will be located in the former Hillyard Library building at the NECC.</p> <p>The document attached provides for:</p> <p>Amended property lease between the City and NECC to extend expiration date from December 31st of 2032 to December 31st of 2038. This meets the DOC loan document requirements.</p>
Proposed Council Action	Document approval
Fiscal Impact Total Expense: NA Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Varies Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.) Reduction of long term replacement costs by completing proper ongoing maintenance.	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

The Northeast community Center is a direct service provider for a wide variety of excluded and underserved populations, this extension allows for additional dollars to be secured allowing for sustained services at a high level.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The Northeast community Center is a direct service provider for a wide variety of excluded and underserved populations, this extension allows for additional dollars to be secured allowing for sustained services at a high level.

How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution?

The Northeast community Center is a direct service provider for a wide variety of excluded and underserved populations, this extension allows for additional dollars to be secured allowing for sustained services at a high level.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The Northeast community Center is a direct service provider for a wide variety of excluded and underserved populations, this extension allows for additional dollars to be secured allowing for sustained services at a high level.



City of Spokane

LEASE AGREEMENT AMENDMENT

THIS LEASE AGREEMENT AMENDMENT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City," and NORTHEAST COMMUNITY CENTER ASSOCIATION, whose address is c/o Northeast Community Center, 4001 North Cook Street, Spokane, Washington 99207, as "Association."

WHEREAS, the parties entered into a lease agreement for the Northeast Community Center Association to lease and manage the Northeast Community Center; and

WHEREAS, the lease term has been extended from time to time and was most recently extended through December 31, 2032; and

WHEREAS, the Association has applied a for loan with the Washington State Department of Commerce resulting in a Leasehold Deed of Trust that requires that there be at least a fifteen-year lease commitment between the City and the Association; and

NOW, THEREFORE, the parties agree as follows:

1. **DOCUMENTS**. The original lease dated June 22nd and June 26, 2007, and any previous amendments 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 amendment shall become effective upon signature of both parties.

3. **AMENDMENTS**.

Amendment No. 1: Section 2 of the lease agreement is amended to read as follows:

1. TERM. The Association shall have the use of the premises beginning January 1, 2008 through December 31, ((2032)) 2038, unless terminated earlier.

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 Lease Amendment by having legally-binding representatives affix their signatures below.

Dated: _____

NORTHEAST COMMUNITY CENTER
ASSOCIATION

By: _____
David Richardson
Title: Executive Director

Dated: _____

CITY OF SPOKANE

By: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

STATE OF WASHINGTON)
) ss.
County of Spokane)

I certify that I know or have satisfactory evidence that _____ and TERRI PFISTER, are the persons who appeared before me and said persons acknowledged that they signed this document, on oath stated that they were authorized to sign it and acknowledged it as the City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, a municipal corporation, to be the free and voluntary act of such party for the uses and purposes therein mentioned.

Dated: _____

Notary Public in and for the State of Washington
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

I certify that I know or have satisfactory evidence that David Richardson is/are the person(s) who appeared before me and said person(s) acknowledged that he/she/they signed this document, on oath stated that he/she/they were authorized to sign it and acknowledged it as the Executive Director of the NORTHEAST COMMUNITY CENTER ASSOCIATION, a Washington Non Profit- Corporation, to be the free and voluntary act of such party for the uses and purposes therein mentioned.

Dated: _____

Notary Public in and for the State of Washington
residing at _____
My appointment expires _____



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1120
Renews #	
Cross Ref #	
Project #	2022081
Bid #	
Requisition #	CR 25548

Submitting Dept	WATER & HYDROELECTRIC SERVICES
Contact Name/Phone	LOREN SEARL 625-7821
Contact E-Mail	LSEARL@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4100 – LOW BID AWARD – UPRIVER DAM SPILLWAY PH 3 – MAX J KUNEY CO

Agenda Wording

Low Bid of Max J. Kuney Co. of (Spokane, WA) for the Upriver Dam Spillway Rehabilitation Phase III in the amount of \$1,374,015.00 plus tax. An administrative reserve of \$137,401.50 plus tax, which is 10% of the contract, will be set aside.

Summary (Background)

On October 16, 2023 bids were opened for the above project. The low bid was from Max J. Kuney Co. in the amount of \$1,374,015.00, which is \$56,177.00 or 3.9% under the Engineer's Estimate; four other bids were received as follows: Talisman Construction Services, Inc. - \$1,415,349.00; Syblon Reid - \$1,598,161.00; Knight Construction and Supply, inc. - \$1,643,100.00; and J.F. Brennan Company - \$1,722,786.00.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Expense	\$ 1,374,015.00
Select	\$
Select	\$
Select	\$

Budget Account

#	4100-42490-94340-56501-11051
#	
#	
#	

Approvals

Dept Head	MCINTOSH, SETH
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 9/25
Council Sponsor	Kinnear

Distribution List

ddaniels@spokanecity.org
wateraccounting@spokanecity.org
eraea@spokanecity.org
kgoodman@spokanecity.org
jgraff@spokanecity.org
pyoung@spokanecity.org
dkuney@maxkuney.com

Additional Approvals

Purchasing	WAHL, CONNIE
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Committee Agenda Sheet

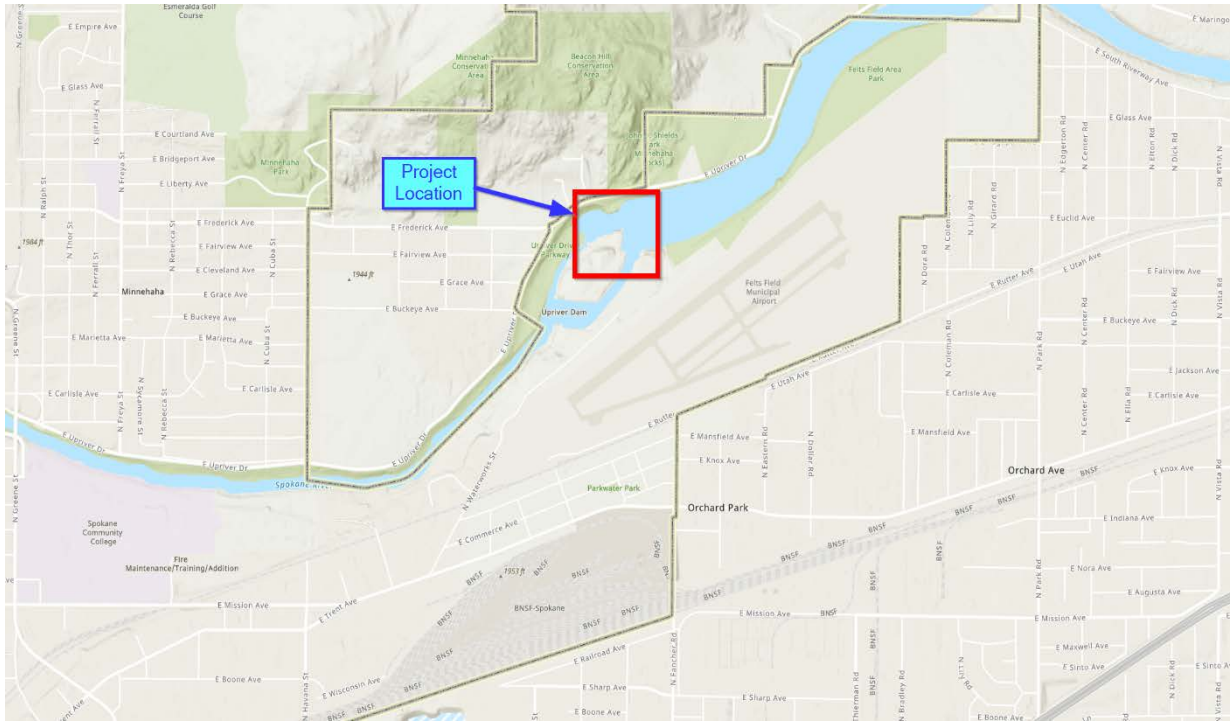
Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Water Department
Contact Name & Phone	David St Pierre 625-7811
Contact Email	dstpierre@spokanecity.org
Council Sponsor(s)	CP Lori Kinnear
Select Agenda Item Type	X Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	Upriver Dam Spillway Rehabilitation – Phase III
Summary (Background)	<ul style="list-style-type: none"> The project consists of the rehabilitation of the spillway concrete piers, repair of cracks on the piers and the abutment walls, demolition and replacement of pier extensions on the spillway hoist deck, repairs to the hoist deck concrete, installation of expansion joint seal assembly, inspection and cleaning of the horizontal drains, Tainter Gate No. 5 structural repairs, and other related miscellaneous items. The project will be advertised for bids in September or October with construction in 2024. Exhibits attached: Project location map(s).
Proposed Council Action	Approve engineer’s estimated budget for project advertisement.
Fiscal Impact: Total Cost: \$1,476,392.00 + tax & admin reserve. Approved in current year budget? X Yes <input type="checkbox"/> No N/A Funding Source X One-time <input type="checkbox"/> Recurring Specify funding source: CIP budget 4100-42490-94340-56501-11053. Expense Occurrence X One-time <input type="checkbox"/> Recurring Other budget impacts: NA – Engineer estimate included.	
Operations Impacts	
What impacts would the proposal have on historically excluded communities? Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A – This contract supports public works projects and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? Public Works follows the City’s established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.	

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The project is consistent with our adopted six-year programs as well as the annual budget and strategic initiative to maintain public works activities.

PROJECT LOCATION MAP



UPRIVER DAM - LOCATION MAP



Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/2/23 **Type of expenditure:** Construction Services Goods

Department: Water Department

Approving Supervisor: Seth McIntosh

Amount of Proposed Expenditure: \$1,476,392.00 + tax & admin reserve.

Is this against a master agreement? If yes, please provide the number:

Funding Source CIP budget 4100-42490-94340-56501-11053

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

This project will fix failing infrastructure on the Upriver Dam. Funds for this project have already been budgeted and encumbered for 2023.

What are the impacts if expenses are deferred?

Delaying the project could have negative effects on the ability of the dam to operate.

What alternative resources have been considered?

None.

Description of the goods or service and any additional information?

This project aims to award a construction contract to a contractor that will perform the repairs on the Upriver Dam.

Person Submitting Form/Contact: David St Pierre

Division Director:

Marlene Faust

CFO Signature:

Tonya Wallace

City Administrator Signature:

[Signature]
Garrett_Hunter@Oct 4, 2023 11:23:00AM

Additional Comments:









ECF - Upriver Dam Spillway Rehabilitation 2022081

Final Audit Report

2023-10-03

Created:	2023-10-02
By:	Brittany Kraft (bkraft@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA159i6nfPTjoDYo9hDPbvGys5dPmYaB6w

"ECF - Upriver Dam Spillway Rehabilitation 2022081" History

-  Document created by Brittany Kraft (bkraft@spokanecity.org)
2023-10-02 - 8:31:06 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-02 - 8:31:28 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-03 - 0:18:00 AM GMT- IP address: 198.1.39.252
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-03 - 0:18:08 AM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-03 - 0:18:09 AM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-03 - 3:58:00 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-03 - 3:58:13 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-03 - 3:58:13 PM GMT






ECF - Water Dept. Upriver Dam Spillway Rehabilitation Phase 3

Final Audit Report

2023-10-04

Created:	2023-10-04
By:	Brittany Kraft (bkraft@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAARf2Vegfv1s1zb8Z6EH2e_fvcFK9TFX6e

"ECF - Water Dept. Upriver Dam Spillway Rehabilitation Phase 3" History

-  Document created by Brittany Kraft (bkraft@spokanecity.org)
2023-10-04 - 6:02:00 PM GMT- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-04 - 6:02:20 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-04 - 6:21:16 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-04 - 6:23:09 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-04 - 6:23:09 PM GMT

Bid Schedule

Monday, September 11, 2023

Schedule 2 **Description**
- Taxable Engineer's Estimate

Tax Classification
Sales tax shall NOT be included in unit price - see Rule 170 in specs

Project Number 2022081 **Upriver Dam Spillway Rehabilitation - Phase III**

Bid Item No.	Estimated Quantity	Description	Unit Price	Total Amount
1.1	1 LS	RECORD DRAWINGS (Per Lump Sum)	\$ 5,000.00	\$ 5,000.00
1.2	1 LS	APPRENTICE UTILIZATION (Per Lump Sum)	\$ 5,000.00	\$ 5,000.00
1.3	1 EST	REIMBURSEMENT OF THIRD PARTY DAMAGE (Per Estimated)	\$ 1.00	\$ 1.00
1.4	1 LS	SPCC PLAN (Per Lump Sum)	\$ 1,500.00	\$ 1,500.00
1.5	1 LS	TYPE B PROGRESS SCHEDULE (Per Lump Sum)	\$ 2,500.00	\$ 2,500.00
1.6	1 LS	DETAILED WORK PLAN (Per Lump Sum)	\$ 7,500.00	\$ 7,500.00
1.7	1 LS	MOBILIZATION (Per Lump Sum)	\$ 96,586.00	\$ 96,586.00
1.8	1 LS	DEWATERING AND CONTROL OF WATER (Per Lump Sum)	\$ 5,000.00	\$ 5,000.00
1.9	1 LS	SPILLWAY LEFT ABUTMENT UPSTREAM GUIDE WALL EXPANSION JOINT SEAL (Per Lump Sum)	\$ 59,750.00	\$ 59,750.00
1.10	126 LF	SPILLWAY LEFT ABUTMENT HORIZONTAL DRAINS AND OGEE DRAINS IN BAY 7 AND 8 CLEANING (Per Lineal Foot)	\$ 700.00	\$ 88,200.00
1.11	9 EA	SPILLWAY HOIST DECK PIER EXTENSION REHABILITATION (Per Each)	\$ 28,000.00	\$ 252,000.00
1.12	102 EA	SPILLWAY PIERS REHABILITATION ADHESIVE DOWEL INSTALLATION (Per Each)	\$ 1,400.00	\$ 142,800.00
1.13	348 LF	SPILLWAY PIERS REHABILITATION CRACK REPAIR (Per Lineal Foot)	\$ 500.00	\$ 174,000.00
1.14	1 LS	SPILLWAY PIERS REHABILITATION TOP SAWCUT AND SEALING (Per Lump Sum)	\$ 122,000.00	\$ 122,000.00
1.15	215 LF	SPILLWAY HOIST DECK CRACK REPAIR (Per Lineal Foot)	\$ 220.00	\$ 47,300.00
1.16	372 SF	SPILLWAY HOIST DECK PATCH REPAIR (Per Square Feet)	\$ 165.00	\$ 61,380.00
1.17	1 LS	SPILLWAY TAINTER GATE NO. 5 STABILIZATION (Per Lump Sum)	\$ 21,500.00	\$ 21,500.00

Schedule 2 **Description**
 - Taxable Engineer's Estimate

Tax Classification
 Sales tax shall NOT be included in unit price - see Rule 170 in specs

Project Number 2022081 **Upriver Dam Spillway Rehabilitation - Phase III**

Bid Item No.	Estimated Quantity	Description	Unit Price	Total Amount
1.18	1 LS	SPILLWAY TAINTER GATE NO. 5 INSPECTION AND STRUCTURAL REPAIRS (Per Lump Sum)	\$ 117,125.00	\$ 117,125.00
1.19	2 EA	SPILLWAY TAINTER GATE NO. 5 TRUNNION PIN INSPECTION AND REPLACEMENT (Per Each)	\$ 66,000.00	\$ 132,000.00
1.20	300 SF	SPILLWAY TAINTER GATE NO. 5 COATING REPAIRS (Per Square Feet)	\$ 375.00	\$ 112,500.00
1.21	1 LS	SPILLWAY TAINTER GATE NO. 5 TESTING AND RECOMMISSIONING (Per Lump Sum)	\$ 11,000.00	\$ 11,000.00
1.22	1 LS	SPILLWAY EVACUATION (Per Lump Sum)	\$ 11,750.00	\$ 11,750.00
Schedule 2 - Taxable Subtotal				\$ 1,476,392.00
Tax				132,875.28
Extended Total				1,609,267.28
Summary of Bid Items			Bid Total	\$ 1,609,267.28



City of Spokane
PUBLIC WORKS CONTRACT
Title: **UPRIVER DAM SPILLWAY
REHABILITATION – PHASE III**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **MAX J. KUNEY COMPANY**, whose address is 120 North Ralph Street, Spokane, Washington 99202 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 Special Provisions entitled **UPRIVER DAM SPILLWAY REHABILITATION – PHASE III.**
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 2023, City of Spokane Special Provisions, contract provisions, contract plans, 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, the order of precedence defined in the City of Spokane Special Provisions section 1-04.2 City Engineering Services File No. 2022081 shall apply.
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 at a total cost not to exceed \$1,374,015.00, which are taxed as noted in Section 7.

7. TAXES. Bid items in Schedule A-1 shall not include sales tax.
8. PAYMENT. The Contractor will send its applications for payment to the Engineering Services Department, 998 E North Foothills Drive Spokane, WA 99207-2735. All invoices should include the City Clerk's File No. "OPR XXXX-XXXX" and an approved L & I Intent to Pay Prevailing Wage number. The final invoice should include an approved Affidavit of Wages Paid number. Payment will not be made without this documentation included on the invoice. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Company's application except as provided by state law. Five percent (5%) of the Contract price may be retained by the City, in accord with RCW 60.28 for a minimum of forty five (45) days after final acceptance, as a trust fund for the protection and payment of: the claims of any person arising under the Contract; and the State with respect to taxes imposed pursuant to Titles 50, 51 and 82 RCW which may be due from the Contractor.
9. INDEMNIFICATION. The Contractor shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Contractor's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Contractor to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the Contractor's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Contractor, its agents or employees. The Contractor specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Contractor's own employees against the City and, solely for the purpose of this indemnification and defense, the Contractor specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.
10. BONDS. The Contractor may not commence work until it obtains all insurance, permits and bonds required by the contract documents and applicable law. This includes the execution of a performance bond and a payment bond on the forms attached, each equal to one hundred percent (100%) of the contract price, and written by a corporate surety company licensed to do business in Washington State.
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. The Contractor and all subcontractors will submit a "Statement of Intent to Pay Prevailing Wages" certified by the industrial statistician of the Department of Labor and Industries, prior to any payments. The "Statement of Intent to Pay Prevailing Wages" shall include: (1) the Contractor's registration number; and (2) the prevailing wages under RCW 39.12.020 and the

number of workers in each classification. Each voucher claim submitted by the Contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the "Statement(s) of Intent to Pay Prevailing Wages" on file with the City. Prior to the payment of funds held under RCW 60.28, the Contractor and subcontractors must submit an "Affidavit of Wages Paid" certified by the industrial statistician.

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

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

16. SUBCONTRACTOR RESPONSIBILITY.

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

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

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington Employment Security Department number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.

4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

C. On Public Works construction projects, as defined in RCW 39.04.010, with an estimated cost of six hundred thousand dollars (\$600,000) or more, at least fifteen (15) percent of the labor hours on each project shall be performed by apprentices enrolled in a State-approved apprenticeship program; and for each contract in the project fifteen (15) percent of the labor hours for each craft that has an available state-approved apprenticeship program for Spokane County and utilizes more than one hundred sixty (160) hours in each contract shall be performed by apprentices enrolled in a state-approved apprenticeship program.

1. Subcontracting Requirements. The utilization percentages for apprenticeship labor for Public Works construction contracts shall also apply to all subcontracts of one hundred thousand dollars (\$100,000) or more within those contracts, and at least fifteen percent (15%) of the labor hours for each such subcontract shall be performed by apprentices in a state-approved apprenticeship program. For each craft that has an available apprenticeship program for Spokane county and performs more than one hundred sixty (160) hours on each project, fifteen (15) percent of the labor hours shall be performed by apprentices enrolled in a State-approved apprenticeship program.
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.

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.

MAX J. KUNEY COMPANY

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Contract:

- Payment Bond
- Performance Bond
- Certification Regarding Debarment
- Schedule A-1

PAYMENT BOND

We, **MAX J. KUNEY COMPANY**, as principal, and _____, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **ONE MILLION THREE HUNDRED SEVENTY-FOUR THOUSAND FIFTEEN AND NO/100 DOLLARS (\$1,374,015,00)** 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 **UPRIVER DAM SPILLWAY REHABILITATION – PHASE III**. 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 _____.

MAX J. KUNEY COMPANY,

AS PRINCIPAL

By: _____
Title: _____

_____,
AS SURETY

By: _____
Its Attorney in Fact

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

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, **MAX J. KUNEY COMPANY**, as principal, and _____, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **ONE MILLION THREE HUNDRED SEVENTY-FOUR THOUSAND FIFTEEN AND NO/100 DOLLARS (\$1,374,015,00)** 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 the work and furnish all materials for the **UPRIVER DAM SPILLWAY REHABILITATION – PHASE III**. 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 _____

MAX J. KUNEY COMPANY,

AS PRINCIPAL

By: _____

Title: _____

_____,
AS SURETY

By: _____

Its Attorney in Fact

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

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 _____

**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 certifies, 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 NOT be included in unit prices

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITIES	UNIT PRICE	TOTAL
1	RECORD DRAWINGS	1.00 LS	\$ 5,000.00	\$ 5,000.00
2	APPRENTICE UTILIZATION	1.00 LS	\$ 5,000.00	\$ 5,000.00
3	REIMBURSEMENT OF THIRD PARTY DAMAGE	1.00 EST	\$ 1.00	\$ 1.00
4	SPCC PLAN	1.00 LS	\$ 5,000.00	\$ 5,000.00
5	TYPE B PROGRESS SCHEDULE	1.00 LS	\$ 2,500.00	\$ 2,500.00
6	DETAILED WORK PLAN	1.00 LS	\$ 5,000.00	\$ 5,000.00
7	MOBILIZATION	1.00 LS	\$ 134,000.00	\$ 134,000.00
8	DEWATERING AND CONTROL OF WATER	1.00 LS	\$ 155,000.00	\$ 155,000.00
9	SPILLWAY LEFT ABUTMENT UPSTREAM GUIDE WALL EXPANSION JOINT SEAL	1.00 LS	\$ 145,000.00	\$ 145,000.00
10	SPILLWAY LEFT ABUTMENT HORIZONTAL DRAINS AND OGEE DRAINS IN BAY 7 AND 8 CLEANING	60.00 LF	\$ 275.00	\$ 16,500.00
11	SPILLWAY HOIST DECK PIER EXTENSION REHABILITATION	9.00 EA	\$ 23,000.00	\$ 207,000.00
12	SPILLWAY PIERS REHABILITATION ADHESIVE DOWEL INSTALLATION	102.00 EA	\$ 207.00	\$ 21,114.00

13	SPILLWAY PIERS REHABILITATION CRACK REPAIR	348.00 LF	\$	825.00	\$	287,100.00
14	SPILLWAY PIERS REHABILITATION TOP SAWCUT AND SEALING	1.00 LS	\$	30,000.00	\$	30,000.00
15	SPILLWAY HOIST DECK CRACK REPAIR	215.00 LF	\$	300.00	\$	64,500.00
16	SPILLWAY HOIST DECK PATCH REPAIR	372.00 SF	\$	150.00	\$	55,800.00
17	SPILLWAY TAITER GATE NO. 5 STABILIZATION	1.00 LS	\$	77,000.00	\$	77,000.00
18	SPILLWAY TAITER GATE NO. 5 INSPECTION AND STRUCTURAL REPAIRS	1.00 LS	\$	7,500.00	\$	7,500.00
19	SPILLWAY TAITER GATE NO. 5 TRUNNION PIN INSPECTION AND REPLACEMENT	2.00 EA	\$	40,000.00	\$	80,000.00
20	SPILLWAY TAITER GATE NO. 5 COATING REPAIRS	300.00 SF	\$	70.00	\$	21,000.00
21	SPILLWAY TAITER GATE NO. 5 TESTING AND RECOMMISSIONING	1.00 LS	\$	45,000.00	\$	45,000.00
22	SPILLWAY EVACUATION	1.00 LS	\$	5,000.00	\$	5,000.00
Schedule A-1 Subtotal					\$	<u>1,374,015.00</u>
Summary of Bid Items					Bid Total	\$ <u>1,374,015.00</u>

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

Project Number **2022081**

Project Description Upriver Dam Spillway Rehabilitation - Phase III **Original Date**

10/16/2023 2:50:00 PM

Project Number: 2022081			Engineer's Estimate		MAX J KUNEY (Submitted)		TALISMAN CONSTRUCTION SERVICES INC (Submitted)		SYBLON REID (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Tax Classification

Schedule 01										
Sales tax shall NOT be included in unit prices										
1	RECORD DRAWINGS	1 LS	5,000.00	5,000.00	5,000.00	\$5,000.00	3,500.00	\$3,500.00	3,000.00	\$3,000.00
2	APPRENTICE UTILIZATION	1 LS	5,000.00	5,000.00	5,000.00	\$5,000.00	38,020.00	\$38,020.00	2,000.00	\$2,000.00
3	REIMBURSEMENT OF THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	\$1.00	1.00	\$1.00	1.00	\$1.00
4	SPCC PLAN	1 LS	1,500.00	1,500.00	5,000.00	\$5,000.00	7,500.00	\$7,500.00	20,000.00	\$20,000.00
5	TYPE B PROGRESS SCHEDULE	1 LS	2,500.00	2,500.00	2,500.00	\$2,500.00	11,000.00	\$11,000.00	24,000.00	\$24,000.00
6	DETAILED WORK PLAN	1 LS	7,500.00	7,500.00	5,000.00	\$5,000.00	15,000.00	\$15,000.00	5,000.00	\$5,000.00
7	MOBILIZATION	1 LS	96,586.00	96,586.00	134,000.00	\$134,000.00	125,770.00	\$125,770.00	100,000.00	\$100,000.00
8	DEWATERING AND CONTROL OF WATER	1 LS	5,000.00	5,000.00	155,000.00	\$155,000.00	94,832.00	\$94,832.00	40,000.00	\$40,000.00
9	SPILLWAY LEFT ABUTMENT UPSTREAM GUIDE WALL EXPANSION JOINT SEAL	1 LS	59,750.00	59,750.00	145,000.00	\$145,000.00	101,143.00	\$101,143.00	130,000.00	\$130,000.00
10	SPILLWAY LEFT ABUTMENT HORIZONTAL DRAINS AND OGEE DRAINS IN BAY 7 AND 8 CLEANING	60 LF	700.00	42,000.00	275.00	\$16,500.00	158.00	\$9,480.00	450.00	\$27,000.00
11	SPILLWAY HOIST DECK PIER EXTENSION REHABILITATION	9 EA	28,000.00	252,000.00	23,000.00	\$207,000.00	15,221.00	\$136,989.00	28,000.00	\$252,000.00
12	SPILLWAY PIERS REHABILITATION ADHESIVE DOWEL INSTALLATION	102 EA	1,400.00	142,800.00	207.00	\$21,114.00	1,952.00	\$199,104.00	1,000.00	\$102,000.00
13	SPILLWAY PIERS REHABILITATION CRACK REPAIR	348 LF	500.00	174,000.00	825.00	\$287,100.00	729.00	\$253,692.00	740.00	\$257,520.00
14	SPILLWAY PIERS REHABILITATION TOP SAWCUT AND SEALING	1 LS	122,000.00	122,000.00	30,000.00	\$30,000.00	48,534.00	\$48,534.00	105,000.00	\$105,000.00
15	SPILLWAY HOIST DECK CRACK REPAIR	215 LF	220.00	47,300.00	300.00	\$64,500.00	376.00	\$80,840.00	320.00	\$68,800.00
16	SPILLWAY HOIST DECK PATCH REPAIR	372 SF	165.00	61,380.00	150.00	\$55,800.00	169.00	\$62,868.00	220.00	\$81,840.00
17	SPILLWAY TAINTER GATE NO. 5 STABILIZATION	1 LS	21,500.00	21,500.00	77,000.00	\$77,000.00	67,551.00	\$67,551.00	85,000.00	\$85,000.00
18	SPILLWAY TAINTER GATE NO. 5 INSPECTION AND STRUCTURAL REPAIRS	1 LS	117,125.00	117,125.00	7,500.00	\$7,500.00	50,193.00	\$50,193.00	65,000.00	\$65,000.00
19	SPILLWAY TAINTER GATE NO. 5 TRUNNION PIN INSPECTION AND REPLACEMENT	2 EA	66,000.00	132,000.00	40,000.00	\$80,000.00	22,203.00	\$44,406.00	80,000.00	\$160,000.00
20	SPILLWAY TAINTER GATE NO. 5 COATING REPAIRS	300 SF	375.00	112,500.00	70.00	\$21,000.00	115.00	\$34,500.00	150.00	\$45,000.00
21	SPILLWAY TAINTER GATE NO. 5 TESTING AND RECOMMISSIONING	1 LS	11,000.00	11,000.00	45,000.00	\$45,000.00	5,926.00	\$5,926.00	10,000.00	\$10,000.00

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

Project Number: 2022081			Engineer's Estimate		KNIGHT CONSTRUCTION AND SUPPLY INC (Submitted)		J.F. BRENNAN COMPANY (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Tax Classification

Schedule 01

Sales tax shall NOT be included in unit prices

1	RECORD DRAWINGS	1 LS	5,000.00	5,000.00	4,290.00	\$4,290.00	1,000.00	\$1,000.00
2	APPRENTICE UTILIZATION	1 LS	5,000.00	5,000.00	4,305.00	\$4,305.00	12,500.00	\$12,500.00
3	REIMBURSEMENT OF THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	\$1.00	1.00	\$1.00
4	SPCC PLAN	1 LS	1,500.00	1,500.00	1,716.00	\$1,716.00	1,000.00	\$1,000.00
5	TYPE B PROGRESS SCHEDULE	1 LS	2,500.00	2,500.00	2,574.00	\$2,574.00	1,000.00	\$1,000.00
6	DETAILED WORK PLAN	1 LS	7,500.00	7,500.00	4,290.00	\$4,290.00	1,000.00	\$1,000.00
7	MOBILIZATION	1 LS	96,586.00	96,586.00	102,469.00	\$102,469.00	284,500.00	\$284,500.00
8	DEWATERING AND CONTROL OF WATER	1 LS	5,000.00	5,000.00	54,277.00	\$54,277.00	7,500.00	\$7,500.00
9	SPILLWAY LEFT ABUTMENT UPSTREAM GUIDE WALL EXPANSION JOINT SEAL	1 LS	59,750.00	59,750.00	57,922.00	\$57,922.00	102,000.00	\$102,000.00
10	SPILLWAY LEFT ABUTMENT HORIZONTAL DRAINS AND OGEE DRAINS IN BAY 7 AND 8 CLEANING	60 LF	700.00	42,000.00	639.00	\$38,340.00	415.00	\$24,900.00
11	SPILLWAY HOIST DECK PIER EXTENSION REHABILITATION	9 EA	28,000.00	252,000.00	51,654.00	\$464,886.00	46,000.00	\$414,000.00
12	SPILLWAY PIERS REHABILITATION ADHESIVE DOWEL INSTALLATION	102 EA	1,400.00	142,800.00	1,271.00	\$129,642.00	980.00	\$99,960.00
13	SPILLWAY PIERS REHABILITATION CRACK REPAIR	348 LF	500.00	174,000.00	636.00	\$221,328.00	935.00	\$325,380.00
14	SPILLWAY PIERS REHABILITATION TOP SAWCUT AND SEALING	1 LS	122,000.00	122,000.00	108,047.00	\$108,047.00	128,000.00	\$128,000.00
15	SPILLWAY HOIST DECK CRACK REPAIR	215 LF	220.00	47,300.00	100.00	\$21,500.00	191.00	\$41,065.00
16	SPILLWAY HOIST DECK PATCH REPAIR	372 SF	165.00	61,380.00	160.00	\$59,520.00	90.00	\$33,480.00
17	SPILLWAY TAINTER GATE NO. 5 STABILIZATION	1 LS	21,500.00	21,500.00	121,591.00	\$121,591.00	60,000.00	\$60,000.00
18	SPILLWAY TAINTER GATE NO. 5 INSPECTION AND STRUCTURAL REPAIRS	1 LS	117,125.00	117,125.00	88,200.00	\$88,200.00	25,000.00	\$25,000.00
19	SPILLWAY TAINTER GATE NO. 5 TRUNNION PIN INSPECTION AND REPLACEMENT	2 EA	66,000.00	132,000.00	39,873.00	\$79,746.00	65,000.00	\$130,000.00
20	SPILLWAY TAINTER GATE NO. 5 COATING REPAIRS	300 SF	375.00	112,500.00	170.00	\$51,000.00	5.00	\$1,500.00
21	SPILLWAY TAINTER GATE NO. 5 TESTING AND RECOMMISSIONING	1 LS	11,000.00	11,000.00	9,152.00	\$9,152.00	7,000.00	\$7,000.00

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

Project Number: 2022081			Engineer's Estimate		MAX J KUNEY (Submitted)		TALISMAN CONSTRUCTION SERVICES INC (Submitted)		SYBLON REID (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
22	SPILLWAY EVACUATION	1 LS	11,750.00	11,750.00	5,000.00	\$5,000.00	24,500.00	\$24,500.00	15,000.00	\$15,000.00
Bid Total			\$1,430,192.00		\$1,374,015.00		\$1,415,349.00		\$1,598,161.00	

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

Project Number: 2022081			Engineer's Estimate		KNIGHT CONSTRUCTION AND SUPPLY INC (Submitted)		J.F. BRENNAN COMPANY (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
22	SPILLWAY EVACUATION	1 LS	11,750.00	11,750.00	18,304.00	\$18,304.00	22,000.00	\$22,000.00
Bid Total			\$1,430,192.00		\$1,643,100.00		\$1,722,786.00	

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>Total</i>
ENGINEER'S ESTIMATE	1,430,192.00	0.00	0.00	0.00	1,430,192.00
MAX J KUNEY (Submitted)	1,374,015.00	0.00	0.00	0.00	1,374,015.00
TALISMAN CONSTRUCTION SERVICES INC (Submitted)	1,415,349.00	0.00	0.00	0.00	1,415,349.00
SYBLON REID (Submitted)	1,598,161.00	0.00	0.00	0.00	1,598,161.00
KNIGHT CONSTRUCTION AND SUPPLY INC (Submitted)	1,643,100.00	0.00	0.00	0.00	1,643,100.00
J.F. BRENNAN COMPANY (Submitted)	1,722,786.00	0.00	0.00	0.00	1,722,786.00

Low Bid Contractor: MAX J KUNEY

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>
<i>Schedule 01</i>	1,374,015.00	1,430,192.00	3.93 % Under Estimate
<i>Schedule 02</i>	0.00	0.00	% Under Estimate
<i>Schedule 03</i>	0.00	0.00	% Under Estimate
<i>Schedule 04</i>	0.00	0.00	% Under Estimate
<i>Bid Totals</i>	1,374,015.00	1,430,192.00	3.93 % Under Estimate



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1121
Renews #	
Cross Ref #	
Project #	2022072
Bid #	
Requisition #	BT

Submitting Dept	INTEGRATED CAPITAL MANAGEMENT
Contact Name/Phone	INGA NOTE 625-6331
Contact E-Mail	INOTE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4250 – INLAND EMPIRE WAY STUDY (2022072) – KPFF

Agenda Wording
 Contract with KPFF Consulting Engineers to conduct the Inland Empire Way Study. (Latah/Hangman Neighborhood Council)

Summary (Background)
 KPFF Consulting Engineers were selected via Request for Qualifications #5886-23 as the most qualified to determine the impacts of realigning Inland Empire Way between the Cheney-Spokane Interchange to Sunset Boulevard/2nd Avenue and consider the impacts of reconnecting Inland Empire Way. Total contract cost \$244,025.00.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Expense	\$ \$244,025.00	# 3200 95165 42300 54201 86124
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	DAVIS, MARCIA	Study Session\Other	PIES 10/23/23
Division Director	FEIST, MARLENE	Council Sponsor	Bingle
Finance	ALBIN-MOORE, ANGELA	Distribution List	
Legal	HARRINGTON, MARGARET	ddaniels@spokanecity.org	
For the Mayor	JONES, GARRETT	icmaccounting@spokanecity.org	
Additional Approvals		eraea@spokanecity.org	
Purchasing		inote@spokanecity.org	
		mdavis@spokanecity.org	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	ICM
Contact Name	Inga Note
Contact Email & Phone	inote@spokanecity.org , 509-625-6331
Council Sponsor(s)	CM Bingle
Committee Date	10/23/23
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	Inland Empire Way Study
Summary (Background)	<p>The City was awarded \$300,000 in funding to conduct a study of Inland Empire Way from the Cheney-Spokane Interchange to Sunset Blvd/2nd Avenue, considering the impacts of reconnecting Inland Empire Way. The Phase 1 contract will be \$244,000.</p> <p>A second phase, to be scoped upon completion of the study, will develop a preliminary design of the two-way Inland Empire Way connection to help the City better prepare for future funding opportunities.</p>
Proposed Council Action	Contract approval before end of 2023
Fiscal Impact	<p>Total Cost: <u>\$244,000</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring</p> <p>Specify funding source: 2022 Supplemental Transportation Budget – State Funding</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.) no match requirement</p>
Operations Impacts	none
What impacts would the proposal have on historically excluded communities?	<p>Public Works services and projects are designed to serve all residents and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.</p>
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	<p>N/a - This is a public works project and should not impact racial, gender identity, national origin, income level, disability, sexual orientation, or other existing disparity factors.</p>
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	

Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This project is consistent with the City's adopted policies and programs.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/5/23 **Type of expenditure:** engineering consultant Goods Services
Department: ICM
Approving Supervisor: Marcia Davis

Amount of Proposed Expenditure: \$244,000
 Is this against a master agreement? If yes, please provide the number: no

Funding Source Washington State - 2022 Supplemental Transportation Budget

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

Funding is allocated for use during the 2023-2025 time period.

What are the impacts if expenses are deferred?

We could lose the funding.

What alternative resources have been considered?

None.
 No General Fund dollars are part of this contract.

Description of the goods or service and any additional information?

Contract with an engineering consultant to perform a transportation study, environmental work, public outreach and conceptual design.

Person Submitting Form/Contact: Inga Note

Division Director: <u>Marlene Feist</u>	CFO Signature: <u>Tonya Wallace</u>	City Administrator Signature: <u></u> <small>Garrett Wallace (Oct 5, 2023 15:16 PDT)</small>
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Additional Comments:












ECF - Inland Empire Way Study

Final Audit Report

2023-10-05

Created:	2023-10-05
By:	Brittany Kraft (bkraft@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA4QSIYyPHn8IrD-5Pdj7ef8EFw9ZVKoWI

"ECF - Inland Empire Way Study" History

-  Document created by Brittany Kraft (bkraft@spokanecity.org)
2023-10-05 - 9:29:17 PM GMT- IP address: 174.31.101.171
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-05 - 9:30:02 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-05 - 10:02:47 PM GMT- IP address: 155.190.3.6
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-05 - 10:02:56 PM GMT - Time Source: server- IP address: 155.190.3.6
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-05 - 10:02:57 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-05 - 10:14:58 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-05 - 10:15:08 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-05 - 10:15:09 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-05 - 10:16:02 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-05 - 10:16:08 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-05 - 10:16:08 PM GMT



City of Spokane
CONSULTANT AGREEMENT
**Title: INLAND EMPIRE WAY STUDY AND
PRELIMINARY ENGINEERING**

This Consultant Agreement is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **KPFF CONSULTING ENGINEERS, INC.**, whose address is 421 West Riverside Avenue, Suite 524, Spokane, Washington 99201 as ("Consultant"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the purpose of this Agreement is to provide the Inland Empire Way Study and Preliminary Engineering, and

WHEREAS, the Consultant was selected from a Request for Qualifications No. 5886-23 issued by the City.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance of the Scope of Work contained herein, the City and Consultant mutually agree as follows:

1. TERM OF AGREEMENT.

The term of this Agreement begins on November 1, 2023, and ends on December 31, 2025, unless amended by written agreement or terminated earlier under the provisions.

2. TIME OF BEGINNING AND COMPLETION.

The Consultant shall begin the work outlined in the "Scope of Work" ("Work") on the beginning date, above. The City will acknowledge in writing when the Work is complete. Time limits established under this Agreement shall not be extended because of delays for which the Consultant is responsible, but may be extended by the City, in writing, for the City's convenience or conditions beyond the Consultant's control.

3. SCOPE OF WORK.

The General Scope of Work for this Agreement is attached as Exhibit B and made a part of this Agreement. In the event of a conflict or discrepancy in the contract documents, this City Agreement controls.

The Work is subject to City review and approval. The Consultant shall confer with the City periodically, and prepare and present information and materials (e.g. detailed outline of completed Work) requested by the City to determine the adequacy of the Work or Consultant's progress.

4. COMPENSATION.

Total compensation for Consultant's services under this Agreement shall not exceed **TWO HUNDRED FORTY-FOUR THOUSAND TWENTY-FIVE AND NO/100 DOLLARS (\$244,025.00)**, excluding tax, if applicable, unless modified by a written amendment to this Agreement. This is the maximum amount to be paid under this Agreement for the work described in Section 3 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Agreement.

5. PAYMENT.

The Consultant shall submit its applications for payment to City of Spokane Integrated Capitol Management Department, 808 West Spokane Falls Boulevard, 2nd Floor, Spokane, Washington 99201. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Consultant's application except as provided by state law. If the City objects to all or any portion of the invoice, it shall notify the Consultant and pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

6. REIMBURSABLES

The reimbursables under this Agreement are to be included, and considered part of the maximum amount not to exceed (above), and require the Consultant's submittal of appropriate documentation and actual itemized receipts, the following limitations apply.

- A. City will reimburse the Consultant at actual cost for expenditures that are pre-approved by the City in writing and are necessary and directly applicable to the work required by this Contract provided that similar direct project costs related to the contracts of other clients are consistently accounted for in a like manner. Such direct project costs may not be charged as part of overhead expenses or include a markup. Other direct charges may include, but are not limited to the following types of items: travel, printing, cell phone, supplies, materials, computer charges, and fees of subconsultants.
- B. The billing for third party direct expenses specifically identifiable with this project shall be an itemized listing of the charges supported by copies of the original bills, invoices, expense accounts, subconsultant paid invoices, and other supporting documents used by the Consultant to generate invoice(s) to the City. The original supporting documents shall be available to the City for inspection upon request. All charges must be necessary for the services provided under this Contract.
- C. The City will reimburse the actual cost for travel expenses incurred as evidenced by copies of receipts (excluding meals) supporting such travel expenses, and in accordance with the City of Spokane Travel Policy, details of which can be provided upon request.
- D. **Airfare:** Airfare will be reimbursed at the actual cost of the airline ticket. The City will reimburse for Economy or Coach Fare only. Receipts detailing each airfare are required.
- E. **Meals:** Meals will be reimbursed at the Federal Per Diem daily meal rate for the city in which the work is performed. *Receipts are not required as documentation.* The invoice shall state "the meals are being billed at the Federal Per Diem daily meal rate", and shall detail how many of each meal is being billed (e.g. the number of breakfasts, lunches, and dinners). The City will not reimburse for alcohol at any time.
- F. **Lodging:** Lodging will be reimbursed at actual cost incurred up to a maximum of the published General Services Administration (GSA) Index for the city in which the work is performed (*the current maximum allowed reimbursement amount can be provided upon request*). Receipts detailing each day / night lodging are required. The City will not reimburse for ancillary expenses charged to the room (e.g. movies, laundry, mini bar, refreshment center, fitness center, sundry items, etc.)
- G. **Vehicle mileage:** Vehicle mileage will be reimbursed at the Federal Internal Revenue Service Standard Business Mileage Rate in affect at the time the mileage expense is

incurred. Please note: payment for mileage for long distances traveled will not be more than an equivalent trip round-trip airfare of a common carrier for a coach or economy class ticket.

- H. **Rental Car:** Rental car expenses will be reimbursed at the actual cost of the rental. Rental car receipts are required for all rental car expenses. The City will reimburse for a standard car of a mid-size class or less. The City will not reimburse for ancillary expenses charged to the car rental (e.g. GPS unit).
- I. **Miscellaneous Travel** (e.g. parking, rental car gas, taxi, shuttle, toll fees, ferry fees, etc.): Miscellaneous travel expenses will be reimbursed at the actual cost incurred. Receipts are required for each expense of \$10.00 or more.
- J. **Miscellaneous other business expenses** (e.g. printing, photo development, binding): Other miscellaneous business expenses will be reimbursed at the actual cost incurred and may not include a markup. Receipts are required for all miscellaneous expenses that are billed.

Subconsultant: Subconsultant expenses will be reimbursed at the actual cost incurred and a four percent (4%) markup. Copies of all Subconsultant invoices that are rebilled to the City are required.

7. TAXES, FEES AND LICENSES.

- A. Consultant shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Agreement. It is the Consultant's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.
- B. Where required by state statute, ordinance or regulation, Consultant shall pay and maintain in current status all taxes necessary for performance. Consultant shall not charge the City for federal excise taxes. The City will furnish Consultant an exemption certificate where appropriate.
- C. The Director of Finance and Administrative Services may withhold payment pending satisfactory resolution of unpaid taxes and fees due the City.
- D. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Agreement shall be included in the project budgets.

8. CITY OF SPOKANE BUSINESS LICENSE.

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 Consultant 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.

9. SOCIAL EQUITY REQUIREMENTS.

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 Agreement 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. Consultant 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 Consultant. Consultant shall seek inclusion of woman and minority business for subcontracting. A woman or minority business is

one that self-identifies to be at least 51% owned by a woman and/or minority. Such firms do not have to be certified by the State of Washington.

10. INDEMNIFICATION.

The Consultant shall 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 to the extent caused by the Consultant's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Consultant 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 Consultant'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 Consultant, its agents or employees. The Consultant specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Consultant's own employees against the City and, solely for the purpose of this indemnification and defense, the Consultant specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Consultant 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.

11. INSURANCE.

During the period of the Agreement, the Consultant shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to RCW Title 48;

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Consultant's services to be provided under this Agreement; and

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

D. Professional Liability Insurance with a combined single limit of not less than \$1,000,000 each claim, incident or occurrence. This is to cover damages caused by the error, omission, or negligent acts related to the professional services to be provided under this Agreement. The coverage must remain in effect for at least two (2) years after the Agreement is completed.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without forty-five (45) days written notice from the Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Consultant shall furnish acceptable Certificates Of Insurance (COI) to the City at the time it returns this signed Agreement. The certificate shall specify the City of Spokane as "Additional Insured" specifically for Consultant's services under this Agreement, as well as all of the parties

who are additional insureds, and include applicable policy endorsements, the forty-five (45) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

12. DEBARMENT AND SUSPENSION.

The Consultant 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.

13. AUDIT.

Upon request, the Consultant shall permit the City and any other governmental agency ("Agency") involved in the funding of the Work to inspect and audit all pertinent books and records. This includes work of the Consultant, any subconsultant, or any other person or entity that performed connected or related Work. Such books and records shall be made available upon reasonable notice of a request by the City, including up to three (3) years after final payment or release of withheld amounts. Such inspection and audit shall occur in Spokane County, Washington, or other reasonable locations mutually agreed to by the parties. The Consultant shall permit the City to copy such books and records at its own expense. The Consultant shall ensure that inspection, audit and copying rights of the City is a condition of any subcontract, agreement or other arrangement under which any other persons or entity may perform Work under this Agreement.

14. INDEPENDENT CONSULTANT.

- A. The Consultant is an independent Consultant. This Agreement does not intend the Consultant to act as a City employee. The City has neither direct nor immediate control over the Consultant nor the right to control the manner or means by which the Consultant works. Neither the Consultant nor any Consultant employee shall be an employee of the City. This Agreement prohibits the Consultant to act as an agent or legal representative of the City. The Consultant is not granted express or implied rights or authority to assume or create any obligation or responsibility for or in the name of the City, or to bind the City. The City is not liable for or obligated to pay sick leave, vacation pay, or any other benefit of employment, nor to pay social security or other tax that may arise from employment. The Consultant shall pay all income and other taxes as due. The Consultant may perform work for other parties; the City is not the exclusive user of the services that the Consultant provides.
- B. If the City needs the Consultant to Work on City premises and/or with City equipment, the City may provide the necessary premises and equipment. Such premises and equipment are exclusively for the Work and not to be used for any other purpose.
- C. If the Consultant works on the City premises using City equipment, the Consultant remains an independent Consultant and not a City employee. The Consultant will notify the City Project Manager if s/he or any other Workers are within ninety (90) days of a consecutive 36-month placement on City property. If the City determines using City premises or equipment is unnecessary to complete the Work, the Consultant will be required to work from its own office space or in the field. The City may negotiate a reduction in Consultant fees or charge a rental fee based on the actual costs to the City, for City premises or equipment.

15. KEY PERSONS.

The Consultant shall not transfer or reassign any individual designated in this Agreement as essential to the Work, nor shall those key persons, or employees of Consultant identified as to be involved in the Project Work be replaced, removed or withdrawn from the Work without the express written consent of the City, which shall not be unreasonably withheld. If any such

individual leaves the Consultant's employment, the Consultant shall present to the City one or more individuals with greater or equal qualifications as a replacement, subject to the City's approval, which shall not be unreasonably withheld. The City's approval does not release the Consultant from its obligations under this Agreement.

16. ASSIGNMENT AND SUBCONTRACTING.

The Consultant shall not assign or subcontract its obligations under this Agreement without the City's written consent, which may be granted or withheld in the City's sole discretion. Any subcontract made by the Consultant shall incorporate by reference this Agreement, except as otherwise provided. The Consultant shall require that all subconsultants comply with the obligations and requirements of the subcontract. The City's consent to any assignment or subcontract does not release the consultant from liability or any obligation within this Agreement, whether before or after City consent, assignment or subcontract.

17. CITY ETHICS CODE.

- A. Consultant shall promptly notify the City in writing of any person expected to be a Consultant Worker (including any Consultant employee, subconsultant, principal, or owner) and was a former City officer or employee within the past twelve (12) months.
- B. Consultant shall ensure compliance with the City Ethics Code by any Consultant Worker when the Work or matter related to the Work is performed by a Consultant Worker who has been a City officer or employee within the past two (2) years.
- C. Consultant shall not directly or indirectly offer anything of value (such as retainers, loans, entertainment, favors, gifts, tickets, trips, favors, bonuses, donations, special discounts, work or meals) to any City employee, volunteer or official that is intended, or may appear to a reasonable person to be intended, to obtain or give special consideration to the Consultant. Promotional items worth less than \$25 may be distributed by the Consultant to a City employee if the Consultant uses the items as routine and standard promotional materials. Any violation of this provision may cause termination of this Agreement. Nothing in this Agreement prohibits donations to campaigns for election to City office, so long as the donation is disclosed as required by the election campaign disclosure laws of the City and of the State.

18. NO CONFLICT OF INTEREST.

Consultant confirms that the Consultant or workers have no business interest or a close family relationship with any City officer or employee who was or will be involved in the consultant selection, negotiation, drafting, signing, administration or evaluation of the Consultant's work. As used in this Section, the term Consultant includes any worker of the Consultant who was, is, or will be, involved in negotiation, drafting, signing, administration or performance of the Agreement. The term "close family relationship" refers to: spouse or domestic partner, any dependent parent, parent-in-law, child, son-in-law, daughter-in-law; or any parent, parent in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of a City officer or employee described above.

19. ERRORS AND OMISSIONS, CORRECTIONS.

Consultant is responsible for professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by or on the behalf of the Consultant under this Agreement in the delivery of a final work product. The standard of care applicable to Consultant's services will be the degree of skill and diligence normally employed by professional engineers or Consultants performing the same or similar services at the time said services are performed. The Final Work Product is defined as a stamped, signed work product. Consultant, without additional compensation, shall correct or revise errors or mistakes in designs, drawings, specifications, and/or other consultant services immediately upon

notification by the City. The obligation provided for in this Section regarding acts or omissions resulting from this Agreement survives Agreement termination or expiration.

20. INTELLECTUAL PROPERTY RIGHTS.

- A. Copyrights. The Consultant shall retain the copyright (including the right of reuse) to all materials and documents prepared by the Consultant for the Work, whether or not the Work is completed. The Consultant grants to the City a non-exclusive, irrevocable, unlimited, royalty-free license to use copy and distribute every document and all the materials prepared by the Consultant for the City under this Agreement. If requested by the City, a copy of all drawings, prints, plans, field notes, reports, documents, files, input materials, output materials, the media upon which they are located (including cards, tapes, discs, and other storage facilities), software program or packages (including source code or codes, object codes, upgrades, revisions, modifications, and any related materials) and/or any other related documents or materials developed solely for and paid for by the City to perform the Work, shall be promptly delivered to the City.
- B. Patents: The Consultant assigns to the City all rights in any invention, improvement, or discovery, with all related information, including but not limited to designs, specifications, data, patent rights and findings developed with the performance of the Agreement or any subcontract. Notwithstanding the above, the Consultant does not convey to the City, nor does the City obtain, any right to any document or material utilized by the Consultant created or produced separate from the Agreement or was pre-existing material (not already owned by the City), provided that the Consultant has identified in writing such material as pre-existing prior to commencement of the Work. If pre-existing materials are incorporated in the work, the Consultant grants the City an irrevocable, non-exclusive right and/or license to use, execute, reproduce, display and transfer the pre-existing material, but only as an inseparable part of the work.
- C. The City may make and retain copies of such documents for its information and reference with their use on the project. The Consultant does not represent or warrant that such documents are suitable for reuse by the City or others, on extensions of the project or on any other project, and the City releases the Consultant from liability for any unauthorized reuse of such documents.

21. CONFIDENTIALITY.

Notwithstanding anything to the contrary, City will maintain the confidentiality of Consultant's materials and information only to the extent that is legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records which are freely available upon request by anyone. In the event that City gets a valid public records request for Consultant's materials or information and the City determines there are exemptions only the Consultant can assert, City will endeavor to give Consultant notice. Consultant will be required to go to Court to get an injunction preventing the release of the requested records. In the event that Consultant does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

22. DISPUTES.

Any dispute or misunderstanding that may arise under this Agreement, concerning the Consultant's performance, shall first be through negotiations, if possible, between the Consultant's Project Manager and the City's Project Manager. It shall be referred to the Director and the Consultant's senior executive(s). If such officials do not agree upon a decision within a reasonable period of time, either party may decline or discontinue such discussions and may then pursue the legal means to resolve such disputes, including but not limited to mediation, arbitration and/or alternative dispute resolution processes. Nothing in this dispute process shall

mitigate the rights of the City to terminate the Agreement. Notwithstanding all of the above, if the City believes in good faith that some portion of the Work has not been completed satisfactorily, the City may require the Consultant to correct such work prior to the City payment. The City will provide to the Consultant an explanation of the concern and the remedy that the City expects. The City may withhold from any payment otherwise due, an amount that the City in good faith finds to be under dispute, or if the Consultant provides no sufficient remedy, the City may retain the amount equal to the cost to the City for otherwise correcting or remedying the work not properly completed. Waiver of any of these rights is not deemed a future waiver of any such right or remedy available at law, contract or equity.

23. TERMINATION.

- A. For Cause: The City or Consultant may terminate the Agreement if the other party is in material breach of this Agreement, and such breach has not been corrected to the other party's reasonable satisfaction in a timely manner. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- B. For Reasons Beyond Control of Parties: Either party may terminate this Agreement without recourse by the other where performance is rendered impossible or impracticable for reasons beyond such party's reasonable control, such as, but not limited to, an act of nature, war or warlike operation, civil commotion, riot, labor dispute including strike, walkout or lockout, except labor disputes involving the Consultant's own employees, sabotage, or superior governmental regulation or control. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- C. For Convenience: Either party may terminate this Agreement without cause, upon thirty (30) days written notice to the other party.
- D. Actions upon Termination: if termination occurs not the fault of the Consultant, the Consultant shall be paid for the services properly performed prior to the actual termination date, with any reimbursable expenses then due, but such compensation shall not exceed the maximum compensation to be paid under the Agreement. The Consultant agrees this payment shall fully and adequately compensate the Consultant and all subconsultants for all profits, costs, expenses, losses, liabilities, damages, taxes and charges of any kind (whether foreseen or unforeseen) attributable to the termination of this Agreement.
- E. Upon termination, the Consultant shall provide the City with the most current design documents, contract documents, writings and other products the Consultant has produced to termination, along with copies of all project-related correspondence and similar items. The City shall have the same rights to use these materials as if termination had not occurred; provided however, that the City shall indemnify and hold the Consultant harmless from any claims, losses, or damages to the extent caused by modifications made by the City to the Consultant's work product.

24. EXPANSION FOR NEW WORK.

This Agreement scope may be expanded for new work. Any expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with all the following limitations and requirements: (a) the New Work is not reasonable to solicit separately; (b) the New Work is for reasonable purpose; (c) the New Work was not reasonably known either the City or Consultant at time of contract or else was mentioned as a possibility in the solicitation (such as future phases of work, or a change in law); (d) the New Work is not significant enough to be reasonably regarded as an independent body of work; (e) the New Work would not have attracted a different field of competition; and (f) the change does not vary the essential identified or main purposes of the Agreement. The City may make exceptions for immaterial changes,

emergency or sole source conditions, or other situations required in City opinion. Certain changes are not New Work subject to these limitations, such as additional phases of Work anticipated at the time of solicitation, time extensions, Work Orders issued on an On-Call contract, and similar. New Work must be mutually agreed and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment.

25. MISCELLANEOUS PROVISIONS.

- A. Amendments: No modification of this Agreement shall be effective unless in writing and signed by an authorized representative of each of the parties hereto.
- B. Binding Agreement: This Agreement shall not be binding until signed by both parties. The provisions, covenants and conditions in this Agreement shall bind the parties, their legal heirs, representatives, successors and assigns.
- C. Americans with Disabilities Act (ADA): Specific attention by the designer is required in association with the Americans with Disabilities Act (ADA) 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611, its requirements, regulations, standards and guidelines, which were updated in 2010 and are effective and mandatory for all State and local government facilities and places of public accommodation for construction projects including alteration of existing facilities, as of March 15, 2012. The City advises that the requirements for accessibility under the ADA, may contain provisions that differ substantively from accessibility provisions in applicable State and City codes, and if the provisions of the ADA impose a greater or equal protection for the rights of individuals with disabilities or individuals associated with them than the adopted local codes, the ADA prevail unless approval for an exception is obtained by a formal documented process. Where local codes provide exceptions from accessibility requirements that differ from the ADA Standards; such exceptions may not be permitted for publicly owned facilities subject to Title II requirements unless the same exception exists in the Title II regulations. It is the responsibility of the designer to determine the code provisions.
- D. The Consultant, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers. Without limiting the generality of this paragraph, the Consultant shall comply with the requirements of this Section.
- E. This Agreement shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in the Superior Court of Spokane County.
- F. Remedies Cumulative: Rights under this Agreement are cumulative and nonexclusive of any other remedy of law or in equity.
- G. Captions: The titles of sections or subsections are for convenience only and do not define or limit the contents.
- H. Severability: If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.
- I. Waiver: No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Consultant after the time the same shall have become due nor payment to the Consultant for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.
- J. Additional Provisions: This Agreement may be modified by additional terms and conditions ("Special Conditions") which shall be attached to this Agreement as an Exhibit. The parties

agree that the Special Conditions shall supplement the terms and conditions of the Agreement, and in the event of ambiguity or conflict with the terms and conditions of the Agreement, these Special Conditions shall govern.

- K. Entire Agreement: This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire agreement between the City and the Consultant. If conflict occurs between contract documents and applicable laws, codes, ordinances or regulations, the most stringent or legally binding requirement shall govern and be considered a part of this contract to afford the City the maximum benefits.
- L. Negotiated Agreement: The parties acknowledge this is a negotiated agreement, that they have had this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship.
- M. No personal liability: No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Agreement, whether expressed or implied, nor for any statement or representation made or in any connection with this Agreement.

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 Agreement by having legally-binding representatives affix their signatures below.

KPFF CONSULTING ENGINEERS, 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:

- Exhibit A – Certificate Regarding Debarment
- Exhibit B – Scope of Work
- Exhibit C – Work Order Fee Schedule

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.

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

EXHIBIT B
SCOPE OF WORK
CONTRACT NO. _____
ENGINEERING SERVICES FOR INLAND EMPIRE WAY / I-195
CONNECTION STUDY AND PRELIMINARY DESIGN

INTRODUCTION

The purpose of this contract is to provide transportation planning services, preliminary engineering, survey, geotechnical engineering, environmental analysis, cultural and archaeological services, traffic engineering, public outreach and related services for the Inland Empire Way connection to US 195. The project aims to provide a multimodal connection from the Cheney Spokane Road Interchange along the Inland Empire corridor connecting to Sunset Boulevard, and further traversing Sunset Boulevard to 2nd Avenue.

The contract will be phased as follows and as detailed below in the Scope of Work. Phase 1 will be activated initially. Once a preferred concept is prepared, Phase 2 scoping will be conducted.

- **Phase 1:** Focused on the full Inland Empire Way corridor from Cheney Spokane Road Interchange to Sunset Blvd and 2nd Avenue. Planning study analysis, environmental justice, traffic counts, multi-modal safety analysis, traffic modeling for all modes to connect along the corridor and to greater network, geotechnical evaluation, shoreline and environmental evaluation, cultural and archaeological assessment, concept development, feasibility analysis, transit review, cost estimating, permitting outline, and reporting of recommendations.
- **Phase 2:** Focused on the Cheney-Spokane Road Interchange with US 195 and the connection to Inland Empire Way. Preliminary engineering services to develop the connection between Cheney-Spokane Road Interchange and Inland Empire Way including needed changes to US 195. Services include community engagement, topographic survey, preliminary geotechnical investigations, cultural resources survey, 30% PS&E design for civil, structural, landscape architecture, environmental permitting, railroad coordination, and reporting of conditions and expectations.

PROJECT BACKGROUND

This study will advance the planning and preliminary design of one concept from the I-90/US195 Transportation Study completed in 2021. That study proposed connecting the northbound on-ramp from the Cheney-Spokane Road interchange to Inland Empire Way. Ideally this connection will be a two-way connection that will facilitate traffic and transit buses passing north and south through the interchange without utilizing US 195.

The first phase of the project will establish important background data, prepare conceptual corridor treatments, and evaluate alternatives to accomplish the project aims. This phase includes outreach to stakeholders and the public, and will ultimately set the stage for design by establishing a preferred alternative.

The preferred alternative will include methods to manage multi-modal traffic at the north end of the corridor (Sunset Blvd), adjustments to Inland Empire Way to facilitate safe traffic flow and maintain interconnectivity with a livable street through adjacent neighborhoods, and establish the south-end connection to US 195. Likely connection alternatives include:

1. Two-way connection from the Cheney-Spokane Interchange to Inland Empire Way including a parallel shared-use trail. The connection at Inland Empire Way will include a roundabout that will have a leg serving as an on-ramp connection to US 195 north-bound.
2. One-way north-bound connection from the Cheney-Spokane Interchange to Inland Empire Way including a parallel shared-use trail and on-ramp to US 195.

In addition the project will evaluate alternatives to bridge Thorpe Road over US 195 to tie into the Inland Empire Way Corridor via Chestnut St.

The objectives for the Inland Empire Way Connection Study are:

- Establish clear traffic analyses to guide corridor and intersection treatments along the length of Inland Empire Way and for the north-end connection
- Identify multimodal solutions for 'pinch points' to allow unencumbered active transportation solutions
- Identify methods to integrate transit into the corridor
- Develop and analyze feasible alternatives to connect through the Cheney-Spokane Road Interchange
- Achieve project buy-in by City leadership, WSDOT, and STA
- Inform and gather feedback from neighborhood leaders and the general public

The expected outcomes/deliverables for the Inland Empire Way Connection Study are:

- Established overall corridor concept to enhance Inland Empire Way with new or improved connections to US 195, Thorpe Road, and Sunset Boulevard
- Traffic analyses of travel patterns, safety issues, future outcomes, and multimodal serviceability
- Identify ROW challenges and approach
- Alternative concepts to connect Inland Empire Way to the Cheney-Spokane Road Interchange, including estimates of cost
- Results of data-based alternatives evaluation
- Initial coordination with BNSF
- WSDOT coordination preliminary to ARR
- Identify environmental permitting and mitigation requirements
- Presentations to stakeholders, neighborhood groups, and general public
- Final report for executive leadership outlining key considerations, preferences, and recommendations

SCOPE OF WORK

PHASE 1 – DATA ANALYSIS AND ALTERNATIVES EVALUATION

TASK 100 – PROJECT MANAGEMENT

Task 100 includes all work related to the management, administration, and coordination of Consultant activities. The Consultant will provide project management services including:

100.01 Project Team Management and Coordination

The Consultant shall organize, manage and coordinate the disciplines required to accomplish the work described. The Consultant shall provide project management and contract administration services to facilitate efficient progress for the project scope, schedule and budget including the following subtasks:

100.02 Consultant Team Meetings

The Consultant team shall participate in periodic Consultant team meetings. Prepare team meeting agendas and notes as necessary.

100.03 Project Schedule

Prepare and submit for approval a detailed project schedule for all phases of analysis and design. Submit one (1) draft for City review and revised final.

Prior to beginning Phase 2 of the project, the schedule will be updated to incorporate the design program.

100.04 Project Communication Meetings

The Consultant team shall meet with City project staff once a month for two (2) hours each to review the progress of the project, discuss technical issues, etc. The meetings will take place via Microsoft Teams.

- The Consultant shall submit a draft agenda a minimum of three (3) working days in advance of the meeting
- The Consultant shall take detailed meeting notes for all team meetings, distribute draft notes to the team within three (3) working days of the meeting, and incorporate changes to the notes as needed

100.05 Risk Register

The Consultant shall identify risks throughout the project, and review during the bi-weekly meetings.

100.06 Invoicing and Monthly Progress Reports

The Consultant shall prepare invoices and submit monthly progress reports to the Project Manager. Monthly progress reports shall include:

- A brief narrative of work completed for the prior month for each Consultant task/subtask
- A brief narrative of work expected to be completed during the next month for each Consultant task/subtask
- Identification of any tasks or subtasks that are delayed or determined to be at-risk and a summary of a recovery plan, dependencies, and project impacts

Deliverables:

- Quality Management Plan
- Project Schedule, draft and final
- Project Coordination and Team Meeting Agendas and Notes
- Risk register and updates
- Twelve (12) Monthly Progress Reports

TASK 200 – BACKGROUND AND DATA COLLECTION

The objective of this task is to gather existing information the City has accumulated, review study objectives with the City and WSDOT, and conduct further data gathering. The Consultant shall:

200.01 Kickoff Meeting

Phase 1 will begin with a kickoff meeting to gather and review background documentation and relevant studies, plans, and data. This will be an opportunity to review project objectives, schedule, and deliverables with City staff and align the objectives and project understanding with current thoughts and expectations.

200.02 Basemapping

Phase 1 Alternatives will be developed using available topographic information based on Infracore software. Minor updates will be made with field survey as needed to address gaps or anomalies. Consultant shall combine Infracore topographic data along with the right-of-way information collected in 200.03 to create a preliminary basemap for development of alternative concepts for the corridor.

Survey of property lines along Sunset Blvd between the junction with Inland Empire Way and 2nd Avenue shall be accomplished to facilitate early ROW needs assessment. The Sunset highway survey should delineate city ROW vs. railroad ROW.

200.03 Historical Right-of-Way Ownership Review

Consultant shall research current and historical right-of-way ownership, easements, license agreements, and utility use in relation to ownerships that are of public record. Records will be analyzed to understand land use challenges (i.e. environmental, ownership, cultural, etc.), or if there are other notable land-use related issues.

A Right of Way Needs Summary memo will record outcomes of this effort and guide future steps for acquisition.

200.04 Geotechnical Analysis

Consultant shall conduct a desktop evaluation, assembling data points known from published sources and work previously accomplished in and around the project corridor to inform Phase 1 concept development. Consultant shall also be available to provide input on design issues related to stormwater disposal (particularly near Latah Creek), slope stability, wall type selection and foundations for the preliminary alternatives based on knowledge of area or data from other sources. No subsurface investigations will be performed as part of Phase 1. The team will also provide preliminary estimates for pavement depth requirements.

A summary Geotechnical Desktop Evaluation report memo will be prepared to communicate the findings for use in developing the alternatives and comparative analyses.

200.05 Environmental Desktop Evaluation

Consultant shall review available databases, existing reports and conduct a field survey to identify natural and human historic resources that should be considered in the alternatives analysis. Widener will also provide basic information regarding alternatives to tribes and resource agencies to obtain additional information through email and phone interviews which will be cited. (This will be particularly important in the vicinity of Latah Creek. For instance, important information includes the recent purchase by the Coeur D'Alene Tribe of property near the Avista substation, east of Latah Creek, with the intent to build a salmon hatchery) Wetlands will be identified using National

Wetland Inventory Maps then field verified. Floodplains will be mapped using FEMA Flood hazard maps. Spokane regulated critical areas. Shorelines will be mapped by locating the ordinary high water marks in the field then buffering per the City's Shoreline Master Plan. Washington State Department of Ecology and Environmental Protection Agency (EPA) databases will be used to identify high risk hazardous materials, water quality and other relevant information.

Collection of background information will require up to 1 day of field work for two people to verify site conditions and estimate wetland extents and general environmental conditions for each of the alternatives but ordinary high-water mark and wetlands will not be delineated.

The information collected will be summarized in an Environmental Summary Report and will include up to 10 maps including a map of all known environmental constraints in the study areas. This information will be used for developing the alternatives and comparative analyses. A table of required reports, permits and approvals and the general timeframes for preparing reports and obtaining approvals will be included in the report.

200.06 Utilities Mapping

The consultant shall work with the City and utility purveyors to collect and assemble a utilities database. These will be mapped as accurately as is possible, and will serve as reference during Phase 1 concept development.

A corridor impacts map will be prepared to guide the gathering of information from utility departments and purveyors. The Consultant will meet independently with City sewer and water departments, and will connect with communications, power, and gas providers as well. All information gathered will be overlaid on the project corridor map, and as concepts are assembled a log of impacts, challenges, and opportunities will be kept for use during comparative analyses.

200.07 Traffic Count and Transportation Data Collection and Modeling

The consultant shall collect traffic counts throughout the corridor and including specific counts around the Thorpe and Sunset connection points.

The team will finalize the exact counts with the City, but we are anticipating counts at the following locations:

1. Sunset Blvd/2nd Ave
2. Sunset Blvd/3rd Ave
3. Sunset Blvd/Inland Empire Way

4. Sunset/4th Ave
5. Inland Empire Way/23rd Ave
6. Cheney Spokane Road/US 195 SB Ramps
7. Cheney Spokane Road/US 195 NB Ramps
8. Thorpe Road/US 195 (not including J-turns)
9. 7-day tube count with speeds on Inland Empire Way near 13th Ave
10. 7 day tube count with speeds on Inland Empire Way north of 23rd Ave

The team will gather baseline conditions for the existing active transportation network and the planned network.

The team will gather baseline conditions for the existing transit network and the planned transit network.

The consultant will connect with SRTC for the latest regional travel demand forecasting model.

200.08 Structural Conditions

The consultant shall analyze condition of existing bridge structures that may be impacted by the proposed project. Data will be requested for the BNSF bridge over US 195. A memo report will be prepared to describe the existing condition.

Deliverables:

- Project basemap (two printed copies) and one copy in electronic file format (PDF and CAD)
- Right of Way Needs Summary Memo
- Geotechnical Desktop Summary Memo
- Environmental Summary Report
- Project Utilities Map (two printed copies) and one copy in electronic file format (PDF and CAD)
- Traffic Count Report
- Active Transportation existing and planned network maps
- Transit existing and planned network maps
- Structural Conditions Memo
- Meeting agendas, presentation materials, and notes

Assumptions:

- Elevated trail sections beneath the existing I-90 Bridge, Latah Bridge and High Bridge will not be evaluated as part of this analysis. It is assumed that a trail section with retained fill, cut or a combination will be feasible.
- Wetlands will not be formally delineated under Phase 1 for the comparative analysis of alternatives.

TASK 300 – CONCEPT DESIGN AND ANALYSES

Four aspects of the Inland Empire Way corridor require concept development and comparison of alternatives prior to initiating design. With aims to retain a “livable” street corridor along Inland Empire way, the consideration of corridor alternatives will incorporate multimodal transportation features while taking traffic load off of US 195. Thus alternatives evaluation for the key features of the corridor will be critical. The three aspects to be conceptualized include:

- Thorpe Rd overpass – the interchange between US 195 and Thorpe Rd shall be analyzed for potential bridge options to carry Thorpe Rd over US 195 to connect to Chestnut Street to the east (and in-turn Inland Empire Way).
- Inland Empire Way trail corridor – a bicycle and pedestrian trail extending north from the Cheney-Spokane Road Interchange is to connect through parallel/adjacent to Inland Empire Way. This may transition to bicycle lanes and pedestrian sidewalk, or carry through in a trail configuration. This corridor layout will need to connect to Sunset Blvd at the north end in a fashion that is safe, intuitive, and functional. Potential concepts for this connection will be explored along with the corridor.
- US 195 connection – one-way or two-way, multimodal connection to Cheney-Spokane Road Interchange with or without northbound on-ramp option connecting to US 195.

Up to three concept alternatives will be developed for each of these aspects of the project corridor, and will advance through a multimodal analysis and alternatives evaluation. Planning-level cost estimates will be developed for the corridor concepts, and a recommendation for a preferred alternative will be established. The outcomes of the concept design and analyses will be compiled into a summary report.

300.01 Alternative Concepts Development

The consultant team shall develop concept alternatives for each aspect of the corridor as listed above. Concepts will incorporate understanding of right-of-way, constructability, permitting, general cost constraints, and background information. The conceptual approaches will be preliminarily analyzed for feasibility and those that rise through that process will be further analyzed as described below.

300.02 Multimodal Transportation Analysis

Using the updated data, refined modeling, and feasible concept designs for the Inland Empire Way corridor, the team will perform a full multimodal analysis of the Inland Empire Way/Sunset Boulevard/Thorpe corridor. The multimodal analysis shall include the following:

- Traffic operations – A thorough evaluation of major intersections in the study corridor using Synchro. This will include existing and future conditions under conceptual reconfiguration scenarios for the AM and PM peak hours.
- Multimodal safety – Analysis of recent collision history for severe crashes along the project corridor. Use qualitative assessments to describe how improvement concepts could change safety outcomes.
- Change in traffic – Compare existing traffic on Inland Empire Way to future conditions under conceptual reconfiguration scenarios using simulations and videos. This will be used in public outreach activities to communicate changes in traffic with the different scenarios.
- Low-stress pedestrian and bicycle accommodations – Identify options to maintain low-level of traffic stress along the corridor even given higher traffic volumes under the conceptual reconfiguration scenarios.
- Traffic calming – application of Streetscore+ tool to allow for rapid evaluation of traffic calming and street crossing treatments for use in concept refinement, consideration with City staff, and discussions with the community
- Transit accommodations – work with STA and City staff to identify probable bus stop locations and needed transit accommodations for one-way northbound or two way concept configurations

300.03 Concept Cost Estimates

The Consultant shall assemble a cost comparison for purposes of comparative evaluation. Cost estimates will highlight differences between the alternatives and will not represent the entire cost.

300.04 Alternatives Evaluation

Develop an alternatives evaluation matrix to compare benefits and issues. The team will work with City staff to determine what criteria will be considered in the matrix. The Consultant will provide a matrix summary for each conceptual reconfiguration scenario to aid in selection of a preferred scenario including, but not limited to:

- Impacts to potential wetlands, floodplains, priority habitat and species, vegetation fish and wildlife and other critical areas
- Impacts to cultural resources, parks and Section 4(f) resources
- National Environmental Policy Act (NEPA), Permitting timelines, mitigation requirements and challenges including shorelines
- The impacts to trees and sensitive areas
- Traffic operations
- Multimodal traffic provisions (level of stress outcomes)
- Traffic safety projections
- Transit accommodation
- Permitting timelines and challenges
- Bridge and Wall alternatives and range of cost
- Rough magnitude of costs and schedule of implementation
- Risks and benefits

A draft matrix will be submitted to City of Spokane for review and comment. The final matrix will be submitted with the preferred alternative report package.

300.05 Documentation and Presentation

The Consultant shall compile all the information from tasks above into a final report. The report will summarize the concept development, analyses, and outcomes, and will provide recommendations for a corridor preferred alternative scenario. The report will also include full technical details as appendices.

Deliverables:

- Three (3) Alternative Concepts for each of the three project aspects, adding to nine (9) concepts
 - Plans: Concept Layout: roll plot format for each Alternative.
 - Typical Sections: Assume six (6) sections per Alternative shown on the roll plot.
 - Bridge Plans (3 sheets) for a new crossing of US 195.
- Concept Cost Comparison – draft and final
- Alternatives Evaluation Matrix – draft and final
- Concept Development Report – draft and final
- City Leadership Briefing Presentation – draft and final
- Meeting agendas, presentation materials, and notes

Assumptions:

- Thorpe Rd tunnel options beneath the Fish Lake Trail will not be analyzed during this study
- Wetlands will not be formally delineated under Phase 1 for the comparative analysis of alternatives.

TASK 400 – ENVIRONMENTAL REVIEW

With work adjacent to Hangman Creek and through an existing neighborhood, this project holds the potential to impact the character of the corridor physically and culturally. Though potential impacts are minor in nature, it will be important to review the baseline and prepare to minimize and mitigate, as appropriate.

400.01 Permitting Outline and Matrix

Based on the outcomes of the Environmental Desktop Evaluation, The Consultant shall prepare an outline of permits that will be necessary to comply with state and federal requirements in order to construct the planned improvements. The permit requirements and common timelines for review will be assembled in a Permitting Matrix in order to guide the need for and timing of gathering field data. The Permitting Matrix will cover biological, cultural, and noise evaluations, and will guide the accomplishment of WSDOT ARR, SEPA, NEPA, and JARPA compliance as well as project alignment with Spokane’s Shoreline Master Plan.

400.02 Environmental Justice Evaluation

Data from prior tasks including the travel study and multimodal transportation analysis will be compiled to establish the project implications for Environmental Justice. An Environmental Justice Summary Report will be assembled to guide design efforts to comply with state and federal mandates.

Deliverables:

- Permitting Matrix – draft and final
- Environmental Justice Summary Report – draft and final

Assumptions:

- City Permitting Department staff will assist coordinating for permit needs
- City staff will review Environmental Justice evaluation and provide feedback

TASK 500 – PUBLIC AND STAKEHOLDER ENGAGEMENT

With work adjacent to Hangman Creek and through an existing neighborhood, this project holds the potential to impact the character of the corridor physically and culturally. Though expected impacts are minor in nature, it will be important to review the baseline and prepare to minimize and mitigate, as appropriate.

500.01 Preparing a Public Engagement Plan (Plan)

The Plan will establish a schedule for coordination with key stakeholders as appropriate to each phase of the project, and will be enacted through Phase 1 and

Phase 2. The Consultant will hold regular stakeholder meetings and public outreach engagements at neighborhood- and general public-levels.

Project Advisory Committee (PAC) will be established of stakeholder groups to help guide the study.

The Plan will define the role of the PAC, identify the intended engagement opportunities with the PAC, and purpose of those engagements

Public Outreach. The plan will outline intended engagement opportunities with the public, and briefly define the purpose of those engagements.

The Consultant will review demographics of the adjacent neighborhoods to identify if there are Title VI communities that may require consideration in the outreach efforts.

Neighborhood groups that are directly affected by the proposed project will be engaged. These engagements will likely consist of attendance at neighborhood council meetings, but may also be directly coordinated for multiple neighborhoods at once.

Public Engagement Plan Documentation (Feedback). The Plan will ultimately develop into a series of meetings that provide the opportunity to gather feedback to inform the study and carry the study from one step to the next. The Feedback will be documented by recording notes during various meetings, collecting comments from participants of meetings, and summarizing these within the context of each meeting.

A draft Public Engagement Plan will be developed for review by the City. The Plan will be updated throughout the project as revisions are needed. Feedback will be documented as engagement activities occur. A final Feedback summary will be assembled upon completion of Phase 1 activities.

500.02 Project Advisory Committee (PAC) Engagement

The PAC is anticipated to be made up of City, WSDOT, STA, and SRTC staff. Once a PAC has been established, it is anticipated that a total of three (3) meetings will be conducted throughout the Phase 1 Alternatives Analysis process. Phase 2 will include more direct coordination with WSDOT, STA, and BNSF, so no PAC meetings will be held.

The Consultant shall develop meeting agendas, message and format, developing and producing presentations and displays and meeting facilitation. The Consultant will take notes and provide the City with written meeting notes for review, comment or correction. Incorporate any necessary comments and corrections into final meeting notes and redistribute.

The City will be responsible for identifying and securing meeting venues, including room setup, audio/visual requirements, developing and distributing meeting invitations to PAC representatives, and meeting refreshments.

The Plan will identify the objectives, purposes, and expectations for the four PAC meetings.

500.03 Public Engagement Events

It is anticipated that a total of two (2) public engagements will be conducted during the Phase 1 Alternatives Analysis process. A final public engagement of similar format will be conducted during Phase 2 Preliminary Design to continue coordination and communication as the details of design provide further information and incites to be shared.

These public engagements are anticipated to include two parts: 1. Direct touch with project-affected Neighborhood Councils and 2. Public Open House. The direct touch with Neighborhood Councils will either consist of the Consultant team visiting their respective meetings or gathering the subject Councils as a combined meeting scheduled specifically for this purpose. Public Open House meetings will be held either in a public venue or online. A hybrid version may also be considered.

The Consultant will be responsible for developing meeting agendas, message and format, developing and producing presentations and displays and meeting facilitation. The Consultant will take notes and provide the City with written meeting notes for review, comment or correction. Incorporate any necessary comments and corrections into final meeting notes and redistribute.

The City will be responsible for identifying and securing meeting venues, including room setup, audio/visual requirements, developing and distributing meeting invitations/press releases and meeting refreshments.

The Consultant will assist the City in identifying potential opportunities to combine engagement events with other community events.

The Plan will identify the objectives, purposes, and expectations for the public engagements.

500.04 Online Outreach

The Consultant will prepare content to support online outreach efforts. In addition to content generated in other tasks, the Consultant will provide a one-page project fact sheet, graphical in nature, that provides an overview of the process, timeline and objectives, develop questions and provide feedback summary for two (2) City-hosted online surveys. City staff will create a project web page and upload links and documents as needed.

Deliverables:

- Draft and Final Public Engagement Plan
- PAC presentations, handouts, displays and recaps as described herein.
 - Presentation and Handout
 - Sign-in sheet
 - Up to four (4) display boards and one (1) roll plot
 - Meeting Recap Summary
- Public Meeting presentations, handouts, displays and recaps as described herein.
 - Presentation and Handout
 - Sign-in sheet

- Up to four (4) display boards and one (1) roll plot
 - Meeting Recap Summary
- Content to support online outreach as described herein.

Assumptions:

- Coordination with Tribal and Environmental Resource Agencies will be conducted and documented in other Tasks of this scope of work. However, this does not limit the Spokane Tribe of Indians from participating in the PAC.
- Content for outreach to local blogs and forums; social media; outreach to interest groups (bicycle, equine, running, etc.) will be prepared by City staff based on information provided in the project fact sheet.
- No original content will be developed for the project website. Graphics from other public outreach tasks will be used for the website.

TASK 600– CONCEPT VALIDATION

The preferred concept will require validation by WSDOT and BNSF. In order to facilitate this effort, the Consultant shall coordinate with each agency through their respective channels.

600.01 WSDOT Initial Concurrence

Changes to the Cheney-Spokane Interchange and on-ramps to US 195 must be formally reviewed and approved by WSDOT. Formal approval requires an Access Revision Report, which is appropriate for Phase 2 of this project when a preliminary design is determined. However, to ensure we gather feedback from WSDOT on potential access revisions to US 195 and modifications to the Cheney-Spokane Road interchange, the consultant will hold up to two 2-hour virtual workshops with the City/consultant team and WSDOT staff to gain feedback on preliminary ideas. These meetings will be summarized in notes and a memorandum that will be circulated by review and comment to City and WSDOT staff. This memo will capture key WSDOT feedback that will be relevant to future ARR work.

600.02 Burlington Northern Santa Fe (BNSF) Railroad Coordination

The Consultant shall coordinate review of the preferred concept with BNSF by following the procedures of the “Guidelines for Railroad Grade Separation Projects, 2016”. This will include submittal of the preferred concept for review, and later submitting the 30% preliminary design for review

Deliverables:

- WSDOT meeting notes
- WSDOT design comment memo – draft and final
- BNSF Concept Review packet – draft and final
- BNSF concept review notes

Assumptions:

- WSDOT and BNSF review notes will be received in timely fashion

Exhibit C - Work Order Fee Schedule
City of Spokane
Inland Empire Way & US195 Connection Study and Preliminary Design

10/5/2023

	Description	KPFF	DCI Engineers	Fehr & Peers	GeoEngineers	Widener & Associates	TOTAL COST
Task 1	Project Management and Coordination	\$ 10,282	\$ -	\$ 10,080	\$ 1,734	\$ -	\$ 22,096
1.1	Project Administration	\$ 10,282	\$ -	\$ 10,080	\$ 1,734	\$ -	\$ 22,096
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 2	Background & Data Collection	\$ 86,383	\$ 10,933	\$ 16,098	\$ 11,716	\$ 6,858	\$ 131,988
2.1	Kickoff Meeting	\$ 3,600	\$ -	\$ 4,683	\$ 1,967	\$ -	\$ 10,250
2.2	Base Mapping & Property Survey	\$ 70,364	\$ -	\$ -	\$ -	\$ -	\$ 70,364
2.3	Right of Way Review	\$ 443	\$ 10,933	\$ -	\$ -	\$ -	\$ 11,376
2.4	Geotechnical Desktop	\$ 443	\$ -	\$ -	\$ 9,750	\$ -	\$ 10,193
2.5	Environmental Desktop	\$ 443	\$ -	\$ -	\$ -	\$ 6,858	\$ 7,301
2.6	Utilities Mapping	\$ 10,646	\$ -	\$ -	\$ -	\$ -	\$ 10,646
2.7	Traffic Data Collection/ Modeling	\$ 443	\$ -	\$ 11,415	\$ -	\$ -	\$ 11,858
2.8	Structural Conditions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 3	Concept Design & Analysis	\$ 64,099	\$ -	\$ 62,400	\$ 3,933	\$ -	\$ 130,432
3.1	Alternative Concepts	\$ 32,021	\$ -	\$ -	\$ 1,967	\$ -	\$ 33,987
3.2	Multimodal Transportation Analysis	\$ 887	\$ -	\$ 62,400	\$ -	\$ -	\$ 63,287
3.3	Concept Cost Estimates	\$ 8,300	\$ -	\$ -	\$ -	\$ -	\$ 8,300
3.4	Alternatives Evaluation	\$ 4,940	\$ -	\$ -	\$ 1,967	\$ -	\$ 6,907
3.5	Documentation / Presentation	\$ 17,952	\$ -	\$ -	\$ -	\$ -	\$ 17,952
Task 4	Environmental Review	\$ 887	\$ -	\$ -	\$ -	\$ 2,607	\$ 3,494
4.1	Permitting Outline / Matrix	\$ 443	\$ -	\$ -	\$ -	\$ 2,607	\$ 3,051
4.2	Environmental Justice	\$ 443	\$ -	\$ -	\$ -	\$ -	\$ 443
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 5	Public & Stakeholder Engagement	\$ 26,792	\$ -	\$ -	\$ -	\$ -	\$ 26,792
5.1	Public Engagement Plan	\$ 5,319	\$ -	\$ -	\$ -	\$ -	\$ 5,319
5.2	PAC Engagement	\$ 5,197	\$ -	\$ -	\$ -	\$ -	\$ 5,197
5.3	Public Engagement	\$ 5,812	\$ -	\$ -	\$ -	\$ -	\$ 5,812
5.4	Online Outreach Content	\$ 10,463	\$ -	\$ -	\$ -	\$ -	\$ 10,463
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 6	Concept Validation	\$ 6,764	\$ -	\$ 7,673	\$ 3,933	\$ -	\$ 18,370
6.1	WSDOT ARR	\$ 887	\$ -	\$ 7,673	\$ 1,967	\$ -	\$ 10,526
6.2	BNSF Coordination	\$ 5,877	\$ -	\$ -	\$ 1,967	\$ -	\$ 7,844
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 7	Preliminary Design Kickoff	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 8	Field Measurements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 9	Preliminary Design (30%)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 10	Public Engagement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 11	Design Validation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Task 12	Final Documentation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Reimbursables	\$ -	\$ 11,275	\$ 12,464	\$ 13	\$ 375	\$ 24,127
PROJECT TOTALS		\$ 81,933	\$ 22,208	\$ 108,715	\$ 21,329	\$ 9,840	\$ 244,025

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1122
Renews #	
Cross Ref #	
Project #	2018102
Bid #	
Requisition #	

Submitting Dept	INTEGRATED CAPITAL MANAGEMENT
Contact Name/Phone	MARK PAPICH 625-6310
Contact E-Mail	MPAPICH@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4250 – DEPT OF HEALTH LOAN AGREEMENT – WEST PLAINS BOOSTER STATION

Agenda Wording

Loan Contract between Drinking Water State Revolving Fund (DWSRF) and the City of Spokane for the West Plains Booster Station in the amount of \$6,666,000.00.

Summary (Background)

The West Plains Booster Station loan will construct a new booster pump station in the vicinity of the existing Spotted Road booster pump station and connect the new pump station to the existing water system with piping and electrical. The loan is at an interest rate of 2.25 percent with a repayment period of 20 years.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 6,666,000.00

Select \$

Select \$

Select \$

Budget Account

4250 98818 99999 38271 15799

#

#

#

Approvals

Dept Head	DAVIS, MARCIA
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	Bingle

Distribution List

ddaniels@spokanecity.org

icmaccounting@spokanecity.org

Additional Approvals

eraea@spokanecity.org

Purchasing

inote@spokanecity.org

mdavis@spokanecity.org

Signor: Mark Brower mark.brower@kpff.com

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Integrated Capital Management
Contact Name	Mark Papich
Contact Email & Phone	625-6310 & mpapich@spokanecity.org
Council Sponsor(s)	CM Bingle
Committee Date	October 23, 2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Department of Health DWSRF Loan Agreement – Spotted Road Booster
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The City of Spokane has been awarded a low interest loan to fund the design and construction of a new Spotted Road Booster Station. The funding source for the loan is the Drinking Water State Revolving Fund (DWSRF). This funding is Federal funding and is administered through the Washington State Department of Health (DOH). The funded project is identified in the 2023-2028 Six Year Capital Improvement Program. Loan specifics:</p> <ul style="list-style-type: none"> • Loan Amount: \$6,666,000 • Interest Rate: 2.25% • Loan Term: 20 years
Proposed Council Action	
Fiscal Impact Total Cost: <u>\$6,666,000</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Utility Rates IC Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
<p>Public Works services and projects are designed to serve all residents and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.</p>	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	
<p>N/a - This is a public works project and should not impact racial, gender identity, national origin, income level, disability, sexual orientation, or other existing disparity factors.</p>	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This project is identified in the 6-Year Capital Improvement Program as well as the annual budget.

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/5/23

Type of expenditure:

Goods

Services

Department: ICM

Approving Supervisor: Marcia Davis

Amount of Proposed Expenditure: \$6,666,000

Is this against a master agreement? If yes, please provide the number:

Funding Source Washington State Department of Health DWSRF

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

This agreement provides funding to construct the Spotted Road Booster Station which is needed to serve water in the West Plains for growth and development as well as interties.

What are the impacts if expenses are deferred?

The City won't be able to provide additional water for growth, development and interties.

What alternative resources have been considered?

Other locations were evaluated for the new booster station but the proposed location at Spotted Road was determined to be the most cost effective.

Description of the goods or service and any additional information?

This expenditure will fund the materials and labor needed to construct the new water booster station.

Person Submitting Form/Contact: Mark Papich mpapich@spokanecity.org

Division Director:

Marlene Feist

CFO Signature:

Tonya Wallace

City Administrator Signature:

[Signature]
Garrett Wallace (Oct 5, 2023 13:36 PDT)

Additional Comments:











ECF - Integrated Capital Management Spotted Rd Booster Station DWSRF Loan

Final Audit Report

2023-10-09

Created:	2023-10-06
By:	Brittany Kraft (bkraft@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAb9AVnHkk5NgZ3XTrBDtRGlS3bUZ82GU

"ECF - Integrated Capital Management Spotted Rd Booster Station DWSRF Loan" History

-  Document created by Brittany Kraft (bkraft@spokanecity.org)
2023-10-06 - 7:02:07 PM GMT- IP address: 174.31.101.171
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-06 - 7:02:45 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-06 - 7:33:51 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-06 - 7:34:04 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-06 - 7:34:05 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-06 - 8:04:03 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-06 - 8:04:09 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-06 - 8:04:11 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-07 - 3:43:43 AM GMT- IP address: 104.28.116.106
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-09 - 8:36:50 PM GMT - Time Source: server- IP address: 198.1.39.252

✔ Agreement completed.

2023-10-09 - 8:36:50 PM GMT

September 12, 2023



City of Spokane
Nadine Woodward, Mayor
808 W. Spokane Falls Blvd.
Spokane, WA 99201-1234
nwoodward@spokanecity.org

RE: Loan Contract Number: DWL28180-0

Dear Madam Mayor Woodward;

Enclosed is the Drinking Water State Revolving Fund Loan Contract Number identified above for your signature. The Loan Contract details the terms and conditions that will govern the agreement between us, which includes the project's Scope of Work as a formal attachment. Failure to return the contracts within 60 calendar days of the date of this letter may result in your loan offer being withdrawn.

Review, print and sign the document. Once signatures are obtained, scan and return by email to dohcon.mgmt@doh.wa.gov or print and sign a hard copy and return the originals to us for full execution.

Please note that the U.S. Environmental Protection Agency is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

A non-refundable one-percent loan administration fee will be collected at contract execution (If applicable), including any subsequent amendments where funds are added. The loan amount may be modified to include an amount sufficient to cover the one-percent loan administration fee. In most cases, the fee will be collected in full at contract execution. Please review the terms and conditions of the Loan Contract and all attachments carefully for details.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov.

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

After the Loan Contracts have been signed by the Department or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred within the contract period of performance, and which have supporting documentation such as receipts or bills.

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,
Dennis Hewitt
DOH Contract Manager
206.236.3017
Dennis.Hewitt@DOH.WA.GOV

Enclosures:

- ATTACHMENT I: SCOPE OF WORK (PROJECT)
- ATTACHMENT II: ATTORNEY'S CERTIFICATION
- ATTACHMENT III: FEDERAL AND STATE REQUIREMENTS
- ATTACHMENT IV: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS
- ATTACHMENT V: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
- ATTACHMENT VI: DWSRF ELIGIBLE PROJECT COSTS
- ATTACHMENT VII: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

Washington State Department of Health

DWSRF Municipal Loan Boilerplate

May 2018

Version History		
Date	Revision(s)	Version
05-15-2018	Original - developed via a team of the DWSRF Grant and Loan Unit Supervisor, the DOH Office of Drinking Water Finance Director, the DOH Office of Contracts and Procurement Technical and Policy Advisor, and DOH's Financial Services Assistant Attorney General.	1

1. CONTRACT FACE SHEET

2022-4073 Loan Number: DWL28180-0
Washington State Department of Health (DOH)
Drinking Water State Revolving Fund (DWSRF)
Municipal

1. Borrower <p style="text-align: center;">City of Spokane 808 W. Spokane Falls Blvd Spokane, WA 99201-1234</p>		2. Borrower Doing Business As (optional)	
3. Borrower Type Construction Loan		4. Borrower's Statutory Authority	
5. Borrower Contract Manager Information Nadine Woodward Mayor		6. DOH Contract Manager Dennis Hewitt P.O. Box 47822 Olympia, WA 98504-7822	
		(509) 625-6310 nwoodward@spokanecity.org	
		360.236.3017 Dennis.Hewitt@doh.wa.gov	
7. Project Name SPOTTED ROAD BOOSTER STATION 2			
8. Loan Amount: \$6,666,000.00 Loan Fee: \$66,000.00 Interest Rate: 2.25%	9. Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	10. Start Date DOE	11. End Date 10/01/2042
12. Federal Funding Agency Environmental Protection Agency Catalogue of Federal Assistance (CFDA) Number 66.468			
13. Borrower Tax ID # 91-6001280	14. SWV # 0003387-05	15. Borrower UBI # 328-013-877	16. Borrower UEI# PDNCLY8MYJN3
17. Contract Purpose DOH and the party identified above as Borrower, hereafter referred to as BORROWER, have entered into this contract to fund the project identified above that furthers the goals and objectives of the DOH DWSRF Program. The project will be done by the BORROWER as described in the scope of work and this contract. The rights and obligations of the parties are governed by this contract and the following documents incorporated by reference: General Terms and Conditions including Declarations; Attachment I: Scope of Work (Project); Attachment II Attorney's Certification; Attachment III: Federal and State Requirements; Attachment IV: Disadvantaged Business Enterprise Requirements; Attachment V: Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Attachment VI: DWSRF Eligible Project Costs; and Attachment VII: Labor Standard Provisions for Subrecipients that are Governmental Entities. By the signature below, the parties acknowledge and accept the terms of this contract.			
FOR CONTRACTOR SIGNATURE AND DATE		FOR DOH SIGNATURE and DATE	
NAME and TITLE		NAME and TITLE	
		APPROVED AS TO FORM ONLY Mark Calkins, AAG Signature on File	

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3. DECLARATIONS

3.1. BORROWER INFORMATION

Legal Name: **City of Spokane**
Loan Number: **DWL28180-0**
Award Year: **2022**
State Wide Vendor Number: **0003387-05**

3.2. PROJECT INFORMATION (PROJECT)

Project Title: **Spotted Road Booster Station 2**
Project Location (City or County): **Spokane County**
Project State: **Washington**
Project Zip Code: **99201**

Project Scope of Work (PROJECT): Attachment I, attached hereto and incorporated by reference.

3.3. CONTRACT COMMUNICATION

Communications regarding Contract performance is delegated by each party to its Contract Manager. Either party may change its Contract Manager by notice to the other party. Either party may identify on an as needed basis an alternate Contract Manager to serve during the stated temporary absence of its primary Contract Manager. Notices between the parties regarding Contract performance must be provided by written communication to the other party's Contract Manager. Written communication includes email but not voice mail. Notices are presumed received by the other party's Contract Manager upon evidence of delivery between the hours of 8:00 am to 5:00 pm except for state holidays and weekends.

3.4. LOAN INFORMATION

Loan Amount: **\$6,666,000**
Loan Fee (Included in loan amount if applicable): **\$66,000**
Principal Loan Forgiveness %: **0%**
Loan Term: **20 Years**
Interest Rate: **2.25%**
Payment Month(s): **October 1st Annually**
Earliest Date for Construction Reimbursement: **12 Months prior to contract counter signed by DOH**
Time of Performance: **48 months from Contract start date (date of last signature) to Project Completion date.**

Notice to Proceed: 18 months from Contract start date

3.5. FUNDING INFORMATION

Total Funds from BORROWER: **N/A**
Source(s) of Funds from Borrower, with assigned amounts per source: **N/A**
Total State Funds:
Total Amount of Federal Award (as applicable):
Total Amount of Loan: **\$6,666,000**
Federal Award Date:
Federal Award ID # (FAIN): **N/A**
Amount of Federal Funds Obligated by this Action:

3.6. SPECIAL TERMS AND CONDITIONS

N/A

4. GENERAL TERMS AND CONDITIONS

DRINKING WATER STATE REVOLVING FUND (MUNICIPAL)

4.1. AUTHORITY

Acting under the authority of Section 1452 of the Safe Drinking Water Act (SDWA) Section 130, RCW 39.34, RCW 43.70.040, and RCW 70.119A.170 the Washington State Department of Health (DOH) has awarded BORROWER a Drinking Water State Revolving Fund Loan (LOAN) for the project identified in the Declarations (PROJECT). Under this CONTRACT, BORROWER is a sub-recipient of funds provided by the United States Environmental Protection Agency (EPA), CFDA Number 66.468, Safe Drinking Water State Revolving Fund.

In some CONTRACT attachments, DOH is referred to as “Lender” and BORROWER is referred to as “Contractor.”

4.2. FULL AGREEMENT

This CONTRACT contains the full agreement of the parties. No other understandings, oral or otherwise, regarding the subject matter of this CONTRACT exists.

4.3. ORDER OF PRECEDENCE

In the event of an inconsistency in this CONTRACT, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: The order of precedence for terms and conditions under categories B and C is subject to the proviso that when a contract term or condition appears in more than one contract document, the more specific contract term or condition shall control if the different contract provisions cannot be harmonized.

- A. Applicable local, state, and federal statutes and regulations
- B. Contract amendments
- C. The Contract (in this order)
 - Declarations and Special Terms and Conditions
 - General Terms and Conditions
 - Attachments I – VII

4.4. LOAN AMOUNT

DOH, using funds from the Drinking Water Assistance Account, will loan BORROWER a sum not to exceed the amount shown as LOAN AMOUNT in the Declarations. The LOAN AMOUNT shall not exceed one hundred percent (100%) of the actual eligible PROJECT costs.

4.5. LOAN FEE

If DOH assessed a LOAN FEE, it is shown in the Declarations as LOAN FEE and included in the total LOAN AMOUNT. The fee (if applicable) is one percent (1%) of the loan request and will not be reduced, regardless of the final LOAN AMOUNT at PROJECT completion. If the LOAN FEE applies and the total LOAN AMOUNT is increased by amendment, DOH will assess an additional LOAN FEE equal to one percent (1%) of the additional LOAN AMOUNT. LOAN FEES are non-refundable.

4.6. LOAN TERM

Unless changed by an amendment, the LOAN TERM will not exceed the period of time shown in the Declarations. The repayment period for DOH subsidized loans is twenty-four (24) years from this CONTRACT's start date. The repayment period for non-DOH subsidized loans is twenty (20) years from this CONTRACT's start date.

4.7. INTEREST RATE

The interest rate is stated in the Declarations. Interest is per annum on the outstanding principal balance and starts to accrue from the date DOH releases LOAN FUNDS to BORROWER.

4.8. LOAN FORGIVENESS

If the LOAN qualifies for LOAN Forgiveness, the percent of the LOAN balance that DOH will forgive at PROJECT completion is stated in the Declarations. DOH calculates the amount forgiven when DOH approves the BORROWER's Project Completion Report. The amount forgiven will be based on either the LOAN AMOUNT or BORROWER's ELIGIBLE PROJECT COSTS, whichever is less, and accrued interest.

4.9. RELEASE OF LOAN FUNDS AND REQUIRED DOCUMENTATION

DOH will release LOAN funds to BORROWER to reimburse BORROWER for eligible PROJECT costs. To request reimbursement, BORROWER must submit a signed and completed invoice using a form provided by DOH. The invoice must reference the PROJECT activity performed, and include supporting documentation such as bills, invoices, receipts, and documentation of compliance with CONTRACT requirements as requested by DOH. The invoice must be signed by an official of BORROWER with authority to bind BORROWER.

Invoices must also include a report of the progress made since the last invoice, and the PROJECT status to date. DOH will not release funds until the PROJECT status report and documentation are approved by DOH. Approval will not be unreasonably withheld or delayed. After approving the invoice, documentation, and PROJECT status report, DOH will release funds to BORROWER within thirty (30) days, if BORROWER is not in alleged or actual breach of CONTRACT.

DOH will withhold ten percent (10%) of LOAN funds until DOH confirms that BORROWER has successfully completed all steps for PROJECT COMPLETION. The 10% holdback will be available to BORROWER as part of the last LOAN disbursement.

4.10. TIME OF PERFORMANCE

BORROWER will begin the activities in the PROJECT within thirty (30) calendar days of the CONTRACT start date. BORROWER will issue a 'Notice to Proceed', after the formal award of a construction contract, within eighteen (18) months of the CONTRACT start date.

BORROWER must reach PROJECT COMPLETION within the TIME OF PERFORMANCE. If there are extenuating circumstances, BORROWER may request, in writing, at least ninety (90) calendar days prior to the PROJECT COMPLETION that DOH extend the deadline for PROJECT COMPLETION. At its discretion, DOH may issue an extension. DOH's decision is final and not subject to the dispute clause.

If BORROWER does not meet the requirements of this section, it is a breach of CONTRACT, and DOH may terminate or suspend this CONTRACT.

4.11. PROJECT COMPLETION AMENDMENT AND THE PROJECT COMPLETION REPORT

The PROJECT Completion Amendment determines the final LOAN AMOUNT and LOAN TERM. When activities in the PROJECT are complete, BORROWER will start the process for the PROJECT Completion Amendment by sending DOH the PROJECT Completion Report. In the PROJECT Completion Report, BORROWER will provide the following information to DOH:

- A. A statement of the actual dollar amount spent, from all fund sources, to complete the PROJECT.
- B. A statement that all ELIGIBLE PROJECT COSTS have been incurred. Costs are incurred when goods and services are received and/or contracted work is performed.
- C. Evidence showing BORROWER'S compliance with financial the audit requirements of this CONTRACT.
- D. An invoice for the remaining ELIGIBLE PROJECT COSTS.
- E. Documentation of BORROWER's compliance with National Historic Preservation Act, 54 USC Subtitle III.

4.12. LOAN PAYMENTS

BORROWER must begin repaying the LOAN no later than one (1) year after the CONTRACT start date. Payments are due on the first day of the month(s) shown as the PAYMENT MONTH(S) in the Declarations. The first payment is only the interest accrued at that time. All other payments are principal and interest accrued up to the PAYMENT

MONTH(S).

BORROWER can repay in full the LOAN balance, including fees and repayment of LOAN FUNDS for ineligible project costs (if any), at any time or make accelerated payments without penalty. The final payment must be on or before the end of the LOAN TERM.

4.13. LOAN DEFAULT

DOH must receive BORROWER'S payment within thirty (30) calendar days of the due date. Late payments are delinquent and assessed a monthly penalty on the first (1st) day past the due date. The penalty is one percent (1%) of the late payment amount per month. Penalty and fees accrue interest at the rate stated as LOAN INTEREST in the Declarations.

DOH may notify any other entity, creditors, or potential creditors of BORROWER's delinquency. BORROWER is responsible for all attorney fees and costs incurred by DOH in any action taken to enforce its rights under this section, including in any alternative dispute resolution proceeding.

4.14. LOAN SECURITY

LOAN Security is only required if identified in the Declarations. In its sole discretion and if allowed under the EPA regulations relevant to this Contract, DOH may subordinate its LOAN security to Borrower's obligations under existing or future bonds and notes. Nothing in this section releases BORROWER from the obligation to make LOAN PAYMENTS when due, and to adjust rates, fees, or surcharges as necessary to meet its obligations under this CONTRACT.

4.15. AMENDMENTS, MODIFICATIONS, ASSIGNMENTS, AND WAIVERS

Amendments, modifications, assignments, and waivers to any of the terms of this CONTRACT supersede, if applicable, those terms as found in the original CONTRACT, and are not binding unless they are in writing and signed by representatives authorized to bind each of the parties. Only the authorized representative or their designee has the express, implied, or apparent authority to alter, amend, assign, modify, or waive any terms of this CONTRACT.

Neither this CONTRACT nor any claim arising under it may be transferred or assigned by BORROWER without DOH's prior written consent. During the LOAN TERM, DOH must approve in advance, any change in ownership of the water system(s) improved with LOAN FUNDS. DOH may require the LOAN, including fees and ineligible project costs (if any), be paid in full as a condition of approval.

Nothing in this CONTRACT may be waived unless approved by DOH in writing. No waiver of any default or breach is implied from any failure to take action upon such default or breach if the default of breach persists or repeats. Waiver of any default or breach is not a waiver of any subsequent default or breach.

4.16. BUILD AMERICA, BUY AMERICA

None of the LOAN funds can be used for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States ("Build America, Buy America Requirements") including iron and steel, manufactured products, and construction materials provided by the Contactor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and Funding authority.

DOH may waive this requirement if:

- A. Compliance would be inconsistent with the public interest; or
- B. The particular products are not produced in the United States in sufficient and reasonably available quantities and are not of a satisfactory quality; or
- C. Inclusion of products produced in the United States will increase the cost of the overall project by more than twenty-five (25) percent; and
- D. A waiver is approved by the Environmental Protection Agency (EPA).

BORROWER must submit the waiver request to DOH, which will submit it to EPA. The full text of the Build America, Buy America provision can be found under The Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. No. 117-58, which includes the Build America, Buy America Act ("the Act"). Pub. L. No. 117-58, §§ 70901-52.

4.17. ATTORNEYS' FEES

Unless expressly stated under another section of the CONTRACT, each party agrees to bear its own attorneys' fees and costs for litigation or other action brought to enforce the contract terms.

4.18. BONUS AND COMMISSION PAYMENTS NOT ALLOWED

Funds provided under this CONTRACT cannot be used to pay any bonus or commission to gain approval of the loan application or any other approval under this CONTRACT. This section does not prohibit paying for bona fide technical consultants, managerial, or other such services, if payment is for ELIGIBLE PROJECT COSTS.

4.19. COMPLIANCE

BORROWER will comply with all applicable federal, state and local laws, requirements, and ordinances for the design, implementation, and administration of the PROJECT and this CONTRACT, including but not limited to those stated in the CONTRACT attachments. BORROWER will provide DOH with documentation of compliance, if requested.

In the event of BORROWER's alleged or actual noncompliance with any part of this CONTRACT, DOH may suspend all or part of the CONTRACT, withhold payments, or prohibit BORROWER from incurring additional obligations of LOAN FUNDS during the investigation and pending corrective action by BORROWER, or a decision by DOH to terminate the CONTRACT.

4.20. DISPUTES

Except as otherwise provided in this CONTRACT, when a dispute arises between the parties that cannot be solved by direct negotiation, either party may request a dispute hearing with the Director of the Office of Drinking Water (the Director), who may designate a neutral person to decide the dispute. The parties will be equally responsible for any reasonable costs and fees incurred by the neutral.

The party requesting a dispute hearing must:

- A. Be in writing;
- B. State the disputed issues;
- C. State the relative positions of the parties;
- D. State BORROWER's name, address, and the CONTRACT number;
- E. Provide contact information for the requester's representative, and,
- F. Be mailed to the other party's (respondent's) Contract Manager within three (3) working days after the parties agree that they cannot resolve the dispute.

The respondent must send a written answer within five (5) working days.

In the alternative, the parties can agree to submit a mutual request to the Director, which should include each party's response to the other party's characterization of the dispute.

The Director or designee will review the written statements and reply in writing to both parties within ten (10) working days. The Director or designee may extend this period if necessary by notifying the parties. The decision on the dispute is non-binding and is not admissible in any succeeding judicial or quasi-judicial proceeding.

This non-binding dispute process must precede any action in a judicial or quasi-judicial tribunal. Nothing in this CONTRACT limits the parties from using any mutually acceptable alternate dispute resolution (ADR) method in addition to or instead of the dispute hearing procedure outlined above.

4.21. ELIGIBLE PROJECT COSTS

BORROWER will comply with Attachment VI: DWSRF Eligible Project Costs and is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

The purchase of any land necessary for the PROJECT must be included in the PROJECT and be documented with an appraisal or equivalent market evaluation, if approved by DOH, and a valid purchase and sale agreement.

Construction expenses incurred after the date shown as earliest date for construction reimbursement in the Declarations are eligible for reimbursement. Requests for reimbursements for costs related to construction activities will not be accepted until BORROWER has met the following conditions:

- A. Completed the State Environmental Review Process (SEPA Review under RCW 43.21C);
- B. Complied with all provisions of the National Historic Preservation Act, 54 USC Subtitle III;
- C. Complied with Prevailing Wage requirements;
- D. Received approval from DOH of the project report and related construction documents for all applicable activities described in the PROJECT; and
- E. Complied with any other LOAN conditions required by DOH.

BORROWER cannot use LOAN FUNDS for any expenses charged by BORROWER against any other contract, subcontract, or source of funds.

If DOH reimburses BORROWER for costs that are later determined by DOH to be ineligible, BORROWER must repay these funds to DOH no later than when the BORROWER returns the PROJECT Completion Amendment to DOH. Prior to final completion, DOH may withhold payment for such costs as allowed under Section 4.36 RECAPTURE. Repayment is subject to interest retroactive to the date of the applicable disbursement by DOH.

4.22. FALSE, INCORRECT, OR INCOMPLETE INFORMATION OR CLAIM

BORROWER warrants that they have not and will not submit to DOH any information that is materially false, incorrect, or incomplete. Providing false, fictitious, or misleading information with respect to the receipt and disbursements of LOAN funds is a basis for criminal, civil, or administrative fines and/or penalties. DOH may also pursue applicable remedies for violations by BORROWER of this section.

4.23. FINANCIAL AUDIT

DOH may require BORROWER to obtain an audit of this PROJECT conforming to Generally Accepted Accounting Principles (GAAP). BORROWER will maintain its records and accounts to facilitate the audit. BORROWER is responsible for correcting any audit findings. BORROWER is responsible for any audit findings incurred by its own organization and/or its subcontractors. DOH reserves the right to recover from BORROWER all disallowed costs and INELEGIBLE PROJECT COSTS resulting from the audit.

The audit must include a report on compliance, including an opinion (or disclaimer of opinion) about whether the BORROWER is in compliance with laws, regulations and requirements of this CONTRACT that could have a direct and material effect on DOH.

BORROWER must send a copy of any required audit per 2 CFR §200.512 to the DOH Contract Manager, no later than nine (9) months after the end of BORROWER's fiscal year(s). BORROWER must send any audit corrective action plan for audit findings and a copy of the management letter, within three (3) months of the audit report.

4.24. GOVERNING LAW AND VENUE

This CONTRACT shall be construed and interpreted according to the laws of the state of Washington, and the venue of any action brought under the CONTRACT will be in the Superior Court for Thurston County.

4.25. HISTORICAL AND CULTURAL REQUIREMENTS

BORROWER will not conduct or authorize destructive PROJECT planning activities before completing the requirements of the National Historic Preservation Act, 54 USC Subtitle III. BORROWER will not begin construction activities, ground disturbance, or excavation of any sort, until BORROWER has complied with all requirements of the National Historic Preservation Act of 1966, as amended.

If historical or cultural artifacts are discovered during the PROJECT, BORROWER will immediately stop construction and implement reasonable measures to protect the discovery site from further disturbance, take

reasonable steps to ensure confidentiality of the discovery site, restrict access to the site, and notify the concerned tribe's cultural staff or committee, Tribal Historical Preservation Officer (THPO), DOH Contract Manager, and the State's Historical Preservation Officer (SHPO) at the Washington State Department of Archaeology and Historic Preservation (DAHP). If human remains are uncovered, BORROWER will report the presence and location of the remains to the local coroner and law enforcement immediately, then contact the concerned tribe's cultural staff or committee, DOH Contract Manager, and DAHP.

BORROWER is legally and financially responsible for compliance with all laws, regulations, and agreements related to the preservation of historical or cultural sites and artifacts and will hold harmless the state of Washington and DOH in relation to any claim related to historical or cultural sites discovered, disturbed, or damaged as a result of BORROWER'S and BORROWER's subcontractors activities.

BORROWER will include the requirements of this section in all contracts for work or services related to the PROJECT. BORROWER will require that bid documents include an inadvertent discovery plan that meets the requirements of this section.

4.26. INDEMNIFICATION

BORROWER agrees to defend, indemnify, and hold harmless DOH and the state of Washington for claims arising out of or incident to BORROWER'S or any BORROWER'S subcontractor's performance or failure to perform the CONTRACT. BORROWER'S obligation to indemnify, defend, and hold harmless DOH and the state of Washington shall not be eliminated or reduced by any actual or alleged concurrent negligence of DOH or its agents, agencies, employees and officials. BORROWER'S obligation to indemnify, defend and hold harmless DOH and the state of Washington includes any claim by BORROWER'S agents, employees, officers, subcontractors or subcontractor employees.

BORROWER waives immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless the state and its agencies, officers, agents or employees.

4.27. INDUSTRIAL INSURANCE COVERAGE

BORROWER will comply with the applicable parts of Title 51 RCW, Industrial Insurance. If BORROWER fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as required by law, DOH may collect from BORROWER the full amount payable to the Industrial Insurance Accident Fund. DOH may deduct the amount owed by BORROWER to the accident fund from the amount payable to BORROWER by DOH under this CONTRACT, and transmit the deducted amount to the Washington State Department of Labor and Industries (L&I).

4.28. LITIGATION

BORROWER warrants that there is no threatened or pending litigation, investigation, or legal action before any court, arbitrator, or administrative agency that, if adversely determined against BORROWER, would have a materially adverse effect on BORROWER's ability to repay the LOAN. BORROWER agrees to promptly notify DOH if any above-referenced actions become known to BORROWER during the pendency of the Contract.

4.29. NONDISCRIMINATION

BORROWER will not discriminate on the basis of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability in the performance of this CONTRACT. BORROWER will comply with all federal and state nondiscrimination laws, including, but not limited to Chapter 49.60 RCW, Washington's Law Against Discrimination and 42 USC 12101 et seq., the Americans with Disabilities Act (ADA), and 40 CFR Part 33 Participation by Disadvantaged Business Enterprises in US EPA Programs . Failure by BORROWER to carry out these requirements is a material breach of this CONTRACT. BORROWER is required to include these non-discriminatory provisions in any contract with a subcontractor.

4.30. PREVAILING WAGE

BORROWER will assure that all contractors and subcontractors performing work funded through this CONTRACT comply with prevailing wage laws by paying the higher of state or federal prevailing wages. BORROWER is legally and financially responsible for compliance with the prevailing wage requirements. BORROWER should consult the

United States Department of Labor and Washington State Department of Labor and Industries websites to determine the federal and State prevailing wages that must be paid.

4.31. PROCUREMENT

BORROWER will comply with all procurement requirements for subcontracting for the PROJECT and for obtaining PROJECT-related goods and services. BORROWER must maintain records to verify compliance with procurement requirements.

BORROWER must ensure that all contractors, subcontractors, engineers, vendors, and any other entity for work or services listed in the PROJECT will insert in full, in any contract, the labor standards provisions in Attachment VIII: Labor Standard Provisions for Subrecipients That Are Governmental Entities.

4.32. PROHIBITION STATEMENT

Per Section 106 of the federal Trafficking Victims Protection Act, BORROWER `s contractors, subcontractors, engineers, vendors, and any other entity performing work funded by this CONTRACT must comply with and include the following terms and conditions in all contracts for work or services for the PROJECT.

“All forms of trafficking in persons, illegal sex trade, or forced labor practices are prohibited in the performance of this award or subawards under the award, or in any manner during the period of time that the award is in effect. This prohibition applies to you as the recipient, your employees, subrecipients under this award, and subrecipients’ employees.”

4.33. PROJECT SIGNS

If BORROWER displays, during the TIME OF PERFORMANCE, any signs or markers identifying parties that are providing funds for the PROJECT, BORROWER must include the Washington State Department of Health Drinking Water State Revolving Fund and the Washington State Department of Health as participants in the PROJECT.

4.34. PUBLICITY

BORROWER agrees to get prior written consent from DOH’s Contract Manager before publishing or using any advertising or publicity materials that include Washington State or DOH’s name, or includes language that may reasonably infer or imply a connection with either one.

4.35. RATES AND RESERVES

BORROWER will maintain reserves at a minimum as required by the Water System Plan or Small Water System Management Plan. BORROWER will timely adopt rate increases and/or capital assessments for the system’s services to provide sufficient funds, along with other revenues of the system, to pay all operating expenses and debt repayments during the LOAN TERM.

4.36. RECAPTURE

DOH reserves the right to recapture from BORROWER sufficient funds to compensate DOH for BORROWER’s noncompliance with any part of this CONTRACT, in addition to any other remedies available under the CONTRACT, at law, or in equity. DOH may withhold LOAN FUNDS from BORROWER to recapture such funds.

4.37. RECORDKEEPING AND ACCESS TO RECORDS

DOH, its agents, and authorized officials of the state and federal governments will have full access and the right to examine, copy, excerpt, or transcribe, at no additional cost and at all reasonable times, any pertinent documents, papers, records, and books of BORROWER and of persons, firms, or organizations with which BORROWER may contract, involving transactions related to this CONTRACT. BORROWER agrees to keep complete records of its compliance with this CONTRACT for a period of six (6) years from the date that the debt to DOH is paid in full. This includes but is not limited to financial reports. If any litigation, claim or audit is started before the expiration of the six (6) year period, BORROWER must keep the records until all litigation, claims or audit findings involving the records have been resolved. These records retention requirements are in addition to the local government records retention schedules applicable to the BORROWER.

4.38. REGISTRATION WITH THE SYSTEM FOR AWARD MANAGEMENT (SAM)

BORROWER must comply with 48 CFR 52.204-7 to register with the System for Awards Management (SAM.gov). BORROWER is responsible for the accuracy and completeness of its data in the SAM database and any liability resulting from the Government or DOH reliance on inaccurate or incomplete data in it. BORROWER must remain registered in the SAM database. BORROWER should annually review its information in SAM to ensure it is accurate and complete.

4.39. SEVERABILITY

If any part of this CONTRACT or part of any document incorporated by reference is found to be invalid, it will not affect the other parts of this CONTRACT that can be given effect without the invalid part.

4.40. SUBCONTRACTING

Prior to awarding contracts and/or subcontracts, BORROWER must verify that the complete names of both the selected contractor and the owner or president are not in the Federal Excluded Parties List System for Ineligible Professionals and Debarred Contractors (www.SAM.gov). BORROWER must provide the DOH Contract Manager with a screen printout documenting that neither the firm, the owner or the president are excluded.

BORROWER will ensure that every contract and subcontract awarded for the PROJECT after the CONTRACT start date will bind the parties to follow all applicable terms of this CONTRACT. BORROWER is responsible to DOH for noncompliance by its contractors and/or subcontractors. BORROWER's contracts or subcontracts do not release or reduce the BORROWER's liability to DOH for any breach in the performance of BORROWER's duties. BORROWER's contracts and subcontracts must include a term that the state of Washington and DOH are not liable for claims or damages arising from a contractor and/or subcontractor's performance or lack thereof.

4.41. SURVIVAL

The CONTRACT's terms, conditions, and warranties that by its sense and context are intended to survive the completion of the performance, cancellation or termination of this CONTRACT, shall so survive.

4.42. TERMINATION FOR CAUSE

If DOH concludes that BORROWER has failed to comply with the CONTRACT requirements or has otherwise breached one or more parts of the CONTRACT, DOH may, at its discretion, upon notice to BORROWER, terminate or suspend the CONTRACT and/or its attached agreements in whole or in part.

The notice will be in writing and state the reason(s) for termination or suspension, and the effective date. The effective date will be determined by DOH. The notice will allow BORROWER at least thirty (30) business days to cure the breach, if curable. If the breach is not cured or cannot be cured within thirty (30) business days, the outstanding balance of the LOAN, with any interest accrued and other costs as authorized by the CONTRACT shall be due and payable to DOH.

If DOH terminates this CONTRACT under this section, DOH is liable only for payment required under the terms of this CONTRACT for ELIGIBLE PROJECT COSTS incurred prior to the effective date of termination.

At DOH's discretion, the termination for cause may be deemed a termination for convenience if DOH determines that the default or failure to perform was outside BORROWER's control, fault or negligence. The rights and remedies of DOH provided in this CONTRACT are not exclusive and are in addition to any other rights and remedies provided by law. Nothing in this section affects BORROWER's obligations to immediately repay the unpaid balance of the LOAN as prescribed in the Washington Administrative Code (WAC) 246-296-150.

4.43. TERMINATION OR SUSPENSION FOR CONVENIENCE

If funding or appropriation from state, federal, or other sources is withdrawn, reduced, or limited in any way during the TIME OF PERFORMANCE, DOH may:

- A. Delay or suspend releasing LOAN FUNDS until funding or appropriation are available to DOH; or
- B. Amend the CONTRACT to reflect the new funding limitations and conditions; or

- C. Terminate the CONTRACT and/or its attached agreements, in whole or in part; or
- D. Suspend the CONTRACT and/or its attached agreements, in whole or in part.

If DOH terminates the CONTRACT and/or its attached agreements in whole or in part, under this section, DOH will notify BORROWER's representative in writing of the reason(s) for termination, and the effective date. The effective date will be determined by DOH.

DOH may choose to suspend this CONTRACT and/or its attached agreements in whole or in part, if DOH determines that the funding insufficiency will likely be resolved in time for BORROWER to resume activities prior to the end of the TIME OF PERFORMANCE. DOH will notify BORROWER's representative by facsimile or email of the reason(s) for suspension, and the effective date. DOH will determine the effective date. BORROWER must suspend performance on the effective date of the suspension. During the period of suspension each party must notify the other party's representative of any conditions that may reasonably affect its ability to resume performance.

During the suspension, when DOH determines that the funding insufficiency is resolved, DOH may notify BORROWER's representative of the proposed date to resume performance. BORROWER must respond to DOH's representative in writing, within five (5) business days of DOH sending notice, as to whether it can resume performance on that date or offer an alternative date to resume performance. If BORROWER cannot resume performance or the alternative date is not acceptable to DOH, the parties agree the CONTRACT will be deemed terminated for convenience, retroactive to the original date of suspension.

If DOH terminates or suspends this CONTRACT, DOH is liable only for payment required under the terms of this CONTRACT for eligible project costs incurred prior to the effective date of suspension or termination. Nothing in this section shall affect Contractor's obligations to repay the unpaid balance of the LOAN. Nothing in this section affects BORROWER's obligation to repay the LOAN, including fees and other expenses as allowed by the CONTRACT.

4.44. TERMINATION PROCEDURES

When BORROWER receives Notice of Termination or on the date a suspension is converted to a termination, except as otherwise directed by DOH, BORROWER will:

- A. Stop work under the CONTRACT on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities related to the CONTRACT;
- C. If expressly requested by DOH, assign to DOH any or all of the rights, title, and interest of BORROWER under the orders and subcontracts so terminated, in which case DOH has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts. Any attempt by BORROWER to settle such claims must have the prior written approval of DOH; and
- D. Preserve and transfer any materials, CONTRACT deliverables and/or DOH property in BORROWER's possession as directed by DOH.

Upon termination of this CONTRACT, DOH will pay BORROWER for amounts due under the CONTRACT prior to the date of termination unless such payment is precluded under any other provision of this CONTRACT. DOH may withhold any amount due as DOH reasonably determines is necessary to protect DOH against potential loss or liability resulting from the termination. DOH will pay any withheld amount to BORROWER if DOH later determines that loss or liability will not occur.

4.45. WORK HOURS AND SAFETY STANDARDS

If this CONTRACT exceeds \$100,000, BORROWER must comply with the applicable Contract Work Hours and Safety Standards Act (40 USC Chapter 37). These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

ATTACHMENT I: SCOPE OF WORK (PROJECT)

DWSRF PROGRAM CONSTRUCTION LOAN CONTRACT INFORMATION

2022-4073, CITY OF SPOKANE, SPOTTED ROAD BOOSTER STATION 2

DWSRF Scope of Work Form:

Scope of Work:

Project to include:

1. Construct a new booster pump station in the vicinity of the existing Spotted Road booster pump station.
Connect the new pump station to the existing water system with piping and electrical.

In addition to costs of construction, costs may include (but are not limited to): engineering, design, construction inspection, hydrogeologic assessment, cultural and environmental review, permits, public involvement, preparation of bid documents, fees, taxes, legal, administrative and audit.

2022-4073, CITY OF SPOKANE, SPOTTED ROAD BOOSTER STATION 2

Project Costs by Cost Category:

COST CATEGORY	CURRENT ESTIMATES
Engineering Report (Preliminary Engineering)	\$0
Environmental Review	\$0
Historical Review/Cultural Review	\$0
Land/ROW Acquisition	\$0
Permits	\$0
Public Involvement/Information	\$0
Bid Documents (Design Engineering)	\$300,000
Construction: Estimated Cost. Provide details on following pages.	\$5,700,000
DOH Review/Approval Fees:	\$0
Contingency: (10% min, 20% max)	\$600,000
Sales or Use Taxes	\$0
Construction Engineering/Inspection	\$0
Insurance:	\$0
Audit:	\$0
Legal:	\$0
Service Meters (Purchase and Installation)	\$0
Other:	\$0
TOTAL ESTIMATED PROJECT COSTS (before Loan Fee)	\$6,600,000
DWSRF Loan Origination Fee (1%)	\$66,000
DWSRF Loan Award	\$6,666,000

Project Funding:

TYPE OF FUNDING	SOURCE	CURRENT STATUS
Grants and Other Non-Matching Funds		
Grant #1		\$
Grant #2		\$
Other Grants		\$
New Grants		\$
Total Grants and Other Non-Matching Funds		a) \$ _____
Loans		
<i>This Loan Request</i>	DWSRF loan DWL28180-0	\$6,666,000
Other Loan #1		\$
Other Loan #2		\$
Other Loans		\$
New Loans		\$
Total Loans		b) <u>\$6,666,000</u>
Local Revenue		
Source #1		\$
Source #2		\$
Other Local Revenue		\$
New Local Revenue		\$
Total Local Revenue		c) \$ _____
Other Funds		
Other Funds		\$
Other Funds		\$
Total Other Funds		d) \$ _____
TOTAL PROJECT FUNDING		e) <u>\$6,666,000</u>

Engineer's Certification:

The term of this loan will be based on an engineer's certification of the expected useful life of the improvements, as stated below, or 20 years, whichever is less. If the jurisdiction prefers the term of its loan to be less than either 20 years or the useful life of the improvements, the preferred loan term should be indicated here: __ years.

I, _____, licensed engineer, certify that the average expected useful life for the improvements described above is __ years.

Signed: _____

Name: _____

Date: _____

Telephone: _____

Professional Engineer License Number: _____

ATTACHMENT II: ATTORNEY'S CERTIFICATION

DRINKING WATER STATE REVOLVING FUND (MUNICIPAL)

I, _____, hereby certify:

I am an attorney at law admitted to practice in the state of Washington and the duly appointed attorney of BORROWER identified in the Declarations of the Contract identified above; and

I have also examined any and all documents and records, which are pertinent to the Contract, including the application requesting this financial assistance.

Based on the foregoing, it is my opinion that:

1. BORROWER is a public body, properly constituted and operating under the laws of the State of Washington, empowered to receive and expend federal, state and local funds, to contract with the state of Washington, and to receive and expend the funds involved to accomplish the objectives set forth in its application.
2. BORROWER is empowered to accept the Drinking Water State Revolving Fund financial assistance and to provide for repayment of the loan as set forth in the loan agreement.
3. There is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin BORROWER from repaying the Drinking Water State Revolving Fund loan extended by DOH with respect to such project. BORROWER is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.
4. Assumption of this obligation would not exceed statutory and administrative rule debt limitations applicable to BORROWER.

Signature of Attorney

Date

Name and BAR Number (WSBA No.)

Address

ATTACHMENT III: FEDERAL AND STATE REQUIREMENTS (NOT ALL INCLUSIVE)

1) Environmental and Cultural Authorities

- a) Archeological and Historic Preservation Act of 1974, Public Law 86-523 as amended
- b) Clean Air Act, Public Law 84-159 as amended
- c) Coastal Zone Management Act, Public Law 92-583 as amended
- d) Endangered Species Act, Public Law 93-205 as amended
- e) Environmental Justice, Executive Order 12898
- f) Floodplain Management, Executive Order 11988 as amended by Executive Order 12148
- g) Protection of Wetlands, Executive Order 11990
- h) Farmland Protection Policy Act, Public Law 97-98
- i) Fish and Wildlife Coordination Act, Public Law 85-624 as amended
- j) National Historic Preservation Act, 54 USC Subtitle III
- k) Safe Drinking Water Act, Public Law 93-523 as amended
- l) Wild and Scenic Rivers Act, Public Law 90-542 as amended
- m) Washington State Environmental Policy Act, Chapter 43.21C RCW
- n) Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act, Revised Code of Washington (RCW) 27.44 regarding Indian Graves and Records; RCW 27.53 regarding Archaeological Sites and Resources; RCW 68.60 regarding Abandoned and Historic Cemeteries and Historic Graves; and Washington Administrative Code (WAC) 25-48 regarding Archaeological Excavation and Removal Permits.

Buy America Build America Requirements

- 2) DWSRF construction projects chosen for FFATA/Equivalency reporting must comply with the Buy America Build America provisions. Projects started prior to May 14, 2022, may be exempt. Visit the EPA website for more information on the BABA requirements and the waiver process at <https://www.epa.gov/cwsrf/build-america-buy-america-baba>

3) Economic and Miscellaneous Authorities

- a) Demonstration Cities and Metropolitan Development Act of 1996, Public Law 89-754 as amended, Executive Order 12372
- b) Procurement Prohibitions under Section 306 of the Clean air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans
- c) Uniform Relocation and Real Property Policies Act, Public Law 91-646 as amended
- d) Debarment and Suspension, Executive Order 12549
- e) H.R. 3547, Consolidated Appropriations Act, 2014.

4) Social Policy Authorities

- a) Age Discrimination Act of 1975, Public Law 94-135
- b) Title VI of the Civil Rights Act of 1964, Public Law 88-352
- c) Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500 (the Clean Water Act)
- d) Section 504 of the Rehabilitation Act of 1973, Public Law 93-112 (including Executive Orders 11914 and 11250)
- e) Equal Employment Opportunity, Executive Order 11246
- f) Disadvantaged Business Enterprise, Public Law 101-549 (the Clean Air Act), and Public Law 102-389 (the Clean Water Act)
- g) Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Public Law 100-590
- h) Chapter 49.60 RCW, Washington's Law against Discrimination, and 42 USC 12101 et seq. the Americans with Disabilities Act (ADA).
- i) The Contract Work Hours and Safety Standards Act (40 USC 327-333)-Where applicable.
- j) The Genetic Information Nondiscrimination Act of 2008 (GINA), 42 USC s. 2000ff et seq.

5) State Laws

- a) Chapter 36.70A RCW, Growth Management Act
- b) Chapter 39.80 RCW, Contracts for Architectural and Engineering Services
- c) Chapter 39.12 RCW, Washington State Public Works Act
- d) Chapter 43.20 RCW, State Department of Health of Health

- e) Chapter 43.70 RCW, Department of Health
- f) Chapter 43.155 RCW, Public Works Project
- g) Chapter 70.116 RCW, Public Water Systems Coordination Act of 1977
- h) Chapter 70.119 RCW, Public Water Supply Systems Certification and Regulation of Operations
- i) Chapter 70.119A RCW, Public Water Systems, Penalties & Compliances
- j) Chapter 246-290 WAC, Group A Public Water Systems
- k) Chapter 246-291 WAC, Group B Public Water Systems
- l) Chapter 246-292 WAC, Waterworks Operator Certification Regulations
- m) Chapter 246-293 WAC, Water Systems Coordination Act
- n) Chapter 246-294 WAC, Drinking Water Operating Permits
- o) Chapter 246-295 WAC, Satellite System Management Agencies
- p) Chapter 246-296 WAC Drinking Water State Revolving Fund Loan Program
- q) Chapter 173-160 WAC, Minimum Standards for Construction & Maintenance of Wells
- r) Title 173 WAC, Department of Ecology Rules
- s) Title 40 Part 141 Code of Federal Regulations, Federal National Primary Drinking Water Regulations (Section Adopted by Reference)

ATTACHMENT IV: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

GENERAL COMPLIANCE, 40 CFR, Part 33

BORROWER must comply with the requirements of Environmental Protection Agency's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under this Contract, contained in 40 CFR, Part 33. BORROWER will use the directory of certified firms available through the Washington State Office of Minority and Women's Business Enterprises to meet the requirements.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

The following are exemptions from the fair share objective Requirements:

- Grant and loan recipients receiving a total of \$250K or less in EPA financial assistance in a given fiscal year.
- Tribal recipients of Performance Partnership Eligible grants under 40 CFR Part 35, Subpart B.
 - There is a 3-year phase in period for the requirement to negotiate fair share goals for Tribal and Insular Area recipients.
- Recipients of Technical Assistance Grants.

The Fair Share Objectives or goals for the utilization of disadvantaged businesses negotiated with EPA by the WA Office of Minority Women Business are stated below.

Construction	10% MBE	6% WBE
Supplies	8% MBE	4% WBE
Equipment	8% MBE	4% WBE
Purchased Services	10% MBE	4% WBE

BORROWER must accept the fair share objectives/goals stated above and purchase the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as WA Office of Minority Women Business goals.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, BORROWER will make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply.

Records documenting compliance with the six good faith efforts shall be retained. The six good faith efforts shall include:

- A. Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing the Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- B. Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- C. Consider in the contracting process whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State and Local Government recipients, this will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.
- D. Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.
- E. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Health.
- F. If the prime contractor awards subcontracts, also require the prime contractor to take the five good faith efforts in paragraphs A through E above.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

BORROWER is required to submit MBE/WBE participation reports to DOH, on a quarterly basis, beginning with the Federal fiscal year reporting period BORROWER receives the award and continuing until the project is completed.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

BORROWER agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BORROWER agrees to require all general contractors to provide forms: EPA Form 6100-2 DBE Subcontractor Participation Form and EPA Form 6100-3 DBE Subcontractor Performance Form to all its Disadvantaged Business Enterprise subcontractors, engineers, vendors, and any other entity for work or services listed in the PROJECT. These two (2) forms may be obtained from the EPA Office of Small Business Program's website on the internet at <http://www.epa.gov/osbp/grants.htm>.

BORROWER agrees to require all general contractors to complete and submit to BORROWER and Environmental Protection Agency EPA Form 6100-4 DBE Subcontractor Utilization Form beginning with the Federal fiscal year reporting period BORROWER receives the award and continuing until the project is completed. Only procurements with certified MBE/WBEs are counted toward a Contractor's MBE/WBE accomplishments.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

BORROWER is also required to create and maintain a bidders list if BORROWER of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Section 33.501(b) of the rule is as follows:

A recipient of a Continuing Environmental Program Grant or other annual grant must create and maintain a bidders list. In addition, a recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also must require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. The purpose of a bidders list is to provide the recipient and entities receiving identified loans who conduct competitive bidding with as accurate a database as possible about the universe of MBE/WBE and non-MBE/WBE prime and subcontractors. The list must include all firms that bid or quote on prime contracts or bid or quote on subcontracts under EPA assisted projects, including both MBE/WBEs.

The bidders list must be kept until the grant project period has expired and the recipient is no longer receiving EPA funding under the grant. For entities receiving identified loans, the bidders list must be kept until the project period for the identified loan has ended. The following information must be obtained from all prime and subcontractors:

- (1) Entity's name with point of contact;
- (2) Entity's mailing address, telephone number, and e-mail address;
- (3) The procurement on which the entity bid or quoted, and when; and
- (4) Entity's status as a MBE/WBE¹ or non-MBE/WBE.

The exemption found at § 33.501(c) is as follows:

A recipient of an EPA financial assistance agreement in the amount of \$250,000 or less for any single assistance agreement, or of more than one financial assistance agreement with a combined total of \$250,000 or less in any one fiscal year, is exempt from the paragraph (b) of this section requirement to create and maintain a bidders list. Also, a recipient under the CWSRF, DWSRF, or BCRLF Program is not required to apply the paragraph (b) of this section bidders list requirement of this subpart to an entity receiving an identified loan in an amount of \$250,000 or less, or to an entity receiving more than one identified loan with a combined total of \$250,000 or less in any one fiscal year. This exemption is limited to the paragraph (b) of this section bidders list requirements of this subpart.

¹ Qualified Women and Minority business enterprises may be found on the Internet at www.omwbe.wa.gov or by contacting the Washington State Office of Minority and Women's Enterprises at 360-704-1181.

ATTACHMENT V: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS



United States Environmental Protection Agency
Washington, DC 20460

EPA Project Control Number

The terms, "covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded", as used in this attachment, are defined in the rules implementing Executive Order 12549, including 13 CFR § 400.109. You may contact DOH for help getting a copy of these regulations.

BORROWER, defined as the primary participant and its principals, certifies by signing below that to the best of its knowledge and belief they:

- 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 (3) period preceding this CONTRACT, been convicted of or had a civil judgment 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 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 for or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses described in this attachment; and,
- D. Have not within a three-year period (3) preceding the signing of this CONTRACT had one or more public transactions (federal, state, or local) terminated for cause or default.

Prior to awarding contracts for the PROJECT, BORROWER must verify that neither the contractor's business name(s) nor the names of its principals are in the Federal Excluded Parties List System for Ineligible Professionals and Debarred Contractors (www.SAM.gov). BORROWER must keep documentation in the PROJECT files and provide a copy to the DOH Contract Manager.

BORROWER will include the language below without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

The lower tier contractor certifies, by signing this CONTRACT that neither it nor its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine or imprisonment for up to 5 years, or both.

Typed or Printed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

I am unable to certify to the above statements. My explanation is attached.

ATTACHMENT VI: DWSRF ELIGIBLE PROJECT COSTS

Must be directly attributable to the project.

1. The costs for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
2. DWSRF loan fees.
3. The purchase of a portion of another system's capacity, if it is the most cost effective solution (limited to publicly owned (municipal) systems).
4. Construction of reservoirs (clear wells) that are part of the treatment process and are collocated with the treatment facility.
5. Construction of distribution reservoirs (finished water).
6. Cost associated with restructuring or consolidation of existing water systems by publicly owned water systems.
7. Main extensions to connect to safe and reliable sources of drinking water.
8. Cost associated with collecting and preparing environmental assessment documents to obtain local permits.
9. Direct labor including related employee benefits:
 - a. Salaries and wages (at actual or average rates) covering productive labor hours of employees of the borrower (excluding the administrative organization of the operating unit involved) for periods of time actively or incidentally engaged in pre-design engineering, design engineering, construction engineering, acquisition of rights of way, and the cleaning, sterilization or bacteriological testing of water system components prior to public use. The costs of services rendered by employees generally classified as administration/project management of the loan are considered a direct cost only when such employees are assigned the types of services described above and shall be limited to 3% or less of the project loan amount.
 - b. Employee benefits relating to labor are considered a direct cost of construction projects. The following items may be included as employee benefits:
 - F.I.C.A. (Social Security) –employer's share.
 - Retirement benefits.
 - Hospital, health, dental, and other welfare insurance.
 - Life insurance.
 - Industrial and medical insurance.
 - Vacation.
 - Holiday.
 - Sick leave.
 - Military leave and jury duty.Employee benefits must be calculated as a percentage of direct labor dollars. The

- computation of predetermined percentage rates to be applied to current labor costs must be based on the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.
- c. Other than work identified in Number 9.a, no costs associated with labor performed by the borrower's employees, including force account work, are eligible for financing assistance.
10. Contract engineering, planning, design, legal, and financial planning services. The Department of Health reserves the right to declare ineligible legal costs that are unreasonable and disproportionate to the project.
11. Contract construction work.
12. Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations. However, such costs must be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less not using this type of fund are allowed the same rates as used by the State Department of Transportation.
13. Direct materials and supplies.
14. Other direct costs incurred for materials or services acquired for a specific project are eligible costs and may include, but are not limited to such items as:
 - a. Telephone charges.
 - b. Reproduction and photogrammetry costs.
 - c. Video and photography for project documentation.
 - d. Computer usage.
 - e. Printing and advertising.
15. Other project related costs include:
 - Competitive Bidding.
 - Audit.
 - Insurance.
 - Prevailing wages.
 - Attorney fees.
 - Environmental Review.
 - Archaeological Survey.

Water system plan costs are not eligible for reimbursement. Small water system management program and plan amendments costs are eligible for reimbursement.

Projects may be designed to accommodate reasonable growth. This is generally the 20-year projection included in the system's water system plan or small water system management program.

ATTACHMENT VII: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

Wage Rate Requirements Under The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6)

Preamble

With respect to the Clean Water and Safe Drinking Water State Revolving Funds, EPA provides capitalization grants to each state which in turn provides subgrants or loans to eligible entities within the state. Typically, the subrecipients are municipal or other local governmental entities that manage the funds. For these types of recipients, the provisions set forth under Roman Numeral I, below, shall apply. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section 3(ii)(A), below and for compliance as described in Section I-5.

Occasionally, the subrecipient may be a private for profit or not for profit entity. For these types of recipients, the provisions set forth in Roman Numeral II, below, shall apply. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section II-3(ii)(A), below and for compliance as described in Section II-5.

I. Requirements Under The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6)

For Subrecipients That Are Governmental Entities:

The following terms and conditions specify how recipients will assist EPA in meeting its Davis-Bacon (DB) responsibilities when DB applies to EPA awards of financial assistance under the FY 2013 Continuing Resolution with respect to State recipients and subrecipients that are governmental entities. If a subrecipient has questions regarding when DB applies, obtaining the correct DB wage determinations, DB provisions, or compliance monitoring, it may contact Department of Health. If a State recipient needs guidance, they may obtain additional guidance from DOL's web site at <http://www.dol.gov/whd/>.

1. Applicability of the Davis- Bacon (DB) prevailing wage requirements.

Under the FY 2013 Continuing Resolution, DB prevailing wage requirements apply to the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund and to any construction project carried out in whole or in part by assistance made available by a drinking water treatment revolving loan fund. If a subrecipient encounters a unique situation at a site that presents uncertainties regarding DB applicability, the subrecipient must discuss the situation with the recipient State before authorizing work on that site.

2. Obtaining Wage Determinations.

(a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to DB will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.

- (i) While the solicitation remains open, the subrecipient shall monitor www.wdol.gov weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipients may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the subrecipient.
- (ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage determination contained in the solicitation shall be effective unless the State recipient, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c) (3) (iv). The subrecipient shall monitor www.wdol.gov on a weekly

basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

(b) If the subrecipient carries out activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from www.wdol.gov into the ordering instrument.

(c) Subrecipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.

(d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

3. Contract and Subcontract provisions.

(a) The Recipient shall insure that the subrecipient(s) shall insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a treatment work under the CWSRF or a construction project under the DWSRF financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in § 5.1 or the FY 2013 Continuing Resolution, the following clauses:

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the Borrower and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

Subrecipients may obtain wage determinations from the U.S. Department of Labor's web site, www.dol.gov.

(ii)(A) The subrecipient(s), on behalf of EPA, shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The State award official shall approve a request for an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the subrecipient(s) agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), documentation of the action taken and the request, including the local wage determination shall be sent by the subrecipient (s) to the State award official. The State award official will transmit the request, to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 and to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification request within 30 days of receipt and so advise the State award official or will notify the State award official within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the subrecipient(s) do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the request and the local wage determination, including the views of all interested parties and the recommendation of the State award official, to the Administrator for determination. The request shall be sent to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt of the request and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The subrecipient(s), shall upon written request of the EPA Award Official or an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing

apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to the subrecipient, that is, the entity that receives the sub-grant or loan from the State capitalization grant recipient. Such documentation shall be available on request of the State recipient or EPA. As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week. The payrolls shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on the weekly payrolls. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the subrecipient(s) for transmission to the State or EPA if requested by EPA, the State, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the subrecipient(s).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the State, EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency or State may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees--

(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually

registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act requirements. The Borrower must comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts. The Borrower and/or subcontractor must insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA determines may be appropriate, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes will be resolved according to the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and Subrecipient(s), State, EPA, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility.

(i) By entering into this contract, Borrower certifies that neither it (nor he or she) nor any person or firm who has an interest in the Borrower's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 USC 1001.

4. Contract Provision for Contracts in Excess of \$100,000.

(a) Contract Work Hours and Safety Standards Act. The subrecipient shall insert the following clauses set forth in paragraphs (a)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Item 3, above or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a)(1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The subrecipient, upon written request of the EPA Award Official or an authorized representative of the Department of Labor, shall withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a)(1) through (4) of this section.

(b) In addition to the clauses contained in Item 3, above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR 5.1, the Subrecipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Subrecipient shall insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the

contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

5. Compliance Verification

(a) The subrecipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from EPA on request.

(b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicated that there is a risk that the contractor or subcontractor is not complying with DB.

Subrecipients shall immediately conduct interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence."

(c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable, the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.

(d) The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.

(e) Subrecipients must immediately report potential violations of the DB prevailing wage requirements to the Department of Health and to the appropriate DOL Wage and Hour District Office listed at

https://www.dol.gov/whd/WHD_district_offices.pdf.



Agenda Sheet for City Council Meeting of:
11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1123
Renews #	

Submitting Dept	ENGINEERING SERVICES	Cross Ref #	
Contact Name/Phone	DAN BULLER 6391	Project #	2021098
Contact E-Mail	DBULLER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	CR 25547
Agenda Item Name	0370 LOW BID AWARD – THOR FREYA COUPLET PHASE II 2021098 – MDM		

Agenda Wording

Low Bid of MDM Construction Group Inc. (Hayden, ID) for Thor Freya Couplet Phase II - \$4,394,693.98. An administrative reserve of \$439,469.40, which is 10% of the contract price, will be set aside. (East Central Neighborhood Council)

Summary (Background)

On October 16, 2023 bids were opened for the above project. The low bid was from MDM Construction Group Inc., in the amount of \$4,394,693.98, which is \$214,298.98 or 4.56% above the Engineer's Estimate of \$4,180,395.00; four other bids were received as follows: Alpine Contractors Group - \$4,440,108.00; Halme Construction, Inc. - \$4,445,226.00; Copenhagen Construction, Inc. - \$4,719,788.00; and DW Excavating, Inc. - \$4,732,755.00.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 3,000,000.00
Expense	\$ 813,687.74
Expense	\$ 356,118.94
Expense	\$ 117,868.93

Budget Account

3200 95164 95300 56501 86047
3200 48400 95300 56501 86047
4250 47110 94350 56501 14463
4250 47110 94340 56501 15805

Approvals

Dept Head	BULLER, DAN
Division Director	FEIST, MARLENE
Finance	ORLOB, KIMBERLY
Legal	HARRINGTON,
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 9/25/23
Council Sponsor	Kinnear

Additional Approvals

Purchasing	PRINCE, THEA

Distribution List

eraea@spokanecity.org
publicworksaccounting@spokanecity.org
kgoodman@spokanecity.org
ddaniels@spokanecity.org
pyoung@spokanecity.org
jgraff@spokanecity.org
Signee: Kevin.vedder@mdmcon.com (Kevin Vedder)



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Expense \$ 4250 42300 94340 56501 15795

Expense \$ 4250 43387 94350 56501 14447

Budget Account

391,993.01

197,895.82

Distribution List

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route ALL requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/9/23 **Type of expenditure:** Public works constr. Goods Services

Department: Engineering Services

Approving Supervisor: Dan Buller

Amount of Proposed Expenditure: \$4,394,693.96 (bid received 10/16/23)
 Is this against a master agreement? If yes, please provide the number:

Funding Source State & federal grants (60%), city funding (40% - including arterial street fund & wat +

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

The intersections of 2nd/Freya, 3rd/Freya, 2nd/Thor and 3rd/Thor are in very poor condition. Their reconstruction is phase 2 of the Thor/Freya concrete street replacement project done in 2022. This project is needed now because of the street condition and because of available grant funding. +

What are the impacts if expenses are deferred?

This intersection project is about 60% grant funded. Failure to construct this project now would mean a loss of grant funds.

What alternative resources have been considered?

This intersection project is about 60% grant funded. A higher level of grant funding could not be secured. There are no alternatives.

Description of the goods or service and any additional information?

Reconstruction of four principal arterial intersections in concrete.

Person Submitting Form/Contact: Dan Buller dbuller@spokanecity.org

Division Director:
Marlene Faust

CFO Signature:
Tonya Wallace

City Administrator Signature:

Garrett Jones (Oct 18, 2023 11:29 PDT)

Additional Comments:

Briefing Paper

PIES

Submitting Department:	Public Works, Engineering
Contact Name	Dan Buller 625-6391
Contact Email & Phone	dbuller@spokanecity.org
Council Sponsor(s)	Lori Kinnear
Select Agenda Item Type	X Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	2 nd /3 rd /Freya/Thor Intersections
Summary (Background)	<ul style="list-style-type: none"> • This is an update to the briefing paper submitted for the March PIES meeting. The description of the project below is unchanged. This briefing paper is being submitted because it has been six months since the prior paper was submitted. • The first phase of this project was Sprague to Hartson on both Thor & Freya which is complete. • As with phase one of this project, phase two is concrete which, while more expensive initially, will mean this road will now last for many decades and require less frequent maintenance. • Also included are miscellaneous stormwater, sanitary, water and curb ramp upgrades. • Construction is expected to last at least about 4 months and will be one intersection at a time. At least one lane of north-south traffic through the intersections will be maintained. East-west traffic on 2nd & 3rd will be detoured. • See attached exhibit. • Construction is planned for spring/summer 2024
Proposed Council Action & Date:	None at this time. Following bid opening, we will bring a construction contract to Council for approval.
<ul style="list-style-type: none"> • Fiscal Impact: Total Cost: <u>The</u> City has obtained a federal grant which will cover about half of the estimated \$4.5M - \$5M project cost. <p>Approved in current year budget? X Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source X One-time <input type="checkbox"/> Recurring Specify funding source: project funds (generally street or utility funds)</p> <p>Expense Occurrence X One-time <input type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.</p>	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A – This contract supports multiple public works projects and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The projects which will use this on-call contract are consistent with our adopted six year programs as well as the annual budget and strategic initiative to advance street maintenance activities.



Project Location

Union Pacific

E Sprague Ave



E 1st Ave

Qualchan

S Thor St

Phase 1, 2022

I-90

Phase 2 - intersection reconstruction

I-90

Eagle Ridge

E 2nd Ave

E 3rd Ave

S Thor St

S Freya St

E 4th Ave

Fred Meyer

E 5th Ave

S Ferrall St

Phase 1, 2022

Freya St

E 5th Ave

E 6th Ave

E Hartson Ave



City of Spokane
PUBLIC WORKS CONTRACT
Title: **THOR-FREYA COUPLET PHASE 2**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **MDM CONSTRUCTION GROUP, INC.**, whose address is PO Box 2006, 12405 North Government Way, Hayden, Idaho 82835 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 Special Provisions entitled **THOR-FREYA COUPLET PHASE 2.**
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 2023, City of Spokane Special Provisions, contract provisions, contract plans, 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, the order of precedence defined in the City of Spokane Special Provisions section 1-04.2 City Engineering Services File No. 2021098 shall apply.
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 and A-3 for the actual quantities furnished for each bid item at a total cost not to exceed \$4,394,693.98, which are taxed as noted in Section 7.

7. TAXES. Bid items in Schedule A-1 will include sales tax. Bid items in Schedule A-3 shall not include sales tax.

8. PAYMENT. The Contractor will send its applications for payment to the Engineering Services Department, 998 E North Foothills Drive Spokane, WA 99207-2735. All invoices should include the City Clerk's File No. "OPR XXXX-XXXX" and an approved L & I Intent to Pay Prevailing Wage number. The final invoice should include an approved Affidavit of Wages Paid number. Payment will not be made without this documentation included on the invoice. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Company's application except as provided by state law.

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. On Public Works construction projects, as defined in RCW 39.04.010, with an estimated cost of six hundred thousand dollars (\$600,000) or more, at least fifteen (15) percent of the labor hours on each project shall be performed by apprentices enrolled in a State-approved apprenticeship program; and for each contract in the project fifteen (15) percent of the labor hours for each craft that has an available state-approved apprenticeship program for Spokane County and utilizes more than one hundred sixty (160) hours in each contract shall be performed by apprentices enrolled in a state-approved apprenticeship program.

- 1. **Subcontracting Requirements.** The utilization percentages for apprenticeship labor for Public Works construction contracts shall also apply to all subcontracts of one hundred thousand dollars (\$100,000) or more within those contracts, and at least fifteen percent (15%) of the labor hours for each such subcontract shall be performed by apprentices in a state-approved apprenticeship program. For each craft that has an available apprenticeship program for Spokane county and performs more than one hundred sixty (160) hours on each project, fifteen (15) percent of the labor hours shall be performed by apprentices enrolled in a State-approved apprenticeship program.
- 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.

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.

MDM CONSTRUCTION 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

Attachments that are part of this Contract:

- Payment Bond
- Performance Bond
- Certification Regarding Debarment
- Schedule A-1 and A-3

PAYMENT BOND

We, **MDM CONSTRUCTION GROUP, INC.**, as principal, and _____, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **FOUR MILLION THREE HUNDRED NINETY-FOUR THOUSAND SIX HUNDRED NINETY-THREE AND 98/100 DOLLARS (\$4,394,693.98)** 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 **THOR-FREYA COUPLET PHASE 2**. 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 _____.

MDM CONSTRUCTION GROUP, INC.,

AS PRINCIPAL

By: _____

Title: _____

_____,
AS SURETY

By: _____

Its Attorney in Fact

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

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, **MDM CONSTRUCTION GROUP, INC.**, as principal, and _____, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **FOUR MILLION THREE HUNDRED NINETY-FOUR THOUSAND SIX HUNDRED NINETY-THREE AND 98/100 DOLLARS (\$4,394,693.98)** for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a Contract with the City of Spokane, Washington, to do all the work and furnish all materials for the **THOR-FREYA COUPLET PHASE 2**. 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 _____

MDM CONSTRUCTION GROUP, INC.,

AS PRINCIPAL

By: _____
Title: _____

_____,
AS SURETY

By: _____
Its Attorney in Fact

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

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 _____

**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 certifies, 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 style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Program Title (Type or Print)
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Certifying Official (Type or Print)	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Title of Certifying Official (Type or Print)	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> 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	ADA FEATURES SURVEYING	1.00 LS	\$ 5,703.59	\$ 5,703.59
2	REIMBURSEMENT OF THIRD PARTY DAMAGE	1.00 EST	\$ 1.00	\$ 1.00
3	SPCC PLAN	1.00 LS	\$ 15,000.00	\$ 15,000.00
4	POTHOLING	14.00 EA	\$ 333.10	\$ 4,663.40
5	PUBLIC LIAISON REPRESENTATIVE	1.00 LS	\$ 15,944.44	\$ 15,944.44
6	MOBILIZATION	1.00 LS	\$ 375,000.00	\$ 375,000.00
7	PROJECT TEMPORARY TRAFFIC CONTROL	1.00 LS	\$ 525,000.00	\$ 525,000.00
8	SPECIAL SIGNS	300.00 SF	\$ 25.00	\$ 7,500.00
9	SEQUENTIAL ARROW SIGNS	15,000.00 HR	\$ 3.00	\$ 45,000.00
10	PORTABLE CHANGEABLE MESSAGE SIGN	700.00 HR	\$ 14.50	\$ 10,150.00
11	TYPE III BARRICADE	25.00 EA	\$ 200.00	\$ 5,000.00
12	CLEARING AND GRUBBING	1.00 LS	\$ 4,410.15	\$ 4,410.15

13	TREE ROOT TREATMENT	5.00 EA	\$	855.54	\$	4,277.70
14	TREE PROTECTION ZONE	10.00 EA	\$	399.25	\$	3,992.50
15	TREE PRUNING	5.00 EA	\$	399.25	\$	1,996.25
16	REMOVAL OF STRUCTURE AND OBSTRUCTION	1.00 LS	\$	4,999.55	\$	4,999.55
17	REMOVE EXISTING CURB	850.00 LF	\$	2.25	\$	1,912.50
18	REMOVE EXISTING CURB AND GUTTER	35.00 LF	\$	2.25	\$	78.75
19	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	595.00 SY	\$	3.48	\$	2,070.60
20	REMOVE MANHOLE, CATCH BASIN, OR DRYWELL	6.00 EA	\$	380.49	\$	2,282.94
21	REMOVE CURB/GRATE INLET	1.00 EA	\$	121.49	\$	121.49
22	REMOVE EXISTING ≤ 12 IN. DIA. PIPE	125.00 LF	\$	10.88	\$	1,360.00
23	SAWCUTTING CURB	29.00 EA	\$	75.00	\$	2,175.00
24	SAWCUTTING RIGID PAVEMENT	510.00 LFI	\$	11.41	\$	5,819.10
25	SAWCUTTING FLEXIBLE PAVEMENT	9,650.00 LFI	\$	2.28	\$	22,002.00
26	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1.00 EA	\$	1,042.32	\$	1,042.32
27	ROADWAY EXCAVATION INCL. HAUL	3,872.00 CY	\$	31.00	\$	120,032.00

28	REMOVE UNSUITABLE FOUNDATION MATERIAL	205.00 CY	\$	38.41	\$	7,874.05
29	REPLACE UNSUITABLE FOUNDATION MATERIAL	205.00 CY	\$	36.35	\$	7,451.75
30	PREPARATION OF UNTREATED ROADWAY	9,255.00 SY	\$	9.16	\$	84,775.80
31	CONTROLLED DENSITY FILL	10.00 CY	\$	287.16	\$	2,871.60
32	CRUSHED SURFACING TOP COURSE	1,156.00 CY	\$	125.00	\$	144,500.00
33	CRUSHED SURFACING BASE COURSE	70.00 CY	\$	137.53	\$	9,627.10
34	CSTC FOR SIDEWALK AND DRIVEWAYS	40.00 CY	\$	137.53	\$	5,501.20
35	HMA CL. 3/8 IN. HEAVY TRAFFIC, 1 1/2 INCH THICK	2,875.00 SY	\$	13.80	\$	39,675.00
36	HMA CL. 1/2 IN. HEAVY TRAFFIC, 6 1/2 INCH THICK	820.00 SY	\$	64.45	\$	52,849.00
37	HMA CL. 1/2 IN. HEAVY TRAFFIC, 8 INCH THICK	878.00 SY	\$	84.69	\$	74,357.82
38	COMMERCIAL HMA FOR PRELEVELING CL. 3/8 IN.	71.00 TON	\$	171.11	\$	12,148.81
39	COMMERCIAL HMA FOR TRANSITION, 3 INCH THICK	40.00 SY	\$	82.87	\$	3,314.80
40	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. HEAVY TRAFFIC, 4 INCH THICK	400.00 SY	\$	42.21	\$	16,884.00
41	COMMERCIAL HMA FOR TEMPORARY PATCHING, 3 INCH THICK	16.00 SY	\$	103.80	\$	1,660.80
42	PAVEMENT REPAIR EXCAVATION INCL. HAUL	400.00 SY	\$	27.99	\$	11,196.00

43	PLANING BITUMINOUS PAVEMENT	2,075.00 SY	\$	4.60	\$	9,545.00
44	FURNISHING CONCRETE FOR CEMENT CONCRETE PAVEMENT	2,095.00 CY	\$	340.00	\$	712,300.00
45	CEMENT CONCRETE PAVEMENT, 11 IN. THICK	6,715.00 SY	\$	157.00	\$	1,054,255.00
46	EPOXY-COATED DOWEL BAR WITH DRILL HOLE	140.00 EA	\$	134.34	\$	18,807.60
47	PORTLAND CEMENT CONCRETE COMPLIANCE ADJUSTMENT	1.00 EST	\$	(1.00)	\$	(1.00)
48	COMMERCIAL CONCRETE	10.00 CY	\$	1,117.90	\$	11,179.00
49	STORM SEWER PIPE 8 IN. DIA.	245.00 LF	\$	128.68	\$	31,526.60
50	STORM SEWER PIPE 12 IN. DIA.	41.00 LF	\$	143.86	\$	5,898.26
51	MANHOLE - 48 IN.	3.00 EA	\$	2,483.05	\$	7,449.15
52	CATCH BASIN TYPE 1	1.00 EA	\$	2,644.60	\$	2,644.60
53	CATCH BASIN TYPE 3	4.00 EA	\$	2,861.84	\$	11,447.36
54	RETROFIT SURFACE INLET CB WITH FRAME & VANED GRATE	1.00 EA	\$	1,393.05	\$	1,393.05
55	RETROFIT SURFACE INLET CB WITH FRAME & BI-DIRECTIONAL VANED GRATE	3.00 EA	\$	1,393.05	\$	4,179.15
56	MH OR DW FRAME AND COVER (STANDARD)	1.00 EA	\$	440.98	\$	440.98
57	MH OR DW FRAME AND COVER (LOCKABLE)	3.00 EA	\$	508.82	\$	1,526.46

58	CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	3.00 EA	\$	195.24	\$	585.72
59	CONNECT 12 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	1.00 EA	\$	467.65	\$	467.65
60	CONNECT 8 IN. DIA. SEWER PIPE TO EXISTING SEWER PIPE	1.00 EA	\$	195.24	\$	195.24
61	ADJUST EXISTING VALVE BOX, MON, OR CO IN ASPHALT	3.00 EA	\$	392.05	\$	1,176.15
62	ADJUST EXISTING VALVE BOX, MON, OR CO IN CONCRETE	6.00 EA	\$	484.41	\$	2,906.46
63	ADJUST EXISTING MH, CB, DW, OR INLET IN CONCRETE	3.00 EA	\$	938.60	\$	2,815.80
64	CLEANING EXISTING DRAINAGE STRUCTURE	6.00 EA	\$	355.62	\$	2,133.72
65	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	10.00 CY	\$	38.41	\$	384.10
66	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	10.00 CY	\$	36.35	\$	363.50
67	IMPORTED BACKFILL	5.00 CY	\$	36.35	\$	181.75
68	TRENCH SAFETY SYSTEM	1.00 LS	\$	1,060.74	\$	1,060.74
69	CATCH BASIN DI SEWER PIPE 8 IN. DIA.	205.00 LF	\$	153.90	\$	31,549.50
70	PLUGGING EXISTING PIPE	8.00 EA	\$	110.24	\$	881.92
71	TEMPORARY ADJACENT UTILITY SUPPORT	1.00 LS	\$	1,050.14	\$	1,050.14
72	ESC LEAD	1.00 LS	\$	25,000.00	\$	25,000.00

73	INLET PROTECTION	22.00 EA	\$	350.00	\$	7,700.00
74	TOPSOIL TYPE A, 2 INCH THICK	90.00 SY	\$	120.00	\$	10,800.00
75	HYDROSEEDING	60.00 SY	\$	45.00	\$	2,700.00
76	SOD INSTALLATION	30.00 SY	\$	65.00	\$	1,950.00
77	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1.00 LS	\$	9,491.03	\$	9,491.03
78	CEMENT CONCRETE CURB	825.00 LF	\$	45.63	\$	37,644.75
79	CEMENT CONCRETE CURB AND GUTTER	35.00 LF	\$	57.04	\$	1,996.40
80	CEMENT CONCRETE DRIVEWAY	93.00 SY	\$	102.66	\$	9,547.38
81	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1.00 LS	\$	7,984.99	\$	7,984.99
82	REFERENCE AND REESTABLISH SURVEY MONUMENT	2.00 EA	\$	934.18	\$	1,868.36
83	MONUMENT FRAME AND COVER	1.00 EA	\$	3,620.01	\$	3,620.01
84	CEMENT CONCRETE SIDEWALK	325.00 SY	\$	92.40	\$	30,030.00
85	EXTRA COST ALLOWANCE FOR REINFORCED SIDEWALK	176.00 SY	\$	57.04	\$	10,039.04
86	RAMP DETECTABLE WARNING	138.00 SF	\$	34.22	\$	4,722.36
87	TRAFFIC SIGNAL SYSTEM RETROFIT, 2ND AND THOR	1.00 LS	\$	28,517.81	\$	28,517.81

88	TRAFFIC SIGNAL SYSTEM RETROFIT, 2ND AND FREYA	1.00 LS	\$	40,039.00	\$	40,039.00
89	TRAFFIC SIGNAL SYSTEM RETROFIT, 3RD AND THOR	1.00 LS	\$	19,620.24	\$	19,620.24
90	TRAFFIC SIGNAL SYSTEM RETROFIT, 3RD AND FREYA	1.00 LS	\$	37,643.51	\$	37,643.51
91	ILLUMINATION SYSTEM, RETROFIT	1.00 LS	\$	22,814.24	\$	22,814.24
92	SIGNING, PERMANENT - CONTRACTOR MANUFACTURED SIGNS	1.00 LS	\$	11,173.27	\$	11,173.27
93	PAVEMENT MARKING - DURABLE HEAT APPLIED	2,090.00 SF	\$	14.82	\$	30,973.80
94	WORD AND SYMBOL MARKINGS – DURABLE HEAT APPLIED	10.00 EA	\$	342.22	\$	3,422.20
95	REINFORCED DOWELED CURB	230.00 LF	\$	49.05	\$	11,281.50
96	TRAFFIC ISLAND CONCRETE	77.00 SY	\$	205.32	\$	15,809.64
97	CEMENT CONCRETE INTEGRAL CURB AND SIDEWALK 5.5 FT. WIDE	27.00 LF	\$	93.54	\$	2,525.58
98	CEMENT CONCRETE INTEGRAL CURB AND SIDEWALK 7 FT. WIDE	34.00 LF	\$	99.25	\$	3,374.50
99	INTENTIONALLY BLANK	0.00 N/A	\$	0.00	\$	0.00
100	INTENTIONALLY BLANK	0.00 N/A	\$	0.00	\$	0.00
101	INTENTIONALLY BLANK	0.00 N/A	\$	0.00	\$	0.00
102	INTENTIONALLY BLANK	0.00 N/A	\$	0.00	\$	0.00

103	INTENTIONALLY BLANK	0.00	N/A	\$	0.00	\$	0.00
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Schedule A-1 Subtotal							\$	<u>3,972,856.22</u>
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SCHEDULE A-3

Tax Classification: Sales tax shall NOT be included in unit prices

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITIES	UNIT PRICE	TOTAL
104	POTHOLING	14.00 EA	\$ 333.10	\$ 4,663.40
105	REMOVE MANHOLE, CATCH BASIN, OR DRYWELL	3.00 EA	\$ 380.49	\$ 1,141.47
106	REMOVE EXISTING ≤ 12 IN. DIA. PIPE	350.00 LF	\$ 9.68	\$ 3,388.00
107	MANHOLE - 48 IN.	7.00 EA	\$ 3,415.88	\$ 23,911.16
108	MH OR DW FRAME AND COVER (STANDARD)	1.00 EA	\$ 440.98	\$ 440.98
109	MH OR DW FRAME AND COVER (LOCKABLE)	7.00 EA	\$ 508.82	\$ 3,561.74
110	CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	1.00 EA	\$ 213.36	\$ 213.36
111	CONNECT 12 IN. DIA. SEWER PIPE TO EXISTING SEWER PIPE	3.00 EA	\$ 586.37	\$ 1,759.11
112	RECONSTRUCT 48 IN. MANHOLE INVERT	1.00 EA	\$ 734.83	\$ 734.83
113	MANHOLE TEST	1.00 EA	\$ 650.49	\$ 650.49
114	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	60.00 CY	\$ 38.41	\$ 2,304.60
115	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	60.00 CY	\$ 36.35	\$ 2,181.00
116	IMPORTED BACKFILL	60.00 CY	\$ 36.35	\$ 2,181.00

117	PLUGGING EXISTING PIPE	3.00 EA	\$	110.24	\$	330.72
118	CLEANING EXISTING SANITARY SEWERS	8.00 EA	\$	355.62	\$	2,844.96
119	DI PIPE FOR WATER MAIN 6 IN. DIA.	145.00 LF	\$	87.97	\$	12,755.65
120	DI PIPE FOR WATER MAIN 8 IN. DIA.	1,095.00 LF	\$	96.57	\$	105,744.15
121	DI PIPE FOR WATER MAIN 12 IN. DIA.	310.00 LF	\$	192.67	\$	59,727.70
122	GATE VALVE 6 IN.	3.00 EA	\$	1,564.88	\$	4,694.64
123	GATE VALVE 8 IN.	2.00 EA	\$	2,276.22	\$	4,552.44
124	GATE VALVE 12 IN.	2.00 EA	\$	4,072.10	\$	8,144.20
125	HYDRANT ASSEMBLY	2.00 EA	\$	7,630.43	\$	15,260.86
126	SANITARY SEWER PIPE 12 IN. DIA.	65.00 LF	\$	165.67	\$	10,768.55
127	SANITARY SEWER PIPE 18 IN. DIA.	715.00 LF	\$	124.68	\$	89,146.20
128	BYPASS SEWER PUMPING OR PIPING	1.00 LS	\$	15,000.00	\$	15,000.00
129	LANDSCAPING REPAIR	1.00 LS	\$	28,500.00	\$	28,500.00
130	TOPSOIL TYPE A, 2 INCH THICK	75.00 SY	\$	120.00	\$	9,000.00
131	HYDROSEEDING	75.00 SY	\$	45.00	\$	3,375.00

132	MODIFY FENCING	1.00 LS	\$	2,851.78	\$	2,851.78
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133	REFERENCE AND REESTABLISH SURVEY MONUMENT	2.00 EA	\$	934.18	\$	1,868.36
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134	ADJUST MONUMENT FRAME AND COVER	1.00 EA	\$	141.41	\$	141.41
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Schedule A-3 Subtotal					\$	<u>421,837.76</u>
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Summary of Bid Items					Bid Total	\$ <u>4,394,693.98</u>

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

Project Number 2021098

Project Description Thor/Freya Corridor - Phase 2

Original Date

10/17/2023 5:00:00 PM

Project Number: 2021098			Engineer's Estimate		MDM CONSTRUCTION INC (Submitted)		ALPINE CONTRACTORS GROUP LLC (Submitted)		HALME CONSTRUCTION INC (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Tax Classification

Schedule 01		Sales tax shall be included in unit prices								
1	ADA FEATURES SURVEYING	1 LS	2,500.00	2,500.00	5,703.59	\$5,703.59	9,745.00	\$9,745.00	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	4,400.00	4,400.00	15,000.00	\$15,000.00	1,383.00	\$1,383.00	2,500.00	\$2,500.00
4	POTHOLING	14 EA	1,100.00	15,400.00	333.10	\$4,663.40	661.00	\$9,254.00	650.00	\$9,100.00
5	PUBLIC LIAISON REPRESENTATIVE	1 LS	10,000.00	10,000.00	15,944.44	\$15,944.44	13,829.00	\$13,829.00	5,000.00	\$5,000.00
6	MOBILIZATION	1 LS	345,000.00	345,000.00	375,000.00	\$375,000.00	343,850.00	\$343,850.00	305,846.00	\$305,846.00
7	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	250,000.00	250,000.00	525,000.00	\$525,000.00	608,322.00	\$608,322.00	374,811.00	\$374,811.00
8	SPECIAL SIGNS	300 SF	32.00	9,600.00	25.00	\$7,500.00	44.00	\$13,200.00	23.00	\$6,900.00
9	SEQUENTIAL ARROW SIGNS	15000 HR	4.00	60,000.00	3.00	\$45,000.00	2.00	\$30,000.00	3.00	\$45,000.00
10	PORTABLE CHANGEABLE MESSAGE SIGN	700 HR	13.00	9,100.00	14.50	\$10,150.00	8.50	\$5,950.00	9.00	\$6,300.00
11	TYPE III BARRICADE	25 EA	200.00	5,000.00	200.00	\$5,000.00	89.00	\$2,225.00	180.00	\$4,500.00
12	CLEARING AND GRUBBING	1 LS	10,000.00	10,000.00	4,410.15	\$4,410.15	19,025.00	\$19,025.00	7,500.00	\$7,500.00
13	TREE ROOT TREATMENT	5 EA	1,000.00	5,000.00	855.54	\$4,277.70	932.00	\$4,660.00	1,200.00	\$6,000.00
14	TREE PROTECTION ZONE	10 EA	450.00	4,500.00	399.25	\$3,992.50	435.00	\$4,350.00	500.00	\$5,000.00
15	TREE PRUNING	5 EA	450.00	2,250.00	399.25	\$1,996.25	435.00	\$2,175.00	350.00	\$1,750.00
16	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	12,000.00	12,000.00	4,999.55	\$4,999.55	11,733.00	\$11,733.00	13,000.00	\$13,000.00
17	REMOVE EXISTING CURB	850 LF	16.00	13,600.00	2.25	\$1,912.50	9.50	\$8,075.00	7.00	\$5,950.00
18	REMOVE EXISTING CURB AND GUTTER	35 LF	19.00	665.00	2.25	\$78.75	10.00	\$350.00	13.00	\$455.00
19	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	595 SY	32.00	19,040.00	3.48	\$2,070.60	18.00	\$10,710.00	58.00	\$34,510.00
20	REMOVE MANHOLE, CATCH BASIN, OR DRYWELL	6 EA	840.00	5,040.00	380.49	\$2,282.94	527.00	\$3,162.00	900.00	\$5,400.00
21	REMOVE CURB/GRATE INLET	1 EA	1,000.00	1,000.00	121.49	\$121.49	772.00	\$772.00	500.00	\$500.00
22	REMOVE EXISTING ≤ 12 IN. DIA. PIPE	125 LF	45.00	5,625.00	10.88	\$1,360.00	24.00	\$3,000.00	20.00	\$2,500.00
23	SAWCUTTING CURB	29 EA	50.00	1,450.00	75.00	\$2,175.00	62.00	\$1,798.00	30.00	\$870.00
24	SAWCUTTING RIGID PAVEMENT	510 LFI	3.00	1,530.00	11.41	\$5,819.10	2.50	\$1,275.00	1.00	\$510.00
25	SAWCUTTING FLEXIBLE PAVEMENT	9650 LFI	2.00	19,300.00	2.28	\$22,002.00	1.00	\$9,650.00	1.00	\$9,650.00
26	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	1,000.00	1,000.00	1,042.32	\$1,042.32	909.00	\$909.00	3,000.00	\$3,000.00
27	ROADWAY EXCAVATION INCL. HAUL	3872 CY	40.00	154,880.00	31.00	\$120,032.00	58.00	\$224,576.00	49.00	\$189,728.00
28	REMOVE UNSUITABLE FOUNDATION MATERIAL	205 CY	45.00	9,225.00	38.41	\$7,874.05	45.00	\$9,225.00	80.00	\$16,400.00

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

<i>Project Number: 2021098</i>			<i>Engineer's Estimate</i>		COPENHAVER CONSTRUCTION INC. (Submitted)		DW EXCAVATING INC (Submitted)	
<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>Tax Classification</i>								
<i>Schedule 01</i>								
Sales tax shall be included in unit prices								
1	ADA FEATURES SURVEYING	1 LS	2,500.00	2,500.00	15,000.00	\$15,000.00	1,700.00	\$1,700.00
2	REIMBURSEMENT OF THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	\$1.00	1.00	\$1.00
3	SPCC PLAN	1 LS	4,400.00	4,400.00	3,000.00	\$3,000.00	100.00	\$100.00
4	POTHOLING	14 EA	1,100.00	15,400.00	410.00	\$5,740.00	760.00	\$10,640.00
5	PUBLIC LIAISON REPRESENTATIVE	1 LS	10,000.00	10,000.00	20,000.00	\$20,000.00	22,000.00	\$22,000.00
6	MOBILIZATION	1 LS	345,000.00	345,000.00	472,000.00	\$472,000.00	426,500.00	\$426,500.00
7	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	250,000.00	250,000.00	450,000.00	\$450,000.00	500,000.00	\$500,000.00
8	SPECIAL SIGNS	300 SF	32.00	9,600.00	20.00	\$6,000.00	20.00	\$6,000.00
9	SEQUENTIAL ARROW SIGNS	15000 HR	4.00	60,000.00	3.00	\$45,000.00	3.00	\$45,000.00
10	PORTABLE CHANGEABLE MESSAGE SIGN	700 HR	13.00	9,100.00	13.00	\$9,100.00	7.50	\$5,250.00
11	TYPE III BARRICADE	25 EA	200.00	5,000.00	160.00	\$4,000.00	154.00	\$3,850.00
12	CLEARING AND GRUBBING	1 LS	10,000.00	10,000.00	30,000.00	\$30,000.00	5,000.00	\$5,000.00
13	TREE ROOT TREATMENT	5 EA	1,000.00	5,000.00	800.00	\$4,000.00	825.00	\$4,125.00
14	TREE PROTECTION ZONE	10 EA	450.00	4,500.00	360.00	\$3,600.00	385.00	\$3,850.00
15	TREE PRUNING	5 EA	450.00	2,250.00	360.00	\$1,800.00	385.00	\$1,925.00
16	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	12,000.00	12,000.00	13,000.00	\$13,000.00	8,600.00	\$8,600.00
17	REMOVE EXISTING CURB	850 LF	16.00	13,600.00	10.00	\$8,500.00	10.00	\$8,500.00
18	REMOVE EXISTING CURB AND GUTTER	35 LF	19.00	665.00	13.00	\$455.00	13.00	\$455.00
19	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	595 SY	32.00	19,040.00	14.00	\$8,330.00	26.00	\$15,470.00
20	REMOVE MANHOLE, CATCH BASIN, OR DRYWELL	6 EA	840.00	5,040.00	1,050.00	\$6,300.00	745.00	\$4,470.00
21	REMOVE CURB/GRATE INLET	1 EA	1,000.00	1,000.00	1,000.00	\$1,000.00	680.00	\$680.00
22	REMOVE EXISTING ≤ 12 IN. DIA. PIPE	125 LF	45.00	5,625.00	49.00	\$6,125.00	64.00	\$8,000.00
23	SAWCUTTING CURB	29 EA	50.00	1,450.00	110.00	\$3,190.00	55.00	\$1,595.00
24	SAWCUTTING RIGID PAVEMENT	510 LFI	3.00	1,530.00	1.00	\$510.00	1.00	\$510.00
25	SAWCUTTING FLEXIBLE PAVEMENT	9650 LFI	2.00	19,300.00	0.80	\$7,720.00	0.50	\$4,825.00
26	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	1,000.00	1,000.00	2,000.00	\$2,000.00	1,100.00	\$1,100.00
27	ROADWAY EXCAVATION INCL. HAUL	3872 CY	40.00	154,880.00	30.00	\$116,160.00	55.00	\$212,960.00
28	REMOVE UNSUITABLE FOUNDATION MATERIAL	205 CY	45.00	9,225.00	75.00	\$15,375.00	40.00	\$8,200.00

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

Project Number: 2021098			Engineer's Estimate		MDM CONSTRUCTION INC (Submitted)		ALPINE CONTRACTORS GROUP LLC (Submitted)		HALME CONSTRUCTION INC (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
29	REPLACE UNSUITABLE FOUNDATION MATERIAL	205 CY	45.00	9,225.00	36.35	\$7,451.75	42.00	\$8,610.00	75.00	\$15,375.00
30	PREPARATION OF UNTREATED ROADWAY	9255 SY	5.00	46,275.00	9.16	\$84,775.80	3.00	\$27,765.00	3.00	\$27,765.00
31	CONTROLLED DENSITY FILL	10 CY	450.00	4,500.00	287.16	\$2,871.60	252.00	\$2,520.00	275.00	\$2,750.00
32	CRUSHED SURFACING TOP COURSE	1156 CY	70.00	80,920.00	125.00	\$144,500.00	72.00	\$83,232.00	70.00	\$80,920.00
33	CRUSHED SURFACING BASE COURSE	70 CY	75.00	5,250.00	137.53	\$9,627.10	72.00	\$5,040.00	70.00	\$4,900.00
34	CSTC FOR SIDEWALK AND DRIVEWAYS	40 CY	200.00	8,000.00	137.53	\$5,501.20	156.00	\$6,240.00	300.00	\$12,000.00
35	HMA CL. 3/8 IN. HEAVY TRAFFIC, 1 1/2 INCH THICK	2875 SY	15.00	43,125.00	13.80	\$39,675.00	15.00	\$43,125.00	14.00	\$40,250.00
36	HMA CL. 1/2 IN. HEAVY TRAFFIC, 6 1/2 INCH THICK	820 SY	75.00	61,500.00	64.45	\$52,849.00	70.00	\$57,400.00	75.00	\$61,500.00
37	HMA CL. 1/2 IN. HEAVY TRAFFIC, 8 INCH THICK	878 SY	90.00	79,020.00	84.69	\$74,357.82	92.00	\$80,776.00	82.00	\$71,996.00
38	COMMERCIAL HMA FOR PRELEVELING CL. 3/8 IN.	71 TON	210.00	14,910.00	171.11	\$12,148.81	186.00	\$13,206.00	220.00	\$15,620.00
39	COMMERCIAL HMA FOR TRANSITION, 3 INCH THICK	40 SY	95.00	3,800.00	82.87	\$3,314.80	90.00	\$3,600.00	90.00	\$3,600.00
40	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. HEAVY TRAFFIC, 4 INCH THICK	400 SY	65.00	26,000.00	42.21	\$16,884.00	46.00	\$18,400.00	70.00	\$28,000.00
41	COMMERCIAL HMA FOR TEMPORARY PATCHING, 3 INCH THICK	16 SY	150.00	2,400.00	103.80	\$1,660.80	113.00	\$1,808.00	190.00	\$3,040.00
42	PAVEMENT REPAIR EXCAVATION INCL. HAUL	400 SY	45.00	18,000.00	27.99	\$11,196.00	42.00	\$16,800.00	30.00	\$12,000.00
43	PLANING BITUMINOUS PAVEMENT	2075 SY	10.00	20,750.00	4.60	\$9,545.00	12.00	\$24,900.00	12.00	\$24,900.00
44	FURNISHING CONCRETE FOR CEMENT CONCRETE PAVEMENT	2095 CY	250.00	523,750.00	340.00	\$712,300.00	252.00	\$527,940.00	322.00	\$674,590.00
45	CEMENT CONCRETE PAVEMENT, 11 IN. THICK	6715 SY	155.00	1,040,825.00	157.00	\$1,054,255.00	154.00	\$1,034,110.00	189.00	\$1,269,135.00
46	EPOXY-COATED DOWEL BAR WITH DRILL HOLE	140 EA	150.00	21,000.00	134.34	\$18,807.60	181.00	\$25,340.00	100.00	\$14,000.00
47	PORTLAND CEMENT CONCRETE COMPLIANCE ADJUSTMENT	1 EST	(1.00)	(1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)
48	COMMERCIAL CONCRETE	10 CY	500.00	5,000.00	1,117.90	\$11,179.00	435.00	\$4,350.00	1,200.00	\$12,000.00
49	STORM SEWER PIPE 8 IN. DIA.	245 LF	90.00	22,050.00	128.68	\$31,526.60	64.00	\$15,680.00	70.00	\$17,150.00
50	STORM SEWER PIPE 12 IN. DIA.	41 LF	100.00	4,100.00	143.86	\$5,898.26	81.00	\$3,321.00	110.00	\$4,510.00
51	MANHOLE - 48 IN.	3 EA	5,000.00	15,000.00	2,483.05	\$7,449.15	4,707.00	\$14,121.00	3,500.00	\$10,500.00
52	CATCH BASIN TYPE 1	1 EA	6,000.00	6,000.00	2,644.60	\$2,644.60	4,399.00	\$4,399.00	3,800.00	\$3,800.00
53	CATCH BASIN TYPE 3	4 EA	6,000.00	24,000.00	2,861.84	\$11,447.36	4,688.00	\$18,752.00	3,800.00	\$15,200.00
54	RETROFIT SURFACE INLET CB WITH FRAME & VANED GRATE	1 EA	1,800.00	1,800.00	1,393.05	\$1,393.05	1,594.00	\$1,594.00	1,500.00	\$1,500.00
55	RETROFIT SURFACE INLET CB WITH FRAME & BI-DIRECTIONAL VANED GRATE	3 EA	1,800.00	5,400.00	1,393.05	\$4,179.15	1,594.00	\$4,782.00	1,500.00	\$4,500.00

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

Project Number: 2021098			Engineer's Estimate		COPENHAVER CONSTRUCTION INC. (Submitted)		DW EXCAVATING INC (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
29	REPLACE UNSUITABLE FOUNDATION MATERIAL	205 CY	45.00	9,225.00	40.00	\$8,200.00	32.00	\$6,560.00
30	PREPARATION OF UNTREATED ROADWAY	9255 SY	5.00	46,275.00	3.00	\$27,765.00	6.00	\$55,530.00
31	CONTROLLED DENSITY FILL	10 CY	450.00	4,500.00	200.00	\$2,000.00	590.00	\$5,900.00
32	CRUSHED SURFACING TOP COURSE	1156 CY	70.00	80,920.00	100.00	\$115,600.00	65.00	\$75,140.00
33	CRUSHED SURFACING BASE COURSE	70 CY	75.00	5,250.00	80.00	\$5,600.00	89.00	\$6,230.00
34	CSTC FOR SIDEWALK AND DRIVEWAYS	40 CY	200.00	8,000.00	75.00	\$3,000.00	323.00	\$12,920.00
35	HMA CL. 3/8 IN. HEAVY TRAFFIC, 1 1/2 INCH THICK	2875 SY	15.00	43,125.00	13.00	\$37,375.00	12.00	\$34,500.00
36	HMA CL. 1/2 IN. HEAVY TRAFFIC, 6 1/2 INCH THICK	820 SY	75.00	61,500.00	60.00	\$49,200.00	66.00	\$54,120.00
37	HMA CL. 1/2 IN. HEAVY TRAFFIC, 8 INCH THICK	878 SY	90.00	79,020.00	80.00	\$70,240.00	73.00	\$64,094.00
38	COMMERCIAL HMA FOR PRELEVELING CL. 3/8 IN.	71 TON	210.00	14,910.00	160.00	\$11,360.00	187.00	\$13,277.00
39	COMMERCIAL HMA FOR TRANSITION, 3 INCH THICK	40 SY	95.00	3,800.00	80.00	\$3,200.00	76.00	\$3,040.00
40	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. HEAVY TRAFFIC, 4 INCH THICK	400 SY	65.00	26,000.00	40.00	\$16,000.00	60.00	\$24,000.00
41	COMMERCIAL HMA FOR TEMPORARY PATCHING, 3 INCH THICK	16 SY	150.00	2,400.00	100.00	\$1,600.00	165.00	\$2,640.00
42	PAVEMENT REPAIR EXCAVATION INCL. HAUL	400 SY	45.00	18,000.00	80.00	\$32,000.00	44.00	\$17,600.00
43	PLANING BITUMINOUS PAVEMENT	2075 SY	10.00	20,750.00	7.00	\$14,525.00	11.00	\$22,825.00
44	FURNISHING CONCRETE FOR CEMENT CONCRETE PAVEMENT	2095 CY	250.00	523,750.00	325.00	\$680,875.00	353.00	\$739,535.00
45	CEMENT CONCRETE PAVEMENT, 11 IN. THICK	6715 SY	155.00	1,040,825.00	150.00	\$1,007,250.00	155.00	\$1,040,825.00
46	EPOXY-COATED DOWEL BAR WITH DRILL HOLE	140 EA	150.00	21,000.00	95.00	\$13,300.00	100.00	\$14,000.00
47	PORTLAND CEMENT CONCRETE COMPLIANCE ADJUSTMENT	1 EST	(1.00)	(1.00)	(1.00)	(\$1.00)	(1.00)	(\$1.00)
48	COMMERCIAL CONCRETE	10 CY	500.00	5,000.00	1,000.00	\$10,000.00	700.00	\$7,000.00
49	STORM SEWER PIPE 8 IN. DIA.	245 LF	90.00	22,050.00	135.00	\$33,075.00	85.00	\$20,825.00
50	STORM SEWER PIPE 12 IN. DIA.	41 LF	100.00	4,100.00	190.00	\$7,790.00	103.00	\$4,223.00
51	MANHOLE - 48 IN.	3 EA	5,000.00	15,000.00	5,500.00	\$16,500.00	4,175.00	\$12,525.00
52	CATCH BASIN TYPE 1	1 EA	6,000.00	6,000.00	3,500.00	\$3,500.00	3,940.00	\$3,940.00
53	CATCH BASIN TYPE 3	4 EA	6,000.00	24,000.00	3,800.00	\$15,200.00	5,640.00	\$22,560.00
54	RETROFIT SURFACE INLET CB WITH FRAME & VANED GRATE	1 EA	1,800.00	1,800.00	1,500.00	\$1,500.00	1,930.00	\$1,930.00
55	RETROFIT SURFACE INLET CB WITH FRAME & BI-DIRECTIONAL VANED GRATE	3 EA	1,800.00	5,400.00	1,500.00	\$4,500.00	1,930.00	\$5,790.00

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

<i>Project Number: 2021098</i>			<i>Engineer's Estimate</i>		MDM CONSTRUCTION INC (Submitted)		ALPINE CONTRACTORS GROUP LLC (Submitted)		HALME CONSTRUCTION INC (Submitted)	
<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>
56	MH OR DW FRAME AND COVER (STANDARD)	1 EA	1,500.00	1,500.00	440.98	\$440.98	1,608.00	\$1,608.00	500.00	\$500.00
57	MH OR DW FRAME AND COVER (LOCKABLE)	3 EA	1,500.00	4,500.00	508.82	\$1,526.46	1,693.00	\$5,079.00	550.00	\$1,650.00
58	CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	3 EA	1,200.00	3,600.00	195.24	\$585.72	1,518.00	\$4,554.00	500.00	\$1,500.00
59	CONNECT 12 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	1 EA	1,500.00	1,500.00	467.65	\$467.65	1,483.00	\$1,483.00	500.00	\$500.00
60	CONNECT 8 IN. DIA. SEWER PIPE TO EXISTING SEWER PIPE	1 EA	6,000.00	6,000.00	195.24	\$195.24	986.00	\$986.00	500.00	\$500.00
61	ADJUST EXISTING VALVE BOX, MON, OR CO IN ASPHALT	3 EA	1,000.00	3,000.00	392.05	\$1,176.15	1,305.00	\$3,915.00	500.00	\$1,500.00
62	ADJUST EXISTING VALVE BOX, MON, OR CO IN CONCRETE	6 EA	1,000.00	6,000.00	484.41	\$2,906.46	1,181.00	\$7,086.00	500.00	\$3,000.00
63	ADJUST EXISTING MH, CB, DW, OR INLET IN CONCRETE	3 EA	900.00	2,700.00	938.60	\$2,815.80	920.00	\$2,760.00	500.00	\$1,500.00
64	CLEANING EXISTING DRAINAGE STRUCTURE	6 EA	800.00	4,800.00	355.62	\$2,133.72	373.00	\$2,238.00	500.00	\$3,000.00
65	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	10 CY	50.00	500.00	38.41	\$384.10	41.00	\$410.00	150.00	\$1,500.00
66	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	10 CY	65.00	650.00	36.35	\$363.50	43.00	\$430.00	150.00	\$1,500.00
67	IMPORTED BACKFILL	5 CY	100.00	500.00	36.35	\$181.75	40.00	\$200.00	150.00	\$750.00
68	TRENCH SAFETY SYSTEM	1 LS	4,000.00	4,000.00	1,060.74	\$1,060.74	2,089.00	\$2,089.00	12,000.00	\$12,000.00
69	CATCH BASIN DI SEWER PIPE 8 IN. DIA.	205 LF	120.00	24,600.00	153.90	\$31,549.50	99.00	\$20,295.00	100.00	\$20,500.00
70	PLUGGING EXISTING PIPE	8 EA	600.00	4,800.00	110.24	\$881.92	348.00	\$2,784.00	300.00	\$2,400.00
71	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	12,000.00	12,000.00	1,050.14	\$1,050.14	3,676.00	\$3,676.00	13,000.00	\$13,000.00
72	ESC LEAD	1 LS	5,000.00	5,000.00	25,000.00	\$25,000.00	3,524.00	\$3,524.00	23,000.00	\$23,000.00
73	INLET PROTECTION	22 EA	120.00	2,640.00	350.00	\$7,700.00	293.00	\$6,446.00	350.00	\$7,700.00
74	TOPSOIL TYPE A, 2 INCH THICK	90 SY	20.00	1,800.00	120.00	\$10,800.00	15.00	\$1,350.00	100.00	\$9,000.00
75	HYDROSEEDING	60 SY	2.00	120.00	45.00	\$2,700.00	10.00	\$600.00	50.00	\$3,000.00
76	SOD INSTALLATION	30 SY	20.00	600.00	65.00	\$1,950.00	31.00	\$930.00	70.00	\$2,100.00
77	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	12,000.00	12,000.00	9,491.03	\$9,491.03	13,414.00	\$13,414.00	5,000.00	\$5,000.00
78	CEMENT CONCRETE CURB	825 LF	50.00	41,250.00	45.63	\$37,644.75	77.00	\$63,525.00	50.00	\$41,250.00
79	CEMENT CONCRETE CURB AND GUTTER	35 LF	75.00	2,625.00	57.04	\$1,996.40	89.00	\$3,115.00	60.00	\$2,100.00
80	CEMENT CONCRETE DRIVEWAY	93 SY	150.00	13,950.00	102.66	\$9,547.38	162.00	\$15,066.00	110.00	\$10,230.00
81	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	9,000.00	9,000.00	7,984.99	\$7,984.99	8,290.00	\$8,290.00	9,000.00	\$9,000.00
82	REFERENCE AND REESTABLISH SURVEY MONUMENT	2 EA	1,000.00	2,000.00	934.18	\$1,868.36	1,454.00	\$2,908.00	900.00	\$1,800.00
83	MONUMENT FRAME AND COVER	1 EA	1,000.00	1,000.00	3,620.01	\$3,620.01	773.00	\$773.00	225.00	\$225.00

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

<i>Project Number: 2021098</i>			<i>Engineer's Estimate</i>		COPENHAVER CONSTRUCTION INC. (Submitted)		DW EXCAVATING INC (Submitted)	
<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>
56	MH OR DW FRAME AND COVER (STANDARD)	1 EA	1,500.00	1,500.00	1,400.00	\$1,400.00	1,300.00	\$1,300.00
57	MH OR DW FRAME AND COVER (LOCKABLE)	3 EA	1,500.00	4,500.00	1,400.00	\$4,200.00	1,450.00	\$4,350.00
58	CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	3 EA	1,200.00	3,600.00	800.00	\$2,400.00	800.00	\$2,400.00
59	CONNECT 12 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	1 EA	1,500.00	1,500.00	1,150.00	\$1,150.00	1,000.00	\$1,000.00
60	CONNECT 8 IN. DIA. SEWER PIPE TO EXISTING SEWER PIPE	1 EA	6,000.00	6,000.00	850.00	\$850.00	900.00	\$900.00
61	ADJUST EXISTING VALVE BOX, MON, OR CO IN ASPHALT	3 EA	1,000.00	3,000.00	1,050.00	\$3,150.00	725.00	\$2,175.00
62	ADJUST EXISTING VALVE BOX, MON, OR CO IN CONCRETE	6 EA	1,000.00	6,000.00	1,050.00	\$6,300.00	800.00	\$4,800.00
63	ADJUST EXISTING MH, CB, DW, OR INLET IN CONCRETE	3 EA	900.00	2,700.00	900.00	\$2,700.00	800.00	\$2,400.00
64	CLEANING EXISTING DRAINAGE STRUCTURE	6 EA	800.00	4,800.00	500.00	\$3,000.00	1,000.00	\$6,000.00
65	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	10 CY	50.00	500.00	45.00	\$450.00	70.00	\$700.00
66	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	10 CY	65.00	650.00	80.00	\$800.00	60.00	\$600.00
67	IMPORTED BACKFILL	5 CY	100.00	500.00	45.00	\$225.00	145.00	\$725.00
68	TRENCH SAFETY SYSTEM	1 LS	4,000.00	4,000.00	45,000.00	\$45,000.00	6,500.00	\$6,500.00
69	CATCH BASIN DI SEWER PIPE 8 IN. DIA.	205 LF	120.00	24,600.00	160.00	\$32,800.00	132.00	\$27,060.00
70	PLUGGING EXISTING PIPE	8 EA	600.00	4,800.00	750.00	\$6,000.00	299.00	\$2,392.00
71	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	12,000.00	12,000.00	29,000.00	\$29,000.00	19,500.00	\$19,500.00
72	ESC LEAD	1 LS	5,000.00	5,000.00	22,000.00	\$22,000.00	100.00	\$100.00
73	INLET PROTECTION	22 EA	120.00	2,640.00	300.00	\$6,600.00	5.00	\$110.00
74	TOPSOIL TYPE A, 2 INCH THICK	90 SY	20.00	1,800.00	100.00	\$9,000.00	83.00	\$7,470.00
75	HYDROSEEDING	60 SY	2.00	120.00	40.00	\$2,400.00	17.00	\$1,020.00
76	SOD INSTALLATION	30 SY	20.00	600.00	60.00	\$1,800.00	40.00	\$1,200.00
77	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	12,000.00	12,000.00	6,000.00	\$6,000.00	5,500.00	\$5,500.00
78	CEMENT CONCRETE CURB	825 LF	50.00	41,250.00	65.00	\$53,625.00	73.00	\$60,225.00
79	CEMENT CONCRETE CURB AND GUTTER	35 LF	75.00	2,625.00	96.00	\$3,360.00	110.00	\$3,850.00
80	CEMENT CONCRETE DRIVEWAY	93 SY	150.00	13,950.00	160.00	\$14,880.00	166.00	\$15,438.00
81	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	9,000.00	9,000.00	7,000.00	\$7,000.00	7,750.00	\$7,750.00
82	REFERENCE AND REESTABLISH SURVEY MONUMENT	2 EA	1,000.00	2,000.00	1,300.00	\$2,600.00	775.00	\$1,550.00
83	MONUMENT FRAME AND COVER	1 EA	1,000.00	1,000.00	900.00	\$900.00	850.00	\$850.00

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

<i>Project Number: 2021098</i>			<i>Engineer's Estimate</i>		MDM CONSTRUCTION INC (Submitted)		ALPINE CONTRACTORS GROUP LLC (Submitted)		HALME CONSTRUCTION INC (Submitted)	
<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>
84	CEMENT CONCRETE SIDEWALK	325 SY	90.00	29,250.00	92.40	\$30,030.00	123.00	\$39,975.00	105.00	\$34,125.00
85	EXTRA COST ALLOWANCE FOR REINFORCED SIDEWALK	176 SY	65.00	11,440.00	57.04	\$10,039.04	65.00	\$11,440.00	65.00	\$11,440.00
86	RAMP DETECTABLE WARNING	138 SF	40.00	5,520.00	34.22	\$4,722.36	50.00	\$6,900.00	40.00	\$5,520.00
87	TRAFFIC SIGNAL SYSTEM RETROFIT, 2ND AND THOR	1 LS	33,000.00	33,000.00	28,517.81	\$28,517.81	31,069.00	\$31,069.00	46,000.00	\$46,000.00
88	TRAFFIC SIGNAL SYSTEM RETROFIT, 2ND AND FREYA	1 LS	45,000.00	45,000.00	40,039.00	\$40,039.00	43,621.00	\$43,621.00	70,000.00	\$70,000.00
89	TRAFFIC SIGNAL SYSTEM RETROFIT, 3RD AND THOR	1 LS	22,000.00	22,000.00	19,620.24	\$19,620.24	21,375.00	\$21,375.00	25,000.00	\$25,000.00
90	TRAFFIC SIGNAL SYSTEM RETROFIT, 3RD AND FREYA	1 LS	42,000.00	42,000.00	37,643.51	\$37,643.51	41,011.00	\$41,011.00	42,000.00	\$42,000.00
91	ILLUMINATION SYSTEM, RETROFIT	1 LS	22,000.00	22,000.00	22,814.24	\$22,814.24	24,855.00	\$24,855.00	15,000.00	\$15,000.00
92	SIGNING, PERMANENT - CONTRACTOR MANUFACTURED SIGNS	1 LS	12,000.00	12,000.00	11,173.27	\$11,173.27	12,173.00	\$12,173.00	15,000.00	\$15,000.00
93	PAVEMENT MARKING - DURABLE HEAT APPLIED	2090 SF	15.00	31,350.00	14.82	\$30,973.80	16.00	\$33,440.00	13.00	\$27,170.00
94	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	10 EA	280.00	2,800.00	342.22	\$3,422.20	373.00	\$3,730.00	250.00	\$2,500.00
95	REINFORCED DOWELED CURB	230 LF	55.00	12,650.00	49.05	\$11,281.50	56.00	\$12,880.00	60.00	\$13,800.00
96	TRAFFIC ISLAND CONCRETE	77 SY	110.00	8,470.00	205.32	\$15,809.64	135.00	\$10,395.00	80.00	\$6,160.00
97	CEMENT CONCRETE INTEGRAL CURB AND SIDEWALK 5.5 FT. WIDE	27 LF	110.00	2,970.00	93.54	\$2,525.58	124.00	\$3,348.00	105.00	\$2,835.00
98	CEMENT CONCRETE INTEGRAL CURB AND SIDEWALK 7 FT. WIDE	34 LF	120.00	4,080.00	99.25	\$3,374.50	146.00	\$4,964.00	110.00	\$3,740.00
99	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
100	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
101	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
102	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
103	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00

Tax Classification

<i>Schedule 03</i>										
<i>Sales tax shall NOT be included in unit prices</i>										
104	POTHOLING	14 EA	1,000.00	14,000.00	333.10	\$4,663.40	775.00	\$10,850.00	650.00	\$9,100.00
105	REMOVE MANHOLE, CATCH BASIN, OR DRYWELL	3 EA	700.00	2,100.00	380.49	\$1,141.47	531.00	\$1,593.00	900.00	\$2,700.00
106	REMOVE EXISTING ≤ 12 IN. DIA. PIPE	350 LF	40.00	14,000.00	9.68	\$3,388.00	21.00	\$7,350.00	20.00	\$7,000.00
107	MANHOLE - 48 IN.	7 EA	5,000.00	35,000.00	3,415.88	\$23,911.16	5,243.00	\$36,701.00	4,100.00	\$28,700.00
108	MH OR DW FRAME AND COVER (STANDARD)	1 EA	1,500.00	1,500.00	440.98	\$440.98	1,494.00	\$1,494.00	450.00	\$450.00
109	MH OR DW FRAME AND COVER (LOCKABLE)	7 EA	1,500.00	10,500.00	508.82	\$3,561.74	1,693.00	\$11,851.00	550.00	\$3,850.00
110	CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	1 EA	1,800.00	1,800.00	213.36	\$213.36	1,221.00	\$1,221.00	550.00	\$550.00

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

<i>Project Number: 2021098</i>			<i>Engineer's Estimate</i>		COPENHAVER CONSTRUCTION INC. (Submitted)		DW EXCAVATING INC (Submitted)	
<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>
84	CEMENT CONCRETE SIDEWALK	325 SY	90.00	29,250.00	115.00	\$37,375.00	105.00	\$34,125.00
85	EXTRA COST ALLOWANCE FOR REINFORCED SIDEWALK	176 SY	65.00	11,440.00	130.00	\$22,880.00	138.00	\$24,288.00
86	RAMP DETECTABLE WARNING	138 SF	40.00	5,520.00	41.00	\$5,658.00	46.00	\$6,348.00
87	TRAFFIC SIGNAL SYSTEM RETROFIT, 2ND AND THOR	1 LS	33,000.00	33,000.00	27,000.00	\$27,000.00	35,000.00	\$35,000.00
88	TRAFFIC SIGNAL SYSTEM RETROFIT, 2ND AND FREYA	1 LS	45,000.00	45,000.00	38,000.00	\$38,000.00	53,000.00	\$53,000.00
89	TRAFFIC SIGNAL SYSTEM RETROFIT, 3RD AND THOR	1 LS	22,000.00	22,000.00	20,000.00	\$20,000.00	23,000.00	\$23,000.00
90	TRAFFIC SIGNAL SYSTEM RETROFIT, 3RD AND FREYA	1 LS	42,000.00	42,000.00	40,000.00	\$40,000.00	43,000.00	\$43,000.00
91	ILLUMINATION SYSTEM, RETROFIT	1 LS	22,000.00	22,000.00	13,000.00	\$13,000.00	26,000.00	\$26,000.00
92	SIGNING, PERMANENT - CONTRACTOR MANUFACTURED SIGNS	1 LS	12,000.00	12,000.00	11,000.00	\$11,000.00	11,000.00	\$11,000.00
93	PAVEMENT MARKING - DURABLE HEAT APPLIED	2090 SF	15.00	31,350.00	14.00	\$29,260.00	14.20	\$29,678.00
94	WORD AND SYMBOL MARKINGS - DURABLE HEAT APPLIED	10 EA	280.00	2,800.00	310.00	\$3,100.00	330.00	\$3,300.00
95	REINFORCED DOWELED CURB	230 LF	55.00	12,650.00	75.00	\$17,250.00	72.00	\$16,560.00
96	TRAFFIC ISLAND CONCRETE	77 SY	110.00	8,470.00	125.00	\$9,625.00	100.00	\$7,700.00
97	CEMENT CONCRETE INTEGRAL CURB AND SIDEWALK 5.5 FT. WIDE	27 LF	110.00	2,970.00	150.00	\$4,050.00	122.00	\$3,294.00
98	CEMENT CONCRETE INTEGRAL CURB AND SIDEWALK 7 FT. WIDE	34 LF	120.00	4,080.00	160.00	\$5,440.00	122.00	\$4,148.00
99	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00
100	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00
101	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00
102	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00
103	INTENTIONALLY BLANK	0 N/A	0.00	0.00	0.00	\$0.00	0.00	\$0.00

Tax Classification

Schedule 03

Sales tax shall NOT be included in unit prices

104	POTHOLING	14 EA	1,000.00	14,000.00	450.00	\$6,300.00	760.00	\$10,640.00
105	REMOVE MANHOLE, CATCH BASIN, OR DRYWELL	3 EA	700.00	2,100.00	1,100.00	\$3,300.00	675.00	\$2,025.00
106	REMOVE EXISTING ≤ 12 IN. DIA. PIPE	350 LF	40.00	14,000.00	70.00	\$24,500.00	43.00	\$15,050.00
107	MANHOLE - 48 IN.	7 EA	5,000.00	35,000.00	6,000.00	\$42,000.00	5,100.00	\$35,700.00
108	MH OR DW FRAME AND COVER (STANDARD)	1 EA	1,500.00	1,500.00	1,300.00	\$1,300.00	1,300.00	\$1,300.00
109	MH OR DW FRAME AND COVER (LOCKABLE)	7 EA	1,500.00	10,500.00	1,400.00	\$9,800.00	1,400.00	\$9,800.00
110	CONNECT 8 IN. DIA. PIPE TO EXISTING CB, DW, OR MH	1 EA	1,800.00	1,800.00	2,000.00	\$2,000.00	840.00	\$840.00

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

Project Number: 2021098			Engineer's Estimate		MDM CONSTRUCTION INC (Submitted)		ALPINE CONTRACTORS GROUP LLC (Submitted)		HALME CONSTRUCTION INC (Submitted)	
Item No	Bid Item Description	Est Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
111	CONNECT 12 IN. DIA. SEWER PIPE TO EXISTING SEWER PIPE	3 EA	1,000.00	3,000.00	586.37	\$1,759.11	962.00	\$2,886.00	550.00	\$1,650.00
112	RECONSTRUCT 48 IN. MANHOLE INVERT	1 EA	2,300.00	2,300.00	734.83	\$734.83	2,203.00	\$2,203.00	1,000.00	\$1,000.00
113	MANHOLE TEST	1 EA	1,200.00	1,200.00	650.49	\$650.49	892.00	\$892.00	2,000.00	\$2,000.00
114	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	60 CY	40.00	2,400.00	38.41	\$2,304.60	32.00	\$1,920.00	150.00	\$9,000.00
115	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	60 CY	40.00	2,400.00	36.35	\$2,181.00	42.00	\$2,520.00	150.00	\$9,000.00
116	IMPORTED BACKFILL	60 CY	110.00	6,600.00	36.35	\$2,181.00	27.00	\$1,620.00	150.00	\$9,000.00
117	PLUGGING EXISTING PIPE	3 EA	600.00	1,800.00	110.24	\$330.72	536.00	\$1,608.00	350.00	\$1,050.00
118	CLEANING EXISTING SANITARY SEWERS	8 EA	1,100.00	8,800.00	355.62	\$2,844.96	932.00	\$7,456.00	400.00	\$3,200.00
119	DI PIPE FOR WATER MAIN 6 IN. DIA.	145 LF	130.00	18,850.00	87.97	\$12,755.65	120.00	\$17,400.00	100.00	\$14,500.00
120	DI PIPE FOR WATER MAIN 8 IN. DIA.	1095 LF	140.00	153,300.00	96.57	\$105,744.15	110.00	\$120,450.00	100.00	\$109,500.00
121	DI PIPE FOR WATER MAIN 12 IN. DIA.	310 LF	200.00	62,000.00	192.67	\$59,727.70	190.00	\$58,900.00	170.00	\$52,700.00
122	GATE VALVE 6 IN.	3 EA	3,200.00	9,600.00	1,564.88	\$4,694.64	3,170.00	\$9,510.00	2,300.00	\$6,900.00
123	GATE VALVE 8 IN.	2 EA	5,000.00	10,000.00	2,276.22	\$4,552.44	4,060.00	\$8,120.00	3,000.00	\$6,000.00
124	GATE VALVE 12 IN.	2 EA	8,000.00	16,000.00	4,072.10	\$8,144.20	6,712.00	\$13,424.00	5,000.00	\$10,000.00
125	HYDRANT ASSEMBLY	2 EA	15,000.00	30,000.00	7,630.43	\$15,260.86	12,081.00	\$24,162.00	10,000.00	\$20,000.00
126	SANITARY SEWER PIPE 12 IN. DIA.	65 LF	200.00	13,000.00	165.67	\$10,768.55	132.00	\$8,580.00	75.00	\$4,875.00
127	SANITARY SEWER PIPE 18 IN. DIA.	715 LF	225.00	160,875.00	124.68	\$89,146.20	157.00	\$112,255.00	125.00	\$89,375.00
128	BYPASS SEWER PUMPING OR PIPING	1 LS	25,000.00	25,000.00	15,000.00	\$15,000.00	16,793.00	\$16,793.00	20,000.00	\$20,000.00
129	LANDSCAPING REPAIR	1 LS	15,000.00	15,000.00	28,500.00	\$28,500.00	17,884.00	\$17,884.00	5,000.00	\$5,000.00
130	TOPSOIL TYPE A, 2 INCH THICK	75 SY	50.00	3,750.00	120.00	\$9,000.00	14.00	\$1,050.00	100.00	\$7,500.00
131	HYDROSEEDING	75 SY	10.00	750.00	45.00	\$3,375.00	10.00	\$750.00	50.00	\$3,750.00
132	MODIFY FENCING	1 LS	25,000.00	25,000.00	2,851.78	\$2,851.78	12,927.00	\$12,927.00	7,500.00	\$7,500.00
133	REFERENCE AND REESTABLISH SURVEY MONUMENT	2 EA	1,000.00	2,000.00	934.18	\$1,868.36	1,454.00	\$2,908.00	1,200.00	\$2,400.00
134	ADJUST MONUMENT FRAME AND COVER	1 EA	1,000.00	1,000.00	141.41	\$141.41	1,106.00	\$1,106.00	300.00	\$300.00
Bid Total			\$4,180,395.00		\$4,394,693.98		\$4,400,108.00		\$4,445,226.00	

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

<i>Project Number: 2021098</i>			<i>Engineer's Estimate</i>		COPENHAVER CONSTRUCTION INC. (Submitted)		DW EXCAVATING INC (Submitted)	
<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>
111	CONNECT 12 IN. DIA. SEWER PIPE TO EXISTING SEWER PIPE	3 EA	1,000.00	3,000.00	2,100.00	\$6,300.00	1,000.00	\$3,000.00
112	RECONSTRUCT 48 IN. MANHOLE INVERT	1 EA	2,300.00	2,300.00	900.00	\$900.00	1,800.00	\$1,800.00
113	MANHOLE TEST	1 EA	1,200.00	1,200.00	2,000.00	\$2,000.00	1,000.00	\$1,000.00
114	REMOVE UNSUITABLE PIPE FOUNDATION MATERIAL	60 CY	40.00	2,400.00	60.00	\$3,600.00	60.00	\$3,600.00
115	REPLACE UNSUITABLE PIPE FOUNDATION MATERIAL	60 CY	40.00	2,400.00	220.00	\$13,200.00	40.00	\$2,400.00
116	IMPORTED BACKFILL	60 CY	110.00	6,600.00	150.00	\$9,000.00	62.00	\$3,720.00
117	PLUGGING EXISTING PIPE	3 EA	600.00	1,800.00	900.00	\$2,700.00	300.00	\$900.00
118	CLEANING EXISTING SANITARY SEWERS	8 EA	1,100.00	8,800.00	950.00	\$7,600.00	630.00	\$5,040.00
119	DI PIPE FOR WATER MAIN 6 IN. DIA.	145 LF	130.00	18,850.00	190.00	\$27,550.00	146.00	\$21,170.00
120	DI PIPE FOR WATER MAIN 8 IN. DIA.	1095 LF	140.00	153,300.00	180.00	\$197,100.00	154.00	\$168,630.00
121	DI PIPE FOR WATER MAIN 12 IN. DIA.	310 LF	200.00	62,000.00	250.00	\$77,500.00	233.00	\$72,230.00
122	GATE VALVE 6 IN.	3 EA	3,200.00	9,600.00	2,900.00	\$8,700.00	2,900.00	\$8,700.00
123	GATE VALVE 8 IN.	2 EA	5,000.00	10,000.00	3,800.00	\$7,600.00	3,800.00	\$7,600.00
124	GATE VALVE 12 IN.	2 EA	8,000.00	16,000.00	7,000.00	\$14,000.00	6,000.00	\$12,000.00
125	HYDRANT ASSEMBLY	2 EA	15,000.00	30,000.00	13,000.00	\$26,000.00	13,000.00	\$26,000.00
126	SANITARY SEWER PIPE 12 IN. DIA.	65 LF	200.00	13,000.00	240.00	\$15,600.00	351.00	\$22,815.00
127	SANITARY SEWER PIPE 18 IN. DIA.	715 LF	225.00	160,875.00	160.00	\$114,400.00	227.00	\$162,305.00
128	BYPASS SEWER PUMPING OR PIPING	1 LS	25,000.00	25,000.00	40,000.00	\$40,000.00	23,000.00	\$23,000.00
129	LANDSCAPING REPAIR	1 LS	15,000.00	15,000.00	32,000.00	\$32,000.00	4,500.00	\$4,500.00
130	TOPSOIL TYPE A, 2 INCH THICK	75 SY	50.00	3,750.00	100.00	\$7,500.00	83.00	\$6,225.00
131	HYDROSEEDING	75 SY	10.00	750.00	40.00	\$3,000.00	17.00	\$1,275.00
132	MODIFY FENCING	1 LS	25,000.00	25,000.00	8,500.00	\$8,500.00	6,000.00	\$6,000.00
133	REFERENCE AND REESTABLISH SURVEY MONUMENT	2 EA	1,000.00	2,000.00	1,400.00	\$2,800.00	775.00	\$1,550.00
134	ADJUST MONUMENT FRAME AND COVER	1 EA	1,000.00	1,000.00	750.00	\$750.00	800.00	\$800.00
Bid Total			\$4,180,395.00		\$4,719,788.00		\$4,732,755.00	

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>Total</i>
ENGINEER'S ESTIMATE	3,526,870.00	0.00	653,525.00	0.00	4,180,395.00
MDM CONSTRUCTION INC (Submitted)	3,972,856.22	0.00	421,837.76	0.00	4,394,693.98
ALPINE CONTRACTORS GROUP LLC (Submitted)	3,881,724.00	0.00	518,384.00	0.00	4,400,108.00
HALME CONSTRUCTION INC (Submitted)	3,996,676.00	0.00	448,550.00	0.00	4,445,226.00
COPENHAVER CONSTRUCTION INC. (Submitted)	4,002,288.00	0.00	717,500.00	0.00	4,719,788.00
DW EXCAVATING INC(Submitted)	4,091,140.00	0.00	641,615.00	0.00	4,732,755.00

Low Bid Contractor: MDM CONSTRUCTION INC

	<i>Contractor's Bid</i>	<i>Engineer's Estimate</i>	<i>% Variance</i>
<i>Schedule 01</i>	3,972,856.22	3,526,870.00	12.65 % Over Estimate
<i>Schedule 02</i>	0.00	0.00	% Under Estimate
<i>Schedule 03</i>	459,803.16	712,342.25	35.45 % Under Estimate
<i>Schedule 04</i>	0.00	0.00	% Under Estimate
<i>Bid Totals</i>	4,432,659.38	4,239,212.25	4.56 % Over Estimate

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2022-0644
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY ATTORNEY
Contact Name/Phone	ELIZABETH 6232 SCHOEDEL
Contact E-Mail	ESCHOEDEL@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

Contract Amendment for outside Counsel Craig Trueblood with the law firm K & L Gates, LLP for \$150K.

Summary (Background)

K & L Gates, LLP., Craig Trueblood represents the City in the appeal of the City's NPDES Permit. This matter is currently set for trial before the PCHB in November 2023 regarding the Joint Case and May 2024 regarding the City of Spokane's case. We request an additional \$150K to the contract for a total of \$500K.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 150,000

Select \$

Select \$

Select \$

Budget Account

4320-30210-35141-54105-99999

#

#

#

Approvals

Dept Head	PICCOLO, MIKE
Division Director	
Finance	ALBIN-MOORE, ANGELA
Legal	PICCOLO, MIKE
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES - 10-23-2023
Council Sponsor	CP Lori Kinnear

Distribution List

mfeist@spokanecity.org
ESchoedel@spokanecity.org
rgennett@spokanecity.org
rhulvey@spokanecity.org
craig.trueblood@klgates.com
kkeck@spokanecity.org

Additional Approvals**Purchasing**

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: 10/13/23 **Type of expenditure:** Goods Services

Department: Wastewater Management

Approving Supervisor: Marlene C. Feist

Amount of Proposed Expenditure: \$150,000

Is this against a master agreement? If yes, please provide the number: OPR 2022-0644

Funding Source Wastewater Management

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

The City is in active litigation; additional funds are necessary to continue litigation through trial on the joint issues which is set for November 7-9 and November 16-17, 2023.

What are the impacts if expenses are deferred?

Expenses cannot be deferred - trial date is set by the Administrative Hearing Officer. The City is one of five litigants.

What alternative resources have been considered?

There are no alternative resources available at this point. Trial is set for November.

Description of the goods or service and any additional information?

This expense involves legal service for representation in current litigation against the Washington State Department of Ecology in the City's appeal of its NPDES Permit.

Person Submitting Form/Contact:

Division Director:

Marlene Feist

CFO Signature:

Tonya Wallace

City Administrator Signature:

Additional Comments:

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	City Legal
Contact Name	Lynden Smithson / Elizabeth Schoedel
Contact Email & Phone	lsmithson@spokanecity.org Eschoedel@spokanecity.org Ext 6283 Ext6232
Council Sponsor(s)	CP Kinnear
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Outside Counsel Contract Amendment #4
Summary (Background) *use the Fiscal Impact box below for relevant financial information	The City has a contract with Craig Trueblood of K & L Gates, LLP., as outside legal counsel to represent and assist the City in the matter of City of Spokane v. Washington State Department of Ecology, which is the City's appeal of its NPDES Permit. The matter is currently set for trial before the PCHB in November 2023 and May 2024. Additional funds are need: We request an additional \$150,000 to the contract for a total of \$500,000.
Proposed Council Action	Approve/Pass 10/23/23
Fiscal Impact	
Total Cost: Click or tap here to enter text.	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Specify funding source: Click or tap here to enter text.	
Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? N/A – This work is for special counsel representation to the City.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A – This work is for special counsel representation. It will not impact racial, gender identity, national origin, income level, disability, sexual orientation, or other existing disparity factors.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? N/A	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? The Contract Amendment is consistent with the City's requirements for helping align City policies by providing the City with legal support and representation in current litigation regarding its NPDES Discharge Permit.	



City of Spokane
SPECIAL COUNSEL
CONTRACT AMENDMENT #4

This Contract Amendment is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **CRAIG TRUEBLOOD OF THE LAW FIRM K & L GATES, LLP.**, whose address is 925 Fourth Avenue, Suite 2900, Seattle, Washington 98104-1158, 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 regarding the Appeal of the City’s NPDES Permit, consistent with applicable laws and this Contract; and

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 September 12, 2022, with an effective date of August 1, 2022, 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 October 15, 2023.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$100,000.00)** 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 **FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00)**.

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.

CRAIG TRUEBLOOD
LAW FIRM K & L GATES, LLP.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Title

Attest:

City Clerk

Nadine Woodward
Type or Print Name

Mayor
Title

Approved as to form:

Assistant City Attorney

U2023-091a



Agenda Sheet for City Council Meeting of:

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1124
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	HISTORIC PRESERVATION
Contact Name/Phone	MEGAN DUVALL X6543
Contact E-Mail	MDUVALL@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0470 - PARKADE PARKING GARAGE NOMINATION TO THE SRHP

Agenda Wording
 Recommendation to list the Parkade Parking Garage, 511 W Main 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 Parkade Parking Garage 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		Council Notifications	
Dept Head	DUVALL, MEGAN	Study Session\Other	UE 10/9/23
Division Director	MACDONALD, STEVEN	Council Sponsor	CMs Bingle & Cathcart
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	PICCOLO, MIKE	smacdonald@spokanecity.org	
For the Mayor	JONES, GARRETT	mduvall@spokanecity.org	
Additional Approvals		lcamporeale@spokanecity.org	
Purchasing		rbenzie@spokanecity.org	
		amccmall@spokanecity.org	

Committee Agenda Sheet

URBAN EXPERIENCE

Submitting Department	Historic Preservation
Contact Name & Phone	Logan Camporeale, Historic Preservation Officer 625-6634
Contact Email	lcamporeale@spokanecity.org
Council Sponsor(s)	CMs Bingle & Cathcart
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 2.5 minutes
Agenda Item Name	0470 – PARKADE PARKING GARAGE NOMINATION TO THE REGISTER OF HISTORIC PLACES
Summary (Background)	<p>The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100.</p> <p>The Parkade Parking Garage at 511 W Main Avenue was constructed in 1967 and designed by Warren Cummings Heylman and J. Edwin Klapp. It meets the criteria for listing on the Spokane Register under Category A & C for its association with events that have made a significant impact on Spokane history and its embodiment of distinctive architectural characteristics.</p>
Proposed Council Action & Date:	Consent agenda item, for briefing on 10/30/2023 with a vote on 11/6/2023.
Fiscal Impact: Total Cost: <u>\$0</u> Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts <i>What impacts would the proposal have on historically excluded communities?</i> This contract would have no meaningful impact on historically excluded communities.	
<i>How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?</i> That specific data is not something that is collected by the Historic Preservation Department.	
<i>How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?</i> The Historic Preservation Office’s primary responsibility is to protect historic properties and neighborhoods in Spokane. The more properties that are listed on the Spokane Register, the more ability we have to offer incentives that help keep those properties viable and in use. As we list additional properties, we increase our ability to protect Spokane’s historic resources.	
<i>Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?</i>	

SMC 04.35.010 Spokane Historic Landmarks Commission Findings and Purpose:

The City and Spokane County find that the establishment of a 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.

Comprehensive Plan Goals

DP 1.1: Landmark Structures, Buildings, and Sites

Recognize and preserve unique or outstanding landmark structures, buildings, and sites.

DP 3.3: Identification and Protection of Resources

Identify historic resources to guide decision making in planning.

DP 3.11: Rehabilitation of Historic Properties

Assist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives.

N 2.4: Neighborhood Improvement

Encourage revitalization and improvement programs to conserve and upgrade existing properties and buildings.

Findings of Fact and Decision for Council Review

Nomination to the Spokane Register of Historic Places

Parkade Parking Garage – 511 West Main 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 1968; the Parkade 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, E).**
 - The Parkade meets Spokane City/County Register of Historic Places under **Category A** for its association with the broad patterns of Spokane History. The Parkade was constructed in a period of change and challenge to Spokane and other downtowns in the United States. In the post-WWII boom, the central city was under siege as residents moved to the outlying suburbs and growth of the suburban shopping center and malls began. The Parkade and its related developments sought to reverse the trend of suburban flight and revitalize downtown.
 - The project was considered a privately funded “urban renewal project” that involved a partnership composed of the owner and lessor of the block half on which the garage was constructed, but also the three of five of the other building owners in the subject block. The Parkade accomplished its mission of cleaning up the block, providing needed downtown parking and a dynamic retail setting, and, most importantly, initiated the skywalk system that would connect fourteen downtown blocks. The expansion of downtown skywalks and development of Riverpark Square with retail and parking, and bolstering of downtown department stores was the goal of the Ebasco Plan that was made possible by the development of the Parkade (Riverpark square was a site identified for a future parking garage in the plan.)
 - The Parkade meets Spokane City/County Register of Historic Places under **Category C** for its architectural significance as a downtown parking structure designed in the New Formalist style, its use of concrete, and its prominence in the downtown cityscape as a mixed-use parking garage and retail facility. Architecturally significant, the Parkade carries forward Classical elements that gracefully conveyed a movement to the future and established a landmark that is its own story.
 - The Parkade is also significant under **Category C** for its association with accomplished architect Warren Cummings Heylman. Heylman’s playful forms pushed the architectural envelope to its very edge. Over the years, he was awarded six AIA Spokane Chapter honor awards; received a Concrete Institute Award (for the Parkade) and was inducted as a fellow of the AIA in 1983.

- 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 Parkade is well-preserved and is architecturally significant as a downtown parking structure designed in the New Formalist style.

- 4. Once listed, this property will be eligible to apply for incentives, including:**
 - Special Valuation (property tax abatement), Façade Improvement Grants, Spokane Register historical plaque, and special code considerations.

RECOMMENDATION

The Spokane Historic Landmarks Commission evaluated the Parkade Parking Garage according to the appropriate criteria at a public hearing on 10/18/23 and recommends that the Parkade Parking Garage be listed on the Spokane Register of Historic Places under Categories A – Broad Patterns of Spokane History & C - Architecture.

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:

RES & ADD SPOKANE FALLS PTN OF MAIN AVE VAC BY ORD C1828 9 DAF BEG AT
NW COR OF L5 B15 SD ADD TH E30FT TH N10FT TO TRUE POB TH CONT N16FT TH
E170FT TH S16FT TH W170FT TO TRUE POB

Parcel Number(s) 35184.2412, is governed by a Management Agreement between the City of Spokane and the Owner(s), GT MUKILTEO 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: 10/25/23

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **18th** day of **October 2023**, by and between the City of Spokane (hereinafter “City”), acting through its Historic Landmarks Commission (“Commission”), and **GT Mukilteo LLC** (hereinafter “Owner(s)”), the owner of the property located at **511 West Main Avenue** commonly known as the **Parkade Parking Garage** 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.

GT Mukilteo LLC
By: Guntower Capital LLC, Manager

Owner 
By: Jonathan Stevin
Its Manager

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 WA)
County of King) ss.

On this 3rd day of October, 2023, before me, the undersigned, a Notary Public in and for the State of WA, personally appeared Jonathan Slavin, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his 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 3rd day of October, 2023.



[Signature]
Notary Public in and for the State of WA, residing at Seattle, WA
My commission expires 12/22/2026

STATE OF WASHINGTON)
County of Spokane) ss.

On this _____ day of _____, 2023, 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 _____, 2023.

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, Third Floor
808 Spokane Falls Boulevard, Spokane, Washington 99201-3337*

1. Name of Property

Historic Name: Parkade Parking Garage
And/Or Common Name: Parkade, Parkade Plaza

2. Location

Street & Number: 511 West Main Avenue
City, State, Zip Code: Spokane, WA 99201
Parcel Number: 35184.2416

3. Classification

Category	Ownership	Status	Present Use
<input checked="" type="checkbox"/> building	<input type="checkbox"/> public <input type="checkbox"/> both	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agricultural <input type="checkbox"/> museum
<input type="checkbox"/> site	<input checked="" type="checkbox"/> private	<input type="checkbox"/> work in progress	<input checked="" type="checkbox"/> commercial <input type="checkbox"/> park
<input type="checkbox"/> structure			<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 checked="" type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military <input type="checkbox"/> other

4. Owner of Property

Name: GT MUKILTEO LLC
Street & Number: 1421 34th Ave # 300
City, State, Zip Code: Seattle, WA, 98122
Telephone Number/E-mail: (206) 724-5400 - Skip Slavin, slavin@incityinc.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: NA
Date: Enter survey date if applicable Federal State County Local
Depository for Survey Records: Spokane Historic Preservation Office

7. Description

Architectural Classification

Condition

excellent

good

fair

deteriorated

ruins

unexposed

Check One

unaltered

altered

Check One

original site

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.
- 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.

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:

1.1 acres

Verbal Boundary Description:

RES & ADD SPOKANE FALLS ALL LOTS 1 THRU 5 INC 20FT VAC S TPE OF & ADJ L1 & INC N1/2 OF VAC ALLEY S OF & ADJ LOTS 1 THRU5 B15

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: 10/18/2023

12. Additional Documentation

Additional documentation is found on one or more continuation sheets.

13. Signature of Owner(s)

GT Munkitko, LLC
By: Gustower Capital LLC

Its: Mung

By: 
Its: Mung

14. For Official Use Only:

Date nomination application filed: 9/10/23

Date of Landmarks Commission Hearing: 10/18/23

Landmarks Commission decision: Approved

Date of City Council/Board of County Commissioners' hearing: Nov. 6, 2023

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



10/25/23

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

SUMMARY STATEMENT

Built in 1967, the Parkade is a ten-story, block-long automobile parking garage with ground floor retail located in the downtown Spokane business core. In the New Formalist mode, slender columns of cast concrete rise from an arcaded one-story podium to terminate in a broadly-projecting cavetto cornice. The horizontal ground level arcade of scalloped arches, band of yellow canopies, and strong vertical thrust of the white concrete columns, curved flare of the cornice, raw concrete spiral of the corner exit ramp, and elevator tower crowned by the flaring and rounded frame of the Parkade create an imposing and iconic building in downtown Spokane's skyline. Visible from a distance and set inward from the cornice, the building is topped by a red-vinyl-coated sheet metal hipped roof above which towers the sculptural Parkade sign housing. Providing automobile access and egress, softly curved and multi-faceted arched ramps anchor the northeast and northwest corners of the building. Retail shops open to the northeast and southwest corners of the ground floor. Designed by master Spokane architect Warren Cummings Heylman and associate J. Edwin Klapp, the building notable in its scale, proportion, bold, clean, lines, and connection to its downtown neighbors. The building retains a high degree of architectural integrity in its original location, design, materials, workmanship, character, and association with its continued use as retail space and a parking garage.

CURRENT APPEARANCE AND CONDITION

Site

Located in Spokane's downtown business core on a flat and level site, the building occupies the northern half of the block bounded by Riverside Avenue on the south, Howard Street on the west, Main Avenue on the north and Stevens Street on the east. A public plaza forms the southern boundary (partially owned by the Parkade) and runs east-west between Howard Street and Stevens Street. With an address of 511 West Main Avenue, the building occupies all of lots 1 through 5 including the north half of a vacated alley along the south side. The parcel is 320 feet west to east, and 150 feet in width north to south; the building itself is 301'-2" feet in length by 123 feet wide. Across the plaza to the south is a row of commercial buildings that front along Riverside Avenue, but also have entrances to the plaza that were developed in conjunction with the building of the Parkade and its plaza. The building is also connected via a second-floor skywalk system to the blocks to the north across Main Avenue, to the west across Howard Street, and to the south over the plaza to the buildings along the south side of the block. Two walkways connect in the buildings to the south, and, in turn, connect to the blocks across Stevens Street to the east. The skywalk system is part of the sidewalk public right-of-way in downtown Spokane.

Buildings within the southern half of the block include from west to east at 522 West Riverside, the modernist 8-story Fidelity Building (1953 designed by the Bank Building and Equipment Corp.); the 2-story Hill Brothers Building at #518 West Riverside (1890, SRHP), the 2-story Dodson's building at #516 West

Riverside (1890, SRHP), the 8-story Kirkland Cutter-designed Gothic Sherwood Building 508 West Riverside (1916, SRHP), and on the corner, the modernist 2-story First National Bank Building 502 West Riverside (1952, SRHP), also designed by the Bank Building and Equipment Corp. Buildings across from the Parkade include on the east across Stevens Street, the 3-story brick Bodie Block (1889 Building, SRHP) at 427 West Main, the 3-story brick Levy Block (1892, SRHP) at 118 North Stevens Street, and the imposing white terra cotta Old National Bank Building (1910-now US Bank) at 422 West Riverside. Across Main Street to the north and connected via the skywalk is the Bennett Block at 206 N. Howard Street (1890, SRHP). Across Howard Street to the west is the 1973 Chase Bank Building, and kitty-cornered to the northwest is the M, the former Culbertson's/Bon Marche/Macy's department store, converted to an apartment building with retail at street level; both are connected to the skywalk system from the Parkade.

Architectural Context

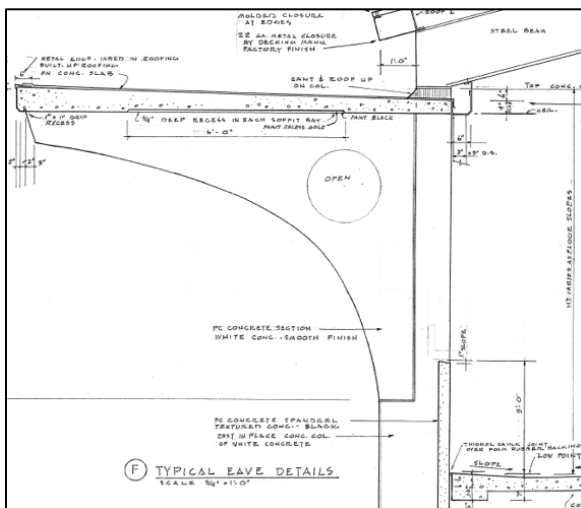
New Formalism is a modern style evolving in the 1960s and is typically used in public or commercial architecture and alludes to the classical in form and elements. It applies the geometries of classicism with new forms, and new materials—particularly concrete, and decorative expressions. New Formalist structures are often displayed as simple volumes on a raised base and one story or more in height. Formal rhythms are established with colonnades and pilasters. Geometric features accentuate the roofline in place of a traditional cornice. The Parkade expresses the qualities of New Formalism in its regular rhythm of vertical columns and symmetry. It is an expressive example of the style with its sculpted Parkade sign board, use of flared curved brackets with punched circular openings, spiraling ramps, compound arched ground floor bays and cantilevered skywalks.

Exterior of the Parkade

The ten-story concrete structure, except where-mentioned, is steel reinforced poured-in-place concrete; including the basement (long-term parking), ground floor podium of concrete arcades that houses retail shops and supports the

horizontal band of second-floor skywalks, and the open, and colonnaded nine floor-parking garage. The four facades are generally symmetrical and similar in detailing. A pronounced flared cavetto cornice terminates the facade and transitions to a concrete ledge which is topped by a red sheet-metal hipped roof set back several feet from the edge.

Attached to the south side of the parking structure that is approximately 301 feet



east to west, and 102 feet north to south (wall to wall), is the helical spiral concrete ramp on the southeast corner, and the rectangular shaft of the elevator/sign tower slightly west of center. The building height is 101 feet to the top of the cornice ledge, and 171 feet to the top of the elevator/sign "Parkade" tower. The three distinct vertical elements that comprise the composition are the main building mass distinguished by the colonnade of narrow rectangular white concrete columns that are terminated by a gracefully flared concrete cornice; the



raw-concrete spiral in the southeast corner capped by a bracketed concrete corona, "crown", and the sculptural white stucco-clad "sign" tower. The building has three functional components: two retail spaces, entered along Howard Street at the southwest corner, and Stevens Street in the northeast corner; the office rotunda in the southeast corner beneath the spiral ramp; and the parking garage from floors 2 through 10. Pedestrian access to the parking garage is from the plaza via the ground level elevator and stair lobby at the bottom of the tower, and the second-floor skywalk level.

The ground-level storefront bays are framed with low 13-to-18-inch black granite bulkhead walls, 2' x 2'- square bush hammered concrete columns and elliptical arches. The concrete columns are straight-sided from grade to seven feet, at which point they begin to narrow at the springer of the elliptical arch. The columns act as the springers for the arched window heads (stucco over metal lath soffits), as well as the perpendicular cantilevered arched beam that projects over the sidewalk to support the skywalk. As the arches supporting the skywalks project out, the soffits widen slightly (corresponding to the narrowing arch support) and the arches transform from an elliptical arch within the facade plane to a segmental arch at the outside face of the skywalk.

The overarching, cantilevering "skywalks" project ten feet from the façade plane on the south, west and north sides to cover the street level sidewalks that follow the building's perimeter. Along the east side, the skywalk projects five feet from the façade plane. The skywalks are configured with precast concrete spandrel walls or rails that are congruent to the arched bays which they front. A segmental arch on the bottom side of each panel presents a scalloped effect. Above each of the arched rail panels, again corresponding to the ground floor bays below, is a yellow canopy. The canopies of the north and east facades are canvas over a tubular steel framework that is attached to the concrete columns.



Visible behind the skywalk and canopies are the open ribbed colonnades of the second through tenth floors. These columns correspond to the bays of the ground floor in that each of the ground floor columns aligns with every fourth column of the upper floors. In the span between the ground floor bay columns, two columns fill the gap. The columns are poured-in-place and tied with steel rebar to the floor beams and attached to the poured in place garage floors and internal wall and beams. Portions of the skywalks were precast and lifted into place, and the cornice segments as well as the top element of the spiral ramp in the southeast corner were precast and lifted into place.

Corresponding to the arched bays are the open concrete columns of the second through tenth floors. Extending from and aligned with the ground floor columns the upper story concrete columns are spaced 17'-6" on center with two columns in between thus each ground bay extends to four columns above. Above the ground floor bays and skywalk, the vertical concrete ribs are spaced 5'-10" on center, with two columns between that divide the space into three segments. Likewise, the mullions of the ground floor bays correspond to the spacing of the concrete columns above. The façade is terminated in a graceful cavetto-ached precast concrete cornice. The arched brackets, each punched with a round hole, project ten feet and rise ten feet from the tenth floor to support a precast concrete cornice ledge. The bottom face of the ledge between each of the brackets is coffered with a single rectangular panel. Additionally, the outside corners of the cornice ledges are rounded with the inside cut out. The cutout is formed with the

outside curve matching the external corner and the inside curve connecting the right-angled corner brackets.

During a recent renovation of the building, primarily removal of water-damaged rusted rebar and cracking/spalling concrete, it was determined that the rounded cornice corners were unsafe and beyond repair. Over the years, the concrete had cracked, spalled, and shed chunks of concrete to the sidewalk below. These corners were wrapped in metal bands and chicken wire to retain the loose concrete. These elements were removed creating a slightly different appearance of the corners. After extensive evaluation, it was determined that the remaining cornices would not support a replication of the original corners.

Set back ten feet from the cornice edge, the hipped roof is vinyl-coated steel with steel purlins and beams. The exposed roof structure is also supported by steel columns, beams, and tie rods, and in contrast to the low ceiling height and wall of the lower floor parking decks, is open to the exterior columns.

North Facade

The north side along Main Avenue is considered the primary facade and stretches between Howard Street on the west and Stevens Street on the east. Divided horizontally into the ground floor retail base and cantilevered skywalk, the nine-story middle parking garage, and topped by a flaring arched cornice, the building is strongly vertical in appearance. From corner to corner, the ground level façade is divided into seventeen arched bays accentuated by cantilevered arches that extend from the square columns dividing the bays to support the



skywalk. Corresponding to the ground floor arched bays, the 52 concrete columns dividing the arched bays of the ground floor are aligned with every fourth column extending upwards from the second story level.

Above the second floor-skywalk level, the rectangular columns are 9-inches wide by 23-inches deep. These columns appear above the skywalk that runs horizontally at the juncture of the first and second floors and cantilevers over the sidewalk as it wraps the west, north, and south facades. They also frame the ground floor bays, with every fourth column merging with the stouter columns below and extending to ground level to divide the retail bays. The arches and precast concrete spandrels enclosing the skywalk wall present a scalloped appearance as they extend along the perimeter of the building.

The large horizontal mass is balanced by the narrow white ribs that rise from the yellow canopies and flare in graceful curves at the overarching cornice. Transparency is highlighted by the open corners revealing glimpses of flanking buildings and the white dashed pattern of the light fixtures from the interior of the garage. A slight tilt is imparted by the long white lines of the concrete floor slabs that ascend from the west to the east corners of the building. The flared and rounded sign platform peeks above the horizontal white line of the cornice. This pattern becomes obvious at a block distance from the building, but the hipped roof remains hidden behind the cornice.



All the bays are configured identically with a vertical 24-inch square concrete column with a bush hammered finish, spaced about 17'-10" on center. The bay opening is 16 feet between columns and 50 feet from grade to top or arch. The square columns extend from sidewalk grade to the point at which the elliptical arches of the window bays intersect the vertical faces of the columns. At that point, the columns narrow and

begin an arch to project ten feet over the sidewalk and support the bottom face of the arch as it extends to and terminates behind the horizontal cast concrete skywalk spandrels. Aligned over the storefronts and congruent with the arches of the storefront bays, the scalloped spandrel panels form the outside walls of the skywalk perimeter. Composed of four-inch-thick precast concrete, the panels are attached to the ends of the cantilevered arches that spring from the square concrete posts dividing each bay.

The curved soffits beneath the arches are formed with white stucco over metal lath. The glass and metal panels within the arched bays are framed with extruded square aluminum moldings. Polished black granite bulkhead walls are set below the shopfront window bays except for three bays in which the glass panels extend down to sidewalk grade.

From west to east, the west bay has a low 13 to 18-inch polished black granite bulkhead walls with a single-panel storefront window, most of which is obscured by an interior cover panel, with the upper arch section open. The next seven bays are filled with brick which extend from sidewalk grade to fill the arch. Within the fifth bay is a service entry alcove with a 40"-wide door set back approximately 5 feet. The next group of three bays, originally two shopfront windows flanking an entry bay, is currently blocked and not in use. The westerly bay is configured identically to the storefront bay of the west end—granite bulkhead wall supporting a single-obscured-glass panel; the middle bay consists of a centered 4'-0"-wide flat panel steel door flanked by paired metal panel sidelights divided vertically. The assemblage is topped by a three-panel glass transom divided vertically in accordance with the door and sidelight sections below. A low granite bulkhead wall supports the sidelights. The east bay is identical to the west bay storefront bay except that the glass panel has been replaced by sheet metal divided vertically into four panels.

The remainder of the ground-floor façade consists of five shopfront bays and, at the east end, an arched passageway. All the bays contain storefronts but are detailed slightly differently. The two westerly bays are set in about 14-inches from the column faces and configured with low granite bulkhead walls. Extruded, anodized square-frame aluminum moldings divide the glass with a single horizontal mullion at about six feet, and three vertical mullions dividing the span into three equally sized sections with the three lower square, and the three upper arched. The next two storefront bays consist of full plate glass panels that extend from grade to fill the arch. The east storefront bay also extends from grade to top of the arch but is divided into six sections by a horizontal and two vertical mullions.

The east end bay at the northeast corner is an arcaded passageway that runs along the east side to jog east to rejoin the sidewalk and or to access the pedestrian plaza that runs to the west along the south side of the building.

The juncture of the retail ground floor and the parking garage floors two-through - ten is well defined by the previously described scalloped spandrel walls of the cantilevered skywalk and the bright yellow canvas canopies that cover the open walkway. Above the skywalk wall and rising through the backside of the canopies are the precast concrete columns that distinguish the façade. This section of skywalk is not open to the public and is blocked from the main enclosed system that runs along the west façade and extends over Main Avenue to the Bennett Block.

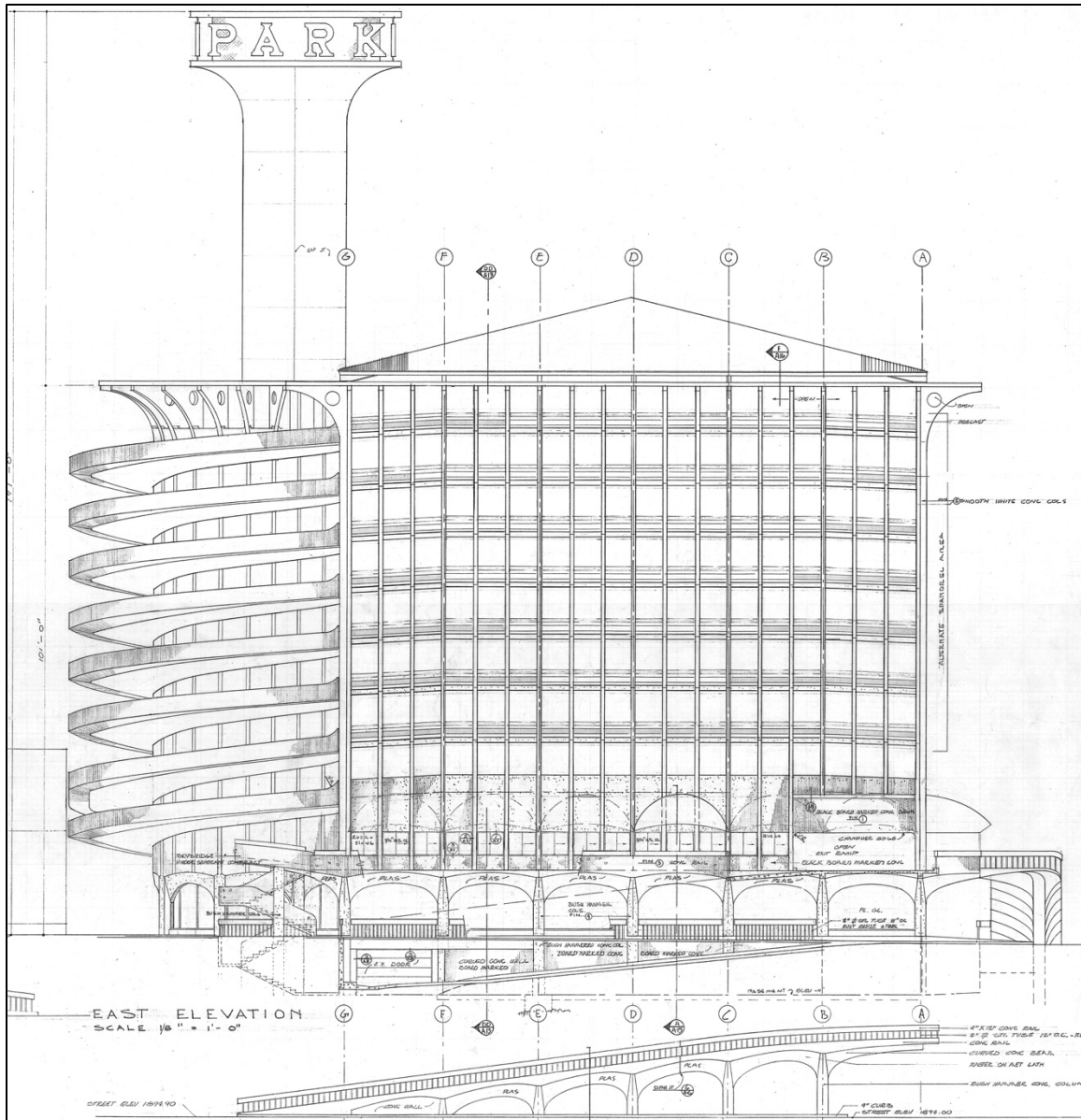
Fronting the storefronts and skywalk is the vehicle entry ramp along the south side of eastbound Main Avenue. The ramp begins its ascent east of the intersection with Howard Street--three bays east of the northwest corner--and rises to the entry to the second-floor parking garage at bay eleven.

The ramp is concrete supported by square concrete columns spaced at 17-10" on center and are of the same shape and configuration as those in the ground floor façade. Arched concrete beams, aligned east-west, support the outside edge of the ramp and angle down to the middle to intercept the concrete posts. The arches of the ramp coincide with the arches of the skywalk/ground floor bay. At two points, arches extending from the façade arcade bridge the sidewalk to extend to the middle row of columns. Aligned below this external ramp is an exit ramp that ascends from the basement to exit vehicles to eastbound Main Avenue. As with the arches along the ground floor façade, the posts and beams are bush hammered concrete and the soffits beneath the arches are stucco over steel lath. Both the railings along the ramp and the sidewalk section along the basement exit ramp are composed of 2-inch square steel rods topped by 4-inch by 12-inch cast concrete planks.



East Façade

The east façade is composed of three elements: the main structure of vertical concrete columns and horizontal floor slabs, divided into six arched bays; the office rotunda, helical spiral ramp and corona at the southeast corner; and the ramp from level two of the parking garage down to Stevens Street. Because of the location of the vehicular exit ramp, the pedestrian walkway is shifted to a passage through the east side of the building. The passage occupies what would have been the eastern retail bay. The ground floor facade is an open arcade with six segmental arch bays that match those of the other three facades with bush hammered finish concrete columns separating and supporting the arches which are concrete clad with plaster. The skywalk level is configured the same as the north façade but is narrower than the north side, at five feet in width. Within the second-story wall are glass panels that span the gap between the square columns and are divided into two lights by vertical muntins. These windows correspond to the former University Club and mezzanine level of the retail bay in the northeast corner. The yellow canvas canopies are aligned over the arches below and project over the skywalk. A vehicular exit portal in the northeast corner and opens to the east. At the skywalk level the façade is divided by 17 concrete columns into 18 vertical segments that retain the same relationship of pattern and spacing of the second through tenth floor columns and flared cornice. Visible behind the concrete colonnade are the horizontal concrete floor slabs and cable and metal plank car guards.



At ground level and set within the northeast corner of 16-foot-wide passage and opening to the east is the entry bay to the retail space. The entry, framed by bush hammered concrete columns and flat arch header, consists of double aluminum-frame metal panel doors with five-foot-wide glass panel sidelights and transom windows covered with sign/advertising panels. To the south is a flat, featureless wall that bumps out five feet and stretches four bays--flat black glass panels spanning from the low granite bulkhead wall to ceiling—a flat arch with no definition. The bay divisions are defined by extruded square aluminum mullions within which there are three glass panels set vertically without frame. Bay six, like bay one, is recessed five feet and framed by bush hammered concrete jambs

and head, and polished black granite bulkhead wall. Within the bay is a double aluminum-framed black-glass panel door entry with black glass panel sidelights and transom.

Extending from the southeast corner end bay beyond the south façade plane is the spiral exit ramp, below which is the rotunda office space. The spiral ramp is open and extends 50 feet from the south wall plane to within one foot of the former First National Bank Building.



Poured in place, the ramp is finished with a raw, board-pressed concrete finish. Eight levels running between floors three and ten are displayed in eight arch segments as the final level joins the second-floor exit level. On the west face, the ramp segments run between the eighth and second floors; the

south façade reveals the slope between the floors at each level, and on the east side, the ramp runs between the third and tenth floors. The ramp is topped by a corona composed of precast concrete cornice elements that extend above the concrete shaft forming the axis of the ramp structure. This cavetto-arch arcade projects south of the central building wall and continues the building cornice at the same height. The 60-foot-diameter crown is a half-circle with the precast cornice elements, spaced at 5-feet on center and topped with a flat concrete ring that projects over the open exit ramp as it descends to the next floor level.

The spiral ramp is 70 feet in diameter and projects 50 feet beyond the plane of the south façade. Beneath the ramp, like an axle anchoring it to the ground, is a 36-foot diameter concrete shaft with an octagonal window bay arrangement—a rotunda office suite. Six semi-circular-arch window bays and one entry bay are formed by 24-inch bush hammer concrete columns and stucco arch heads. A 13-inch-high polished black granite bulkhead wall frames the bottoms of the windows which are inset 16-inches from the column faces. The bay openings are segmented into three sections to follow the curve: 42"-64"-42" between the columns. These dimensions correspond to the length of the granite bulkhead panels and the space between the vertical square-aluminum mullions that divide the bays into three glass panels. The compound arch over the bays is elliptical along the bottom curve and transforms to segmental along the top curve.

Additionally, the stucco panel slopes up from the sash plane (15-inches deep) out to the façade plane as it intersects with the top of the column. Above the stucco arches the concrete wall is patterned with vertical board impressions that extend into the bottom of the ramp. The poured-in-place concrete “roof” varies in height in accordance with the slope of the circular ramp as it spirals down. The bush hammered concrete columns, inset into the wall, begin to angle inward at the intersection of the top arch and narrow to 9-inches as they extend to the underside of the ramp.

Visible on the east face of the rotunda are a window bay (partially covered with plywood), entry bay, and a shallow alcove at the juncture of the main building and the rotunda curve that is used for a planter. The corner stair tower and the vehicle exit ramp obscure views of the rotunda from the street. The entry bay, in the east wall, is configured similarly to the window bays. The floor is approximately 16 inches above outside grade, thus a concrete landing framed by a concrete plank rail and square steel tube balusters is used to provide access. The aluminum-frame glass panel door and a vertical narrow sidelight occupy the middle of the three-section bay; the flanking windows are the same as the other bays.

At the southern end of the covered arcade passageway opposite the entry to the rotunda and providing access up to the south end of the skywalk and down to the basement parking garage is an open, switchback stair tower composed of cast in place concrete steps with concrete railing panels. The railing panels are solid, 40-inch-high cast concrete with a smooth pock-marked surface. At the midpoints and outside faces of the lower and upper inclining side rails are flat bush-hammered concrete columns that extend to about ten feet in height. The 12-inch concrete plank railing continues from the east side of the pedestrian arcade and extends to wrap around the stair well. Two-inch square steel rods form the balusters that support the plank railing and extend above to fill the gap below the landing housing to prevent access. Opening on the north, the steps ascend to the south, turn 180 degrees within the half circle rail enclosing the landing, then switch back to ascend to the skywalk level. On the skywalk level, at the southeast corner, is the approach landing to the former University Club (now essentially a storage closet). Both the up run and down run open to the north side.

The vehicular exit ramp is at the north corner with vehicles turning from an eastbound movement out of the garage to a southbound movement to descend and merge with traffic traveling along Stevens Street. Aligned below that ramp and outside the east façade plane is a ramp that descends into the parking garage – south bound with a right turn to the west to enter the garage basement. The 13-foot-wide ramp, with 11-foot travel lane, is set about six feet from the façade plane, with a one-foot gap between its inside edge and the five-foot-wide skywalk along the east façade. Along the east side of the building is the vehicular

exit ramp which descends from the second-floor parking level to Stevens Street. Thirteen-foot-wide (11-foot travel lane), the concrete ramp opens to the street next to the stair housing. Concrete slab railings and steel rod balusters anchored by concrete curbs line the edges of the ramp. As with the ramp on the north side, bush hammered concrete columns support arched concrete beams with arches matching those of the main façade in form, spacing and material.

South Façade

The south façade fronts to a public plaza that was created in conjunction with the construction of the Parkade. Originally intended as an active retail front catering to pedestrian shoppers, the façade included several retail shops opening to the plaza and an interior arcade and was complementary to the shops that would open along the south side of the plaza (in buildings fronting on Riverside Avenue). The façade is in two segments, divided by the elevator-sign tower, and terminated by the spiral exit ramp on the southeast corner. The bays are of standard configuration, bush hammered concrete columns defining seven elliptically arched bays and arching out to support the cantilevered skywalk above (enclosing Rite Aid space). In the west corner is a standard storefront divided into six glass panels by a horizontal and two vertical mullions (same as storefront window on the west façade next to the entry bay). A sign cabinet with the backlit "PHARMACY" is rod-suspended from the soffit of the skywalk arch. The next storefront bay is covered with chipboard (inside the window), followed by a single-glass panel storefront bay, a vacated entry bay, and three patterned-brick bays. The entry bay, no longer in use, includes a double automatic sliding door assembly with vertical glass sidelights extending to the arch head, and a glass transom window over the aluminum-framed glass panel doors. The three brick-wall bays are configured identically to those of the north and south façades: brick wall planes set inward four inches from the column faces and framed on the sides and top arch with flat aluminum moldings with a 6-inch gap to emphasize line definition. With the bottom row set on the concrete foundation at sidewalk grade, the four-inch square bricks are in an offset bond. At the fifteenth row from grade, the brick pattern changes to a fan pattern that follows the line of elliptical arch head.

Corresponding to the ground floor bays, the skywalk over this wall segment is enclosed by glass panels and covered by seven sheet metal canopies (replaced the original canvas canopies ca. 1979). The bottoms of the precast concrete spandrel panels are segmental arches conforming to the arched bays of the ground floor. Along the top of the concrete wall panels is a 12-inch square sheet-metal ledge into which the smoke-tinted glass glazing is anchored. The glass panels are vertically aligned and caulked into place. The yellow canopies are barrel-shape arches and overhang the glass ledge below.

Above the skywalk level, the interior of the garage is visible through the vertical ribs that enclose the space. The slope of the concrete parking floors can be



discerned on the south façade as well as the north façade. On the south façade, the edges of the floor decks, the guard rails—steel planks and steel cables, are visible in their upward slope to the west. As described above, the building is terminated with flared precast cavetto brackets supporting a concrete cornice ledge. The hipped roof is set back and only visible from a distance.

The white-stucco elevator lobby and tower, is 171 feet in height and projects approximately 20 feet from the façade plane and is 36 feet in width. The tower shaft is clad with 12' x 12' stucco panels and the “penthouse” sign housing is stucco over steel lath and mesh. At the top, the shaft flares out ten feet in rounded corners to create a platform and housing for the free-standing 9-foot-tall lettered signs, “PARK” and “PARKADE,” that

announce parking in all four directions. At the bottom of the shaft, the 13-inch polished black granite base molding along the storefront bays continues around the perimeter of the tower. The sides of the tower are blank except for the double-aluminum-frame-glass panel-door entry on the west side and the single-door entry on the east side. In the rounded-corner door head above the west entry are the white-painted letters “PARKADE.” Three elevators and a utilitarian stair tower are within the entry lobby. The east face of the tower supports an array of metal conduit attached to the wall that rises from the ground to the skywalk level then curves at a right angle to enter the building. This utility feature was added to update the power infrastructure within the parking garage.

On the east side of the elevator lobby are five bays consisting, from west to east, of an entry bay, storefront window bay, entry bay, storefront window bay, and storefront window. The bays are configured identically to the other facades with polished black granite bulkheads, elliptical arches and square aluminum sash moldings. The bay next to the elevator lobby is configured with a centered door and flanking glass panels. Aluminum jamb moldings extend from grade to the top of arch and separate the flat steel panel door section from the single-light side panels. The section of the storefront below the door head is obscured by interior

shade panels. The next bay has a single-glass panel storefront and is also obscured. The third bay is configured identically to the entry bay, but with an operable aluminum-frame glass panel door with metal panel transom. Bay 4 is a storefront bay divided vertically by three aluminum mullions into four glass panels. The east bay is the same as bay 3, except that the glass panel is backed with chipboard. All three door openings are 40" x 72" high.

As described above, extending from the southeast corner end bay beyond the south façade plane is the open concrete spiral exit ramp which extends 50 feet from the south wall plane to within one foot of the former First National Bank Building. On the west face eight levels running between floors two and eight are displayed in eight arch segments as the final level joins the second-floor exit level. The ramp is topped by a precast concrete corona that extends above the concrete shaft forming the axis of the ramp structure. This cavetto-arch arcade projects south of the central building wall and continues the building cornice at the same height.

Beneath the 70-foot-diameter spiral ramp is a 36-foot diameter concrete shaft with an octagonal window bay arrangement—a rotunda office suite which is described above. Likewise, the half-circle concrete stair tower outside the southeast corner of the building was previously described. The approach view from the south reveals half circle of the rotunda office suite, the pedestrian passage beneath and along the east side of the building, the half circle composition of the stair tower, and the exit end of the vehicular ramp from the second floor. The southeast corner of the second floor includes the connection to skywalk level, a landing that provides access to the former University Club and the south end of the skywalk with a yellow canopy.

West Facade

Fronting along Howard Street, the west façade is typical with arched ground floor retail bays, skywalk, and the colonnade of rectangular concrete columns that extend to the flared cavetto cornice. The ground level façade is composed of six identical elliptically arched bays including the main entry bay at the south end (same as all ground floor facades). From the entry to the north corner, is the glass panel entry bay, a glass panel storefront bay, three bays that are filled with brick (original configuration), and a glass panel storefront bay in the north end. The entry bay is glass enclosed and framed with low polished black granite bulkhead walls and extruded square anodized aluminum frames and mullions. The door assembly is inset from the single panel glass wall plane. The side walls connecting the front wall and the door assembly single glass panels. Set 3'-6" in from the front wall plane, the door assembly consists of double-aluminum-framed automatic sliding doors and identically configured glass panel sidelights. A wide aluminum head supports the doors and separates the single-panel segmental-arch transom window. The next bay is a storefront with glass obscured by interior shading. The bay is typical and composed of a low 15-inch granite bulkhead wall

and aluminum frame window divided into six panels by one horizontal and two vertical mullions. The three brick walled bays are configured identically to those of the north and south facades: brick wall planes set inward four inches from the column faces and framed on the sides and top arch with flat aluminum moldings with a 6-inch gap to emphasize line definition. With the bottom row set on the concrete foundation at sidewalk grade, the four-inch square bricks are in an offset bond. At the fifteenth row from grade, the brick pattern changes to a fan pattern that follows the line of elliptical arch head. The window bay at the north end consists of a single plate glass panel that is obscured by an interior screen (opposite the Pharmacy). A sheet of plywood covers the southern half of the window.

At the second-floor level is the skywalk that crosses the façade from south to north engaging the skywalk of the south and north facades at the cantilevering corners. The south end extends to the south face of the east-west skywalk along the south façade, indents approximately four feet to intersect with the southward extending skybridge that departs the building. Inset from the south end approximately five feet is the skybridge that extends over Howard Street to the building to the west. As described for the skywalk segment along the south façade, the supporting arches correspond to the ground floor bays and the glass panel sheet metal canopies are identical to those described. At the north end, beyond the original building skywalk footprint, the skywalk changes. The 1979 glass and metal canopy was removed and replaced in 2019 in conjunction with the “M” and Bennett Block modifications.



Extending from the outside of the northwest corner is a curving poured-in-place concrete stairway that reaches south from the corner of the skywalk down to the west side of the sidewalk. With the skywalk landing opening to the west, the winder steps follow the curve of the solid rails and twist to open to the southeast at the west edge of the sidewalk. Bridging the sidewalk just south of the

intersection corner, the stairway allows pedestrian passage between the structure and building façade.

The west elevations of the south projecting mid-block elevator tower, skywalk to the Sherwood Building, and the spiral exiting ramps and rotunda office are visible

from Howard Street and the Parkade Plaza. In the foreground, along Howard Street, are the concrete arches of the glass-enclosed skybridge that extends from the Parkade south to the Fidelity Building. The flat white elevator tower rises above the flared cornice to display "PARK" high above the roof top. A double-aluminum-frame glass panel door bay provides entry to the elevator/stair tower. Above the doors with the top corners rounded, is a sign panel "PLAZA." On the west wall next the door bay is an aluminum dedicatory plaque "PARKADE" that lists the Parkade board of directors, including John G.F. Hieber, President, and seven others: the Architect, Warren Cummings Heylman and J. Edwin Klapp, Associate, and Contractors, SCEVA Construction Co., United Mechanical, and Kehne-Crabtree Electrical. "Construction was completed in 1967 on the site of the former Ambs. Daniel, Hieber and Soss Buildings." Beyond the elevator tower is the gray-aluminum and black-glass skywalk that extends across the plaza to the Sherwood building to the south. At the end of the view are two concrete columns that support exit ramps and the spiral ramp in the southeast corner. Beneath the tilted and overreaching "roof" of the bottom spiral is the rotunda office and its arched window bays.

Interior of the Parkade

The ground floor of the building has a floor area of approximately 31,000 square feet, plus a full basement with approximately the same area. Additionally, the rotunda office suite beneath the spiral exit ramp contains about 1200 square feet. Because of the ground floor pedestrian passage along the east end, the floor plates of the parking levels are slightly larger at approximately 31,500 square feet.

The basement is poured-in-place concrete and contains four aisles for long term vehicular parking with a roll-up steel entry door in the southeast corner and a roll-up steel exit door near the northwest corner. Along the south side are concrete block walls that provide spaces for work room, mechanical equipment, boiler room, and stair/elevator lobby near the center. These spaces are concrete floor, walls, and ceiling and accessed via flat slab steel doors. An exterior stair tower in the southeast corner also provides pedestrian access via a below-grade concrete passageway to the garage.

The ground level is allocated to retail use with Rite Aid drug store as the primary tenant with a floor area of approximately 18,000 square feet. Rite aid occupies the western two-thirds of the ground floor space with a double-door entry on the south end of the west facade, facing west. Rite Aid also has an access from the stair/elevator lobby along the south façade. The space is open with a row of rooms, including the pharmacy along the north wall. Included in this area are storage and stock rooms, employees lounge and restrooms, and offices within a mezzanine section. A row of square sheetrock columns clad with a six-foot tile-embossed vinyl wainscot covers the lower half of the columns. The concrete floor is covered with 12-inch vinyl tile, the walls and the ceiling with sheetrock.

Fluorescent light fixtures run north south in parallel rows from wall to wall between the display aisles. A variety of exposed pipes, conduit, and ducts are attached to the ceiling. The windows along the west and south sides have been covered primarily by wall display racks and shelving. Only one window bay in west end of the south façade is fully open. In those window bays that are blocked, only the upper portions of the bush hammered concrete arches are visible.

Spokane Fitness occupies the northeastern end of the building with a floor area of roughly 3,000 square feet, including a partial mezzanine. A double-door entry on the north end of the east façade provides access to the space. The outside glass wall along the east side is obscured while the north wall is comprised of six arched bays is glass storefront. Both the south and the west walls are interior. The concrete floor is covered with a variety of material including fabric carpet and hardwood strip. The north wall is bush hammered concrete of the concrete columns and arches which remain exposed. Masonite panels with horizontal slots for display hardware (over sheetrock) clads the west, south, and east walls. The ceiling is scalloped in congruence with the arches of the north wall storefront bays and clad with stained wood boards in which rectangular fluorescent light panels are inset. The mezzanine is along the east wall and opens to the north. Open steel frame steps provide access. A pipe railing is along the north and northeast edges of the mezzanine which extends back toward the southeast corner. Note that most of this area had been part of the original University Club that occupied the southeast corner of the second floor between 1971 and ca. 1990. A small storage room along the south end is all that remains. The brass sign remains on the south wall next to a single steel slab door that provided access to the club. The parking office is on the second level, east of the University Club and within the parking garage between the two ramps.

The parking garage floors are flat slab poured-in-place concrete that slope up to the west along the southern half, and up to the east along the northern half.

A poured-in-place concrete wall in the middle of the structure separates the north and south halves. The wall is open at the west and east ends to accommodate the transition between the parking decks on the north and south sides.

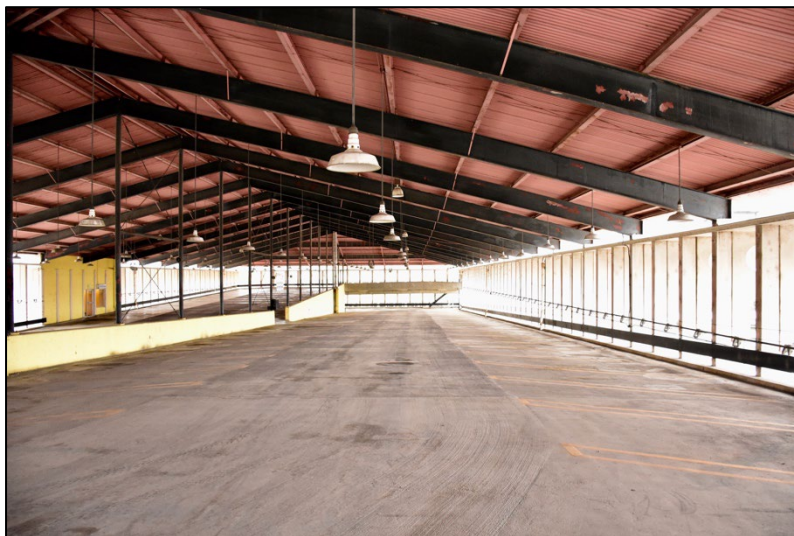
Heavy, 26-inch by 12-inch concrete beams cross the parking slabs from north to south. They span the parking decks and tie into the concrete columns forming the outside facades of south and north sides and into an east-west beam in the center dividing wall. These lateral beams are spaced on every other column, approximately 11'-8" on center. Near the mid-point of the east-west axis on each of the parking floors is a pedestrian passage through the center wall that provides access to the elevator/stair tower on the south façade. Access to the elevator lobby is provided by a single-aluminum-frame glass panel door. Within the frame formed by two square columns is also a vertical single-panel glass



sidelight. In the adjacent column-framed space is a 5' x 5' clear glass window above a solid bulkhead wall. An illuminated sign panel above the window announces: "ELEVATORS."

The top floor is open and divided by the top of the center wall. A view from the west end shows the ramp floor on the south side inclining down and the ramp floor on the north

side inclining up with the low concrete center wall dividing the sloping floors. The top of the spiral ramp and massive post and beam structure are revealed in the southeast corner. Enclosing the view is the structure and underside of the corrugated sheet metal roof.



The open sides display the graceful arches of the cornice brackets in which 2-foot-diameter round holes are centered within the spandrels of the arches. Elevated slightly above the cornice ledge are concrete bases upon which the steel I-beams of the roof structure are anchored. The lateral cross beams are supported by every fourth column, as are the smaller beams supporting the ends of the hipped roof

sections. Steel posts rising from the low central wall support the east-west ridge beam. Rod-suspended metal shade pendant lights are attached to the ceiling over the parking stalls. Metal halide fixtures are also used for traffic lanes while pairs of up-mounted spot lights provide display lighting that highlights the building form.

ORIGINAL APPEARANCE & SUBSEQUENT MODIFICATIONS

Changes to the Exterior of the Building

The building has changed little over the years. Some alterations to storefronts along Main Avenue and along the south plaza side have taken place as a result of tenant changes and consolidation. These changes have not impacted the basic form of the shop bays in that only window and door configurations have been altered. The retail bay in the northeast corner is essentially the same as original, while the remaining retail space has been consolidated into one business, the Rite Aid drug store. On the skywalk level, the original occupant of the space west of the elevator/stair lobby, Orange Julius moved out ca. 1995. That resulted in the removal of the somewhat unique table and bench seats that had occupied the span between the white concrete structural columns.

The major exterior change took place in 1979 when the open-air fabric canopies covering the original skywalk sections along the south and west facades of the building were enclosed by metal covers and tinted glass windows. The fabric canopies were retained along the north and east facades. A fire destroyed the interior of the Orange Julius shop on the skywalk level just west of the elevator/stair lobby. No damage was done to the skywalk or to the parking garage structure, but Orange Julius did not return.

In 2019 the skywalk over Main Avenue that connects to the Bennett Block was modernized. This new section extends to the northwest corner of the Parkade but did not impact the Parkade itself.

A major repair and renovation project has been on-going since the Spring of 2021. Most of this work involved repair of the concrete structure, particularly the floors and ceilings which have suffered from years of salty moisture from snowmelt seeping from vehicles to the concrete floor. As a result, rebar has rusted and caused concrete to spall. Also, at the midpoint of the building, along the expansion joints, moisture caused deterioration of a major vertical concrete post which required rehabilitation. Steel pipe railings have also been repaired or replaced in kind. A six-foot high chain link fence painted black has been installed along the exterior perimeter of each of the parking floors. This feature is nominally visible from outside the garage.



One of the structural elements that is visible on the exterior of the building was the removal of the severely deteriorated corner cornices. The concrete corners were spalling and dropping chunks of concrete to the sidewalk below. As a result, the corners were covered with a chicken wire net to contain the spalling concrete. After extensive evaluation of alternatives to replicate the corners, it was decided to remove the corners and not replace them, primarily because of structural conditions of the remaining cornices over the façade planes.

SECTION 8: STATEMENT OF SIGNIFICANCE

Area of Significance:

A – Broad Patterns of Spokane History

C – Architecture

Significant Dates: 1965

Period of Significance: 1965-1974

Architect: Warren Cummings Heylman, John Edwin Clapp

Building Developer: John G. Hieber

Building Contractor: Sceva Construction

SUMMARY STATEMENT

The Parkade is historically significant under Category A because it was constructed in a period of change and challenge to Spokane and other American downtowns. In the post-WWII boom, the central city was under siege as residents moved to the outlying suburbs and growth of the suburban shopping center and malls began. New shopping centers and malls being developed in the suburbs on the north and south sides of the city, as well as the Spokane Valley. In 1959 Spokane businessmen and property owners came together in a privately funded organization called Spokane Unlimited. The group engaged Ebasco Services from New York to create a development plan for Spokane that would clean up blight, increase property values and better prepare the downtown to attract shoppers and businesses. The Ebasco plan was completed in 1961 with a strategy for revitalizing the downtown. Improvement of circulation for vehicles, pedestrians, and self-service parking at strategic locations in the downtown was integral to that plan.

In 1965, a group of property owners and businesses formed Parkade, Inc, to develop a parking garage that would begin implementing the newly drafted Ebasco plan. John G. Hieber, one of the founders of Spokane Unlimited and a property owner partnered with other members of that group to consolidate a half block of land and secure funding for a ten-story parking garage and retail facility. Master Spokane architect Warren Cummings Heylman was engaged to design a monumental, distinguishable, and aesthetically pleasing architectural entity that would help revitalize the downtown business core. Heylman expressed his ideas in the New Formalist mode to create a downtown Spokane landmark. Carrying forward Classical elements, the Parkade gracefully conveys a movement to the future and establishes a landmark that is its own story. Thus, the Parkade is significant under Category C for its New Formalist design, its use of concrete, and its prominence in the downtown cityscape as a mixed-use parking garage and retail facility.

The project was considered a privately funded “urban renewal project” that involved a partnership composed of the owner and lessor of the block half on which the garage was constructed, but also the three of five of the other building

owners in the subject block. The Parkade accomplished its mission of cleaning up the block, providing needed downtown parking and a dynamic retail setting, and, most importantly, initiated the skywalk system that would connect fourteen downtown blocks. The expansion of downtown skywalks and development of Riverpark Square with retail and parking, and bolstering of downtown department stores was the goal of the Ebasco Plan that was made possible by the development of the Parkade (Riverpark square was a site identified for a future parking garage in the plan.)

The building is also potentially significant under Category B as the studio of the building's architect, Warren Cummings Heylman. However, Heylman does not appear to have moved his offices into the space in the west Parkade Plaza until 1982, which means that significance under Category B was not achieved until less than 50 years ago. Furthermore, according to the National Parks Service, Category B when applied to an architect's studio should be reserved for their studio during their "productive life" and should not "post-date an individual's significant accomplishments." As this studio was not used by Heylman until less than 50 years ago and after his most significant accomplishments, Category B has not been included in this nomination. A future revision to this nomination could further consider significance under Category B.

HISTORICAL CONTEXT

Spokane grew rapidly through the teens to a 1920 population of 104,437, but then slowed in the 1930s and increased to 122,001 in 1940. World War II was a period of industrial development with the power generation of the New Deal Grand Coulee Dam supporting aluminum plants, military supply depots, and other industry.

According to Architectural Historian Eugenia Woo (2003), Spokane's population exploded from 36,848 to 104,402 between 1900 and 1910. But by 1920, Spokane's population growth had stalled:

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.

During World War II, Spokane was home to the Velox Naval Supply Depot, the massive Galena Army Air Corps supply and repair depot (later Fairchild AFB), Geiger Field, Fort George Wright, and the Baxter Army Hospital. In addition, two federally owned aluminum plants at suburban Mead and Trentwood proved

crucial to the war effort. Some 15,000 Spokane residents served in the armed forces and many were employed in war-related industries.

In 1950, Spokane's population increased by 40,000 people to a population of 161,721. The pent-up demand of returning veterans fueled the construction of single-family homes in the suburbs to the north, south, and Spokane Valley. New commercial office buildings, and a wave of new banks, were built in downtown Spokane. Shopping centers sprouted in the burgeoning residential suburbs. Another 20,000 people were added during the 1950s to bring the population to 181,608 in 1960, with a decrease 170, 516 in 1970. Because of the sprawling push to the suburbs and development of shopping malls, the downtown Spokane core declined.

Shopping malls first came to Spokane in the mid-1950s and included Northtown in 1955 (with future major expansions and conversion to a full-scale mall), Five-Mile Shopping Center on the northwest edge of the city limits (ca. 1956), Lincoln Heights in the southeast quadrant (1958), Shadle Center (1961) in the northwest quadrant, University City (1965) in the Spokane Valley, and the Manito Shopping Center (1959) on the South Hill. As described by Melosi, new shopping centers were automobile friendly with expansive parking lots that invited motorized traffic.

Well-functioning street and highway systems were necessary to accommodate the automobile and facilitate the sprawl to the suburbs. The building of freeways through and around downtowns and expanding arterials in cities was greatly aided by the Interstate Highway Act of 1956. The shopping center provided a concentration of shops on a scale only accessible to the automobile especially where there was an absence of a commercial main street. These early shopping centers (and most remain so) were open with storefronts and entries similar to a downtown main street. They would later evolve – like Northtown and University City into enclosed shopping malls. Shopping centers followed and abetted the suburbs. As the housing pushed outward, the shopping centers joined, or in some cases preceded the outward push of the housing subdivisions. Martin Melosi, in his article "Suburban Communities" (Automobile in American Life and Society, <http://www.autolife.umd.umich.edu/>.) reveals that the number of shopping centers in the United States grew astoundingly from eight at the end of World War II to 4,000 by 1970.

Spokane Unlimited, Inc. Formed by Spokane Business Leaders to Plan a Future Downtown

Spokane Unlimited, Inc., was a non-profit corporation organized primarily by downtown business and professional men. Its stated purpose was "the planning and building of the Spokane of tomorrow." Its program was two-fold—the development of a plan to expand and transform the central area into an efficient, productive, and beautiful core of the metropolitan area and implementation of that plan." Founded ca. 1959 with \$150,000 in backing supplied by business and

property owners in the downtown area, the group had no publicly funded support. John G. F. Hieber, a long-time downtown property owner, and a founding member, was president of the newly formed organization. The group was concerned about the blight that was encroaching on the city's central core as well as the growing competition from suburban shopping centers and resultant deterioration of downtown quality, revenue and tax base. To stem the downtown deterioration, Spokane Unlimited engaged Ebasco Services of New York to help chart a plan for the improvement of and reinvestment in the downtown business core. According to Mr. Thomas Flowers of Ebasco, an unusual feature of the Spokane development project was the method of financing. "This is one of the few instances where a large, representative group of diverse businessmen have come together and subjugated their personal interests to propose and finance such a plan," "Ebasco will be paid entirely from private sources," stated Flowers.

EBASCO Services Begins Planning for Downtown Spokane

The Electric Bond and Share Company was a holding company founded by General Electric in 1905 and restructured after the Public Utility Holding Company Act of 1935 as EBASCO to become a provider of architecture, engineering, and planning consulting and construction services [including nuclear power plants].

"Ebasco Planners to Open Offices," reported *The Spokesman-Review* on September 11, 1959. The Spokane office would house the team of community planners and economists of New York consulting firm Ebasco Services, Inc. who would be working under a \$100,000, 15-month contract with the Spokane Unlimited, Inc. organization. Thomas E. Flowers, Jr, director of community planning for the firm informed that the first steps would be research and analysis, submission of a tentative plan, preparation of a firm development plan, preparation of a civic center plan and execution programming. Flowers noted that "Ebasco can call on any one of 1800 members of its staff for specific help on problems encountered during the study." In answering the basic question: "Can beauty and functionalism be successfully combined in such a development plan?" Flowers replied: "We'll strike a balance between beauty and functionalism. The plan won't be good for the city unless what it proposes is attractive to the people."

The *Spokane Daily Chronicle* gave its progress report on October 28, 1959: **"Downtown Needs Shown in Report."**

John Hieber reported on the progress of Ebasco, headquartered in the Davenport hotel, on the research stage of the project. They are working closely with the city plan commission, county planning staff and other agencies to review existing data and material. "We are convinced that any plan for the over-all-development of the city must be keyed to the ultimate development of the central business district," Hieber said." ... "Downtown Spokane must achieve the proper

climate for growth and expansion. A new vitality in the central business district is being displayed that should add prestige and value to downtown locations.”

In mid-December the *Chronicle* reported: **“Planners to Give Progress Report.”**

Thomas E. Flowers Jr., San Francisco, Spokane project coordinator and Ebasco’s director of community planning gave the report after spending the week in Spokane conferencing with William Barrett, New York, and William Rooney, Portland, both Ebasco officials. “He explained the first phase of the project involves detailed studies on land use, economics, space requirements, traffic flow and other matters necessary to planning community beautification and development.” “At the same time staff members also are doing preliminary work on future planning based on studies of population projections for the area as well as plans of existing commercial enterprises for future developments. Included in this study was a recent meeting with railroad officials.”

The Spokesman-Review made the next update of the downtown planning efforts on May 31, 1960 and included a preliminary land use plan sketch for downtown core. **“Business Paid City Planning Moves Ahead.”** John Hieber of Spokane Unlimited discussed the plan’s major objectives: 1. To stimulate community interest and economic activity in the central business district by taking full advantage of the district’s spectacular physical settings and surroundings. 2. To establish a pattern of land uses for the central business district which is functional, imaginative and achievable. 3. to develop a traffic circulation system within and around the central business district which provides safe and convenient automotive and pedestrian movement. 4. to provide a system of off-street parking facilities which recognizes the needs and requirements of the shopper, the businessman and the employee. 5. To provide attractive and convenient open space and walkways reserved for pedestrian use. 6. To enhance central business district property values by encouraging location in—and vertical expansion of—key retail, office and service functions in a well-defined “core area.” Other objectives included consolidation of railroad facilities, elimination of housekeeping apartments and reduction of 2/3 of permanent hotels (non-transient) and “reestablishing the Spokane river as an integral part of the area’s attractive physical setting, providing direct, conflict-free automobile access from major arterials and the freeway to all parts of the central business districts together with adequate parking lots and garages. He closed in saying: “Even though activity in the downtown area today is still relatively healthy, there is every reason to believe that unless vigorous action is taken, this area will deteriorate in accordance with general nationwide trends of central area deterioration.” On July 9th, the *Chronicle* reported: **“Group Authorizes Detailed Planning for Business-Section Development.”** John Hieber announced the “go-ahead for detailed planning” efforts for the downtown plan. Ebasco was cleared to keep planning.

The Spokesman-Review reported on January 4, 1961 the start of downtown Spokane's revitalization plans. "**Central Spokane Plan Held Vital.**" "Spokane must have a strong heart for if the core is weak it becomes a threat to the entire city." As expressed by John G. F. Hieber, president of Spokane Unlimited, Inc. at a Chamber of Commerce luncheon where he urged support for a proposal to revitalize the downtown area. He emphasized the importance of business property to the Spokane tax base, and described how the overall plan of Spokane Unlimited will create the type of downtown environment that will stimulate new investment. His plan envisioned enlarging the downtown tax base by some 25 percent with new investment in blighted areas. "This strong heart will result in strong outlying areas of the city. A sick urban area results in a sick suburban area." In reiterating the work of the Ebasco team, Hieber stated: "The program is aimed at eliminating the city's liabilities, such as decaying areas of business, and emphasizing the city's natural beauties and assets. Finally, Hieber reiterated: "No matter how a city grows, it must have a tightly knit core, containing full range of facilities required for marketing, administering, entertaining, financing, advertising and servicing the tributary population." One goal of the plan was a core riverfront, the heart, freed from the steel wall of the railroads.

The Ebasco Central Business District Development Plan, issued in June 1961, observed in its introduction:

Concentration of major retail, office and service functions in a centrally located, convenient and attractive site served by ample off-street parking space is a primary aim of business developers." The plan continued: Until recently, Spokane's Central Business District sales volumes accounted for over half of its metropolitan sales. A high percentage of the major retail and office facilities of the Inland Empire were located in the CBD. Physically, the District meets all basic criteria for a highly successful central commercial center. The site is centrally located in relation to its urban and suburban markets on a particularly attractive section of the Spokane River.

Obsolescence, traffic congestion, inadequate parking facilities, blight, a drab and sometimes unappealing general appearance have reduced the downtown's attractiveness. An increasing selection of competitive outlying commercial centers, along with greater consumer mobility, also have detracted from the CBD's strong position as the focus of the community's commercial, social and cultural activity.

To retain its present dominance in the metropolitan area and the Inland Empire, downtown Spokane must re-establish itself as a well-planned and attractive concentration of merchandising and business establishments.

The plan held several key objectives focusing on the automobile and pedestrian that were fundamental to downtown redevelopment and would set the stage for the development of the Parkade and the beginning of the downtown skywalk system. They included the provision of:

- a system of off-street parking facilities which recognizes the needs of the shopper the businessman, and the employee;
- Ample off-street parking facilities for the core area should be provided in parking structures located within a maximum of 600-foot walking distance of core retail, office or service uses;
- Pedestrian malls, overhead walkways and plazas should be located to provide a solution to pedestrian circulation problems, as well as for aesthetic considerations.”
- “Overhead pedestrian walkways are therefore proposed to connect stores and shops along each side of Main Avenue extending, as the need becomes apparent from Lincoln to Stevens Street.Parking garage facilities are proposed to be connected directly to the overhead pedestrian system.”
- “The Core Area will contain major retail, office, hotel and restaurant facilities which are oriented to the pedestrian-shopper and businessman. Convenient parking facilities are planned for easy movement to and from the Core Area’s shops and offices. Specifically designed pedestrian ways are planned to anchor areas which are located to encourage concentrated development of a compact merchandising and office core.”

The report emphasizes the “Core Area” as the focal point of downtown retail and business activity. ... “Proposed parking garage facilities are also proposed to be constructed with private capital. However, development of these facilities is seriously hampered by the problem of acquiring sufficient land in the proper location. A single minor property owner can hold up construction of a facility by refusal to sell his property at equitable figure.” ... The study suggested the involvement of government through use of eminent domain. The Plan depicted six parking garages in the downtown core, two at the west end, west of Lincoln Street, three between Stevens and Washington streets (northeast and southeast corners), and one near the northwest corner at Post and Main. Essentially two of those garages, including the Parkade were constructed.

Although the newly completed Ebasco Plan was not formally adopted by the city, in January 1962, it was referenced by and endorsed by the city traffic department in designing its new one-way street system. Beautification groups interested in cleaning up and redeveloping the riverbank also were introduced to the plan. In January 1965, the Civic Beautification Committee heard a report from King Cole about the Ebasco Plan for improvement of the downtown area. King reminded the group that they are not bound to accept any plan for civic improvement. King Cole had been imported in November 1963 from the directorship of the

community development of San Leandro, California to head Spokane Unlimited and assist the group in implementing its new plan.

The first construction project to begin the implementation of the new Ebasco plan was announced in the April 18, 1965 Sunday *Spokesman-Review*: **“Multi-Storied Parking Structure to Be Built.”**

Plans for construction of a multi-million-dollar parking and retail store facility covering a half block in downtown Spokane were announced Saturday.

A contract for building the multi-level development, Parkade, Inc., on the south side of Main between Howard and Stevens is expected to be let before the end of the year.

The ground level of the parking building will be available for retailing, and designers are considering use of part of the ground area for a landscaped and aesthetically pleasing mall upon which the store will front.

Five firms investing the project are the Bon Marche, Old National Bank, Fidelity Savings & Loan Association, Hieber Properties and First National Bank.

Also giving favorable consideration to participating financially in the project is Deaconess Hospital, the owner of the Sherwood Building. ...”. [Note: Fidelity S&L, First National Bank, the Sherwood Building, and several buildings owned by Hieber were within the block in which the Parkade would be constructed.]

6 Buildings to Go

Six buildings on the site will be cleared away with demolition expected to start within a few months.

The parking project is one of the major steps in long range plans of Spokane business and civic groups to enhance the attraction of the central business district. It was designed to provide convenient large-scale parking for shoppers and others coming into the city from the suburbs and other communities in the Inland Empire.”

“This will be a self-service parking with all the newest innovations in parking buildings incorporated into the design,” a spokesman for the investment group said.

Long Term Leases

Designer for the project, which covers about an acre, is the architectural firm of Warren Cummings Heylman and Associates of Spokane.

Long term leases were negotiated for the four pieces of property linked in the development by Earl D. McCarthy of E.D. McCarthy & Associates.

[Buildings to be demolished and businesses therein are listed.]

'Tremendous Addition'

Commenting on his company's role in the development, Philip W. Alexander of the Bon Marche, said: "This is a tremendous addition to our substantial investment in downtown Spokane. Our company, already operating this large department store and office building, is planning for its future many years ahead. We believe our capital investment in this large parking facility will add greatly to our role as a merchandising center for the Inland Empire."

Dewitt E. Wallace, president of the Old National Bank said:

"We recently completed a \$1.5 million modernization project on the Old National Bank Building and our participation in this parking facility is another step to enhance the attraction of the central business district."

John G. F. Hieber, manager of Hieber Properties and president of Spokane Unlimited, Inc., declared:

"This concept of assembling several pieces of property under long-term ground leases for a large development makes possible a private enterprise renewal project. It keeps capital costs down and is a pattern which perhaps could be used for other large developments."

Long-Range Program

James Brennan, president of First National Bank, commented:

"We are investing in this project as part of the bank's long-range plans for its future in downtown Spokane."

E. J. McWilliams, president of Fidelity Savings & Loan said:

"Convenient and inexpensive parking near downtown stores, offices and financial house has been needed in Spokane. The Parkade development will help to maintain and even improve the position of this community as a hub of industry and trade. Naturally, we are delighted."

Parking is Key

King Cole, executive secretary of Spokane Unlimited, Inc., and a key figure in stimulating the investment group to implement the parking proposal pointed out:

"Parking is the key to further growth in the central business district. While not the whole answer it is absolutely essential and the much needed first step. It was given a very high priority in all public surveys. Now we will have the streets to channel people into the downtown area and it is a community service to provide places for them to park their cars."

The president of the Spokane Chamber of Commerce, Dwight L. Calkins, said:

"This is another of several large new project showing the progressive spirit of Spokane. Earlier projects have been announced in the west section of the central business district and this one is certain to start a trend on the east end."

The Ebasco Plan would also set in motion efforts that would change the neighboring First National Bank as well. The first major alteration to the building was to its skin. Plans by McClure & Adkison Architects (10/11/1965) detailed the change in the building's look by the addition of a new granite veneer, black granite, to replace the cream-colored glazed tile.

The next change, the addition of a new north face, evolved only months later. Plans by Thomas R. Adkison Architect revealed a new face on the north, alley side, of the building. The revitalization of the entire block was in process precipitated by a project intended to revitalize the downtown core.

The plans for the Parkade project progressed through the summer and the October 6, 1965 edition of the *Spokane Daily Chronicle* featured a rendering of the proposed building in announcing: “**\$2.5 Million Building Planned.**”

In the approval stage by the city planning and building departments, the project would translate the Ebasco Plan from paper to concrete. The 10-story classically-inspired structure of cast concrete, designed by Warren Cummings Heylman and Associates, would also create a new pedestrian mall and a new “Park Lane” that would replace the alley. The project, broad in scope, also introduced the “skywalk” to Spokane with connections to buildings west, north, and eventually east. In conjunction with that project, the neighbors to the south across the alley were integrated into the mall. They would have a second front to invite customers.



As reported by Frank Bartel, the directors of Parkade, Inc. announced a block long parking and retail facility would be a 10-story structure with space for 940 cars to be built at a cost of \$2.5 million.

“Covering nearly all of a half block site—fronting on the south side of Main from Howard to Stevens and extending to the alley toward Riverside—the building will have a full floor of retail area on the sidewalk level and parking for 855 cars in the nine floors above. Another 105 parking stalls in the basement level will bring the total number of parking spaces to 940.”

Skywalks Planned

A spectacular feature of Parkade will be pedestrian “skywalks” circling the second story of the parking-shopping center and vaulting in an overhead loop above the sidewalks, streets and alleys to connect major retail stores as much as a block away. The total span will tie five business blocks into the project.

The City Plan Commission was to receive Parkade’s construction plans this afternoon for consideration in connection with a request for several special permits. The permits are needed to build the “skywalks,” vehicular entry and exit ramps both over and under the sidewalks and a shopping mall through the center of the block at the rear of the Parkade. The plan commission will make recommendations to the City Council for final action of the requests,” City Planning Director Vaughn P. Call said.

Following demolition of the buildings, excavation was slated to begin in November with general construction set for mid-November. Hazen & Clark would complete the excavation for \$25,000. Both the interim and permanent financing was provided by Fidelity Savings and Loan Association, President E.J. McWilliams announced. [Fidelity was a neighbor, occupying its 8-story headquarters at the southwest corner of the block.]

Directors of the Parkade explained that the “development of the futuristic parking-shopping center in the downtown retail core consists of three basic parts: The retail-parking facility itself, the pedestrian “skywalks” and bridges, and related retail and commercial facilities fronting on the mall – “Park Lane.” Hieber explained that though “the creation of convenient and economical parking in the retail district is the main reason for the project, the street level shopping was planned to augment parking revenue and maintain retail activity in the path of pedestrian.” The entire ground floor was allocated to retail activities.

It was proposed that new shops would front along the landscaped mall extending through the center of the block and varying in width from 100 feet at Howard to 50 feet at Stevens. The mall would be designed for pedestrians and a variety of outdoor events, ranging from art displays, musical performances, promotional events, to style shows. Mall features would include a large fountain to be flanked by a number of colorful shops that would face along Park Lane. Also adding interest would be new entrances and windows for the stores adjacent to the south

side of Park Lane. The corner property, owned by Fidelity would include small shops such as a Civic Theater booth, candy shop, flower shop, book stand and so on, according to the plans. "Part of the overall mall project is the remodeling of business exteriors adjacent to the mall to provide fronts opening into Park Lane and thus create an over-all design for the mall."

The "skywalk" was a major feature described in the article: "An awning-covered "skywalk" 10 feet wide will circle the first parking-level of Parkade and from the northwest corner of the project will bridge Main at Howard, vault across Howard and continue down Main along the face of the Bon Marche, vault Wall and then Main again, run along the wall Street face of the Crescent to the alley between Main and Riverside, and return eastward through the middle of the block back across Wall and Howard to Park Lane. ...

The article continued in quoting the designer, Warren Cummings Heylman & Associates, and pointing out unusual aspects of the project:

Heylman said the building design of "classical proportion and design" was created to combine the structural elements required for a parking facility with a "grace and beauty of line" to fit with the retail function of the ground floor.

Construction will be primarily of reinforced concrete with a large amount of white aggregate.

Developers of the layout said the entire project was conceived with an eye to providing "excitement and color in the downtown retail center that will attract, please, and serve shoppers," in Hieber's words. He said such features as the landscaped mall gaily bedecked "skywalks" and planned lounging areas were viewed by the Board of Directors as the "added touches that can make downtown shopping both convenient and fun."

Unusual Aspects Pointed

Directors of Parkade said the ambitious project not only is unusual for Spokane but is in line with the city's retail plan as envisioned in the Ebasco report to Spokane Unlimited. Board membership in Parkade itself is unusual in that ownership in the corporation is held by a group formed of businessmen several of whom are competitors.

The directors, representing their firms as principals in Parkade are: Hieber, manager of Hieber Properties, president; Philip W. Alexander, general manager of the Spokane Bon Marche, vice president; W.W. Witherspoon, chairman of the board of the Old National Bank, secretary; James P. Brennan, president of the First National Bank of Spokane, treasurer; R.A. Paterson, president and general manager of The Crescent; Edwin J. McWilliams, president of Fidelity Savings and Loan, and T. J. Meenach, president of T. J. Meenach Co. and

management agent of Deaconess Hospital.” [Deaconess Hospital owned the Kirkland Cutter-designed Sherwood building along the south side of the block.]

On October 22nd, the *Chronicle* reported the visit of Theodore Schlesinger, president of Allied Stores, the owner of the Bon Marche: **“Spokane Is Lauded for Bounce, Vigor.”**

“This is a city with bounce and vigor, a city full of the activity that makes you feel you have arrived someplace.”

That was the president of Allied Stores, Inc., Theodore Schlesinger, New York, head of a nationwide system of 105 retail stores and whole shopping centers talking about Spokane.

“From its impressive new airport [Heylman-Trogdon, 1965] to its grand new Parkade downtown, I saw an active and healthy city that is growing and full of life,” he said.

...

“Increasing development of suburban retail areas across the nation is no road back to continued success and growth in the city’s business core.” Said Schlesinger. “The central business must take steps to preserve and enhance their position through better and more parking, improved traffic flow, new stores, new excitement.

“Cities must have a sound business core and those who are letting the core area fade and decay are in dangerous condition. To have a healthy suburban business but an ailing city center can be compared to a patient with strong limbs but a dangerous heart condition.”

...

“Downtown Park Building Construction Starts Today,” announced the February 3, 1966 edition of *The Spokesman-Review*. Although an additional million dollars had been added to the project cost, construction on the \$3.5 million parking and retail facility was commencing with a projected opening in spring of 1967. Sceva Construction Co. of Spokane has been awarded the contract for the 10-level structure. It was reiterated that the project was organized and financed by seven firms with downtown business interests. Parking for 969 cars and 37,000 square feet of ground floor retail space would be provided. Touted as a unique feature, pedestrian “skywalks” would circle the second story and connect with large retailing centers in the area by a “bridge” across Main at Howard. According to the Parkade spokesman, the self-service parking facility is a major step in plans of Spokane business and civic groups to increase the attraction of the central business district for shoppers. It was noted that “the project is, in effect, a private renewal project,” (and a direct result of the planning efforts of Spokane Unlimited).

As soon as the project was underway, the *Chronicle* reported on February 16th that “The Seattle-First National Bank today announced purchase of a sizable block of shares in Parkade, Inc., thus joining seven other participants in the \$3.5 million downtown-parking project. Footings are being poured this week.”

As 1967 opened, the *Chronicle* included a photo of the new Parkade Plaza courtyard. As an adjunct to the parking garage, Fidelity Savings & Loan Association was making its own improvements by creating a 5,000 square-foot courtyard. “**Plaza Courtyard Nears Completion**,” reported the January 18th edition.

Theme is Modernistic

Fidelity’s courtyard includes five modernistic shops which feature unusual fiberglass canopies for roofs, and one corner of the courtyard has a bandstand and speaker’s platform for special outdoor occasions, E. J. McWilliams, president of Fidelity explained.

“He said the courtyard is part of a \$150,000 construction and remodeling project which included conversion of a full basement under the site to a purchasing machine operations and filing and storage area for Fidelity. A coffee shop, floral shop and similar small businesses are planned as tenants of Fidelity’s courtyard, and negotiations are under way to fill the locations. Designed as open-air shops, with completely telescoping glass walls, the small shops open onto a brick courtyard which will be used for outdoor dining similar to Europe’s sidewalk cafes, Fidelity said.” ...

Both the *Spokane Daily Chronicle* and *The Spokesman-Review* were reporting regular updates illustrated with photos of the construction progress of the Parkade. The Parkade and the new U.S. Federal building were the big projects in downtown Spokane. “**Work Pushed.**” Reported the *Chronicle* on January 25th. A photo showed the scaffold festooned 170-foot elevator tower that have three automatic elevators and stairs. “Free and flowing lines of structure are emphasized in this upward shot of flaring lip under roof.” The *Spokesman-Review* of February 19, 1967, **Parkade Center to Open March 17**, included a roof top view of the south façade, again with tower encased in an exterior framework of scaffold and the phalanx of wood timbers supporting the poured concrete form of the spiraling exit ramp. The article also named the stores that would occupy the ground floor: Callahan’s Northwest Radio & TV, The R. Allan Brown Interior Design Studio; Hickory Farms, a nationally franchised operation featuring 126 kinds of cheese, smoked sausage and food gift items; Early Dawn Ice Creamery with the décor of an old-fashioned ice cream parlor; and Monte’s Hallmark Shop featuring greeting cards, gift items, stationery, fragrances and party goods. The R. Alan Brown Interior Design Studio will be in a circular art gallery in the rotunda section of the shop under the helical down ramp of the parking center. On February 25th, the *Chronicle* reported. “**Parkade Lets Pact for Improvements**,” with a \$100,000 contract to Sceva to complete leasehold

improvements on half of the ground floor space. Work includes air conditioning, heating, plumbing and lighting, and finishing of ceilings and entrances. On March 16, 1967, Frank Bartel, business editor for the *Chronicle*, described the project and shops in "**Parkade Slates Friday Opening.**" Also, in that issue was a full page of photos "**Parking Section of Parkade Opens Tomorrow.**"

The Spokesman-Review reported the next day, March 17th, "**Parkade Center to Open Today.** With a full-page photo of the Plaza and display ads.

"The design and magnitude of the Parkade stands as an example of a private renewal project. It will shift downtown traffic patterns and is a major step in enlarging the tax base of the city's core area." ...

Revitalizing Step

"A first step for Spokane and other cities in revitalizing their central business district is to provide parking," said Hieber "This center, we feel, goes a long way towards filling that need here.

....

Way to Halt Blight

Spokane Unlimited, Inc., a nonprofit organization of the city's business leaders concerned with revitalizing the downtown area, advocated such a parking structure as one of the first major moves in halting congestion resulting from the auto.

"Creeping blight has been engulfing many business districts," said Philip H. Stanton, president of Spokane Unlimited. ...

"Skywalks," in effect second story sidewalks, will link the Parkade with other businesses.

More Skywalks

Bids have been opened on the first one to cross Main and Howard to connect the Parkade with the Bon Marche. Pedestrians will then be able to enter the store at the mezzanine level. ...

Another skywalk will cross Stevens to link with the Old National Bank Building. Still another will stream west across Howard and through a whole block then across Wall to connect with the Crescent.

....

"For a project of its size and complexity, the Parkade went ahead at a fast pace. Two years ago this month, the sponsors called Spokane architect Warren Cummings Heylman to tell him to proceed with the design. Sceva Construction Co. was awarded the building contract 13 months ago."

In the same March 17th issue, *The Spokesman-Review* included another full page touting the project:

MODERN DESIGN

“Parkade Is Attractive Structure.”

Investors in the Parkade Center opening in downtown Spokane today wanted an attractive structure which would visually separate shoppers and their autos.

Its design is futuristic and incorporates several new ideas for parking structures.

The “skywalks” for pedestrians circling the second level and due to stream out to nearby businesses are the first built into a parking center.

It is one of the few modern parking facilities with a roof, the realistic answer to climatic problems.

Also, Parkade Center is one of the few large parking garages with exit ramps and entrances completely separating pedestrians and autos.

And it uses the latest in modern technology to create an efficient and pleasant environment for the pedestrians with striking colors and many attractive little shops planned to be part of it.

Decide to Go Ahead

Two years ago the executives of eight downtown businesses voted at a noon luncheon to go ahead with the parking proposal, their answer to downtown problems resulting from soaring auto traffic.

Warren Cummings Heylman & Associates, the architect was told to begin the final design. National Garages, Inc., one of the country’s largest firms in the management and operations of garages, was retained as consultant.

Heylman visited 20 cities, including Detroit, Boston, New York, St. Louis, Salt Lake City and New Haven, Conn., to observe operations of parking structures there.

“All the floors are sloping in this thing – nothing is level,” Heylman said. “Parking structures aren’t easy to design.”

Light, long columns in exterior design were used to create a vertical effect. Light arches, a “working arch,” Heylman notes, create a wide overhang at the top, protecting the white outer walls. Also, the overhang offers shielding from bad weather.

For visual effect, the metal roof is coated with terra cotta vinyl plastic.

Color Coded Floors

Floors are color coded. ... Self-service elevators whisk pedestrians to and from their autos.

A striking feature of the center is its sculpted tower extending 175 feet above the ground and far above the main structure. Its major function of housing the mechanism for the passenger elevators.

“But it also will be a beacon for motorists, Heylman said, “and serve as a landmark for drivers seeking parking space.”

...

Major Break-Through

King Cole, executive secretary of Spokane Unlimited, Inc., pointed out that another “first” for Parkade was the approach of its sponsors in assembling the land, “a major breakthrough for the central business district.”

Several pieces of property were combined under long-term ground term leases. Long delays would have resulted, he said, in negotiations for outright purchase of the various properties, some of it owned by old estates with many heirs.

National Garages has a management contract for Parkade and Donald Wood, formerly of Cleveland, Ohio, is manager of the Spokane operations. ...

Parkade Plaza

Parkade Plaza, the complex of small shops and open space in and adjacent to the street level, is “people oriented,” Heylman points out.

“There will be a news stand outdoor restaurant with brightly colored umbrellas, a city ticket booth and other pleasant facilities. The environment is designed for people—not things.”

Heylman, winner of six awards from the AIA, also designed Spokane’s two-year-old airport passenger terminal, the striking Colfax, Wash. Public library and the Lincoln Heights Shopping Center.

...

Directors of Parkade, Inc., are John G. F. Hieber, Philip W. Alexander, W.W. Witherspoon, James Brennan, T.J. Meenach, R.A. Paterson and Edwin J. McWilliams.

The Bon Marche Ad

*Progress ... Progress to provide for a growing and prospering Inland Empire.

* Symbol ... A magnificent symbol of the faith and dedication of Spokane business interests in the future of our community.

*Private Enterprise...An outstanding example of private enterprise proving “it can be done.”

At the same time the new Parkade was being praised, the new \$8,000,000 New Formalist Federal Building, also nearing completion at the west side of downtown, was the topic of conversation among the design critics—both professional and amateur—in downtown Spokane. Indeed, even the sports page got into the act. The February 12th Sports page included a short comment: ARCHITECTURE: “(This is a sport?). Curbstone opinion on the looks of Spokane’s new Federal Building range from “eyesore” to “it sure is a federal building, all right.” This corner has nothing important to add, except that it looked better before they removed the scaffolding.”

"New Federal Building Aesthetic Opinions Clash," reported *The Spokesman-Review* of March 19, 1967, "Spokane's new Federal Building, due for completion in June or July, has been the subject of controversy since the GSA opened bids for construction in 1965." Now that the scaffolding has been taken down from the nine-story office building, Spokane sidewalk critics are afforded a better view of the building and the controversy rages even stronger over its aesthetic qualities." A dozen of Spokane's leading architects were polled by *The Review*. A variety of opinions, both positive and negative were expressed, but they were almost unanimous in that the building "possesses a unique style, neither old fashioned nor contemporary. The parallel to the east side Parkade was also noted: "...the cornices, the flaring top which stands out and even resembles the Parkade across town." But one architect commented: "I thought they had got rid of all the cornices after the Seattle quake several years ago." [Like the Parkade, the Thomas S. Foley Federal Courthouse rises in pronounced vertical lines thrusting from an arcaded pedestal to flair in a terminating cornice.]

Praise for the newly completed Parkade continued to grace the pages of the *Chronicle*. On March 31st, 1967, **"Parkade Praised for Size, Looks."** Don R. Woods, new manager of the Parkade stated: "It was extremely well planned for both looks and smooth operation, and I can't say enough about the architect, Warren Cummings Heylman," Woods added. "I don't know of any city of this size that has a parking facility of this scale and caliber." Woods has worked from coast to coast in every phase of automobile caretaking. Since high school he has worked for National Garages, Inc., headquartered in Detroit.

On May 19th, the *Chronicle* reported the dedication of Parkade Plaza, described as: "... a picturesque courtyard combining old world charm with a setting of ultramodern architecture. Mayor Neal R. Fosseen, Miss Spokane (Terry Dawn Starr) and County Commissioner Jack Geraghty dedicated the courtyard which had already been acclaimed by civic and city officials for its beauty and originality. Mayor Fosseen called Parkade "a landmark of beauty and progress not only for Spokane but the area." Commissioner Geraghty commented that the project gave "recognition to the beauty of Spokane" by turning what once was a back alley into a public showcase.

The Spokesman-Review of the same date, **"In the Heart of Exciting Downtown,"** included a full-page ad with photos:

Step into the new Parkade Plaza. You might well imagine you're in one of the charming byways of San Francisco or New Orleans—instead smack in the center of Spokane! A quaint, colorful Plaza, unique in all the West; it nestles below a monumental cliff of gleaming concrete, flanked by soaring spirals and topped by a story book tower.

You enter the Plaza, a place of enchantment, apart from the workaday world. A sparkling fountain mirrors itself in a tiled reflection pool, flanked by rows of romantic old gas lamps—all of this against a background colonnade of arches.

...

The next stage of the project was reported by the *Spokane Daily Chronicle* on June 22nd. **"Skybridge" Construction Starts.**"

The first section of a "skybridge" planned eventually to link major business buildings in a number of downtown blocks in an overhead system of walkways is under construction across Main and Howard to the Bon Marche.

The \$200,000 project was announced today by Philip W. Alexander, general manager of the Bon Marche and vice president of Parkade, Inc., and John G. F. Hieber, president of Parkade and manager of Hieber properties.

The concrete spans, connecting with the second-story "skywalk" around the Parkade, will cross Main from Parkade on the southeast corner of the intersection to Brook's Department Store for Men on the northeast corner, where a curved stairway will go down to street levels. From Brook's the "bridge" will cross Howard to the Bon on the northwest corner, where it will enter a second-floor balcony.

...

"Spokane has a very valuable service for the Inland Empire with its highly developed medical services and other professional services in the fields of law, insurance and finance, and we must provide adequate, attractive and economical parking space to use them," he said. "Parkade does just this."

Alexander said Parkade and its "skybridge" program "mark Spokane as one of the most progressive cities of its size in the county."

"Although they will be very attractive and will do much to enhance the corner of Main and Howard, perhaps of greater consequence will be that pedestrians will be able to cross the streets above the motor traffic, avoiding cars and traffic lights and protected from rain or snow," he said.

With the heading, **"In Creating Beauty,"** the *Chronicle* edition of July 27, announced that the Downtown Rotary had chosen the Parkade for an award for civic beautification. "Parkade, a graceful and gleaming, 10-level parking and retail structure with space for 1,000 cars and several stores, today was named for the Downtown Rotary's fourth annual award for civic beautification." Additionally, the Rotary's "Distinguished Service Award," was presented to John G. F. Hieber, president of Parkade, who accepted on behalf of other principals in the 3.5million private renewal project. The award was presented for the

“outstanding contribution of Parkade, Inc., in creating beauty.” *The Spokesman-Review* added its comments the following day: “**Parkade Building Called Symbol of City’s Change.**” Warren Heylman says the structure would influence and change shopping patterns in downtown Spokane. “The skywalks streaming out from the Parkade’s second level will not only link the major stores to each other but link all to the parking structure,” he said.

Spokane’s first shopping district skywalk was completed in September 1967. As reported in *The Spokesman-Review*, the \$200,000 skybridges connecting the Parkade with the Bon Marche via the Bennett Block opened on September 28th. The *Chronicle* had described the span in a photo caption on August 8th: “Vaulting Main Street along Howard is the first span of a “skywalk” system planned eventually to link a number of major downtown buildings with the Parkade parking and retail facility. The spans were pre-cast concrete beams that had been lifted into place.

The new year, 1968, opened with a January 6 article in *The Spokesman-Review* that continued the accolades for downtown Spokane’s step into the future:

“Modern Parking Tower Big Boon for Spokane.”

The Parkade, downtown Spokane’s 1,000-car parking center, is a bellwether of community progress, Spokane Kiwanis Club members were told Thursday.

“It’s a significant breakthrough in urban design, said King Cole, executive secretary of Spokane Unlimited, Inc.

He noted that designers and planners from two California cities and from Canada have visited the Parkade to study its key role in downtown renewal problems.

“Our business district now has the mode, progressive image it needs,” Cole reminded. “The Parkade with its light, airy design is a test by which other projects will be measured.”

More Skywalks Eyed

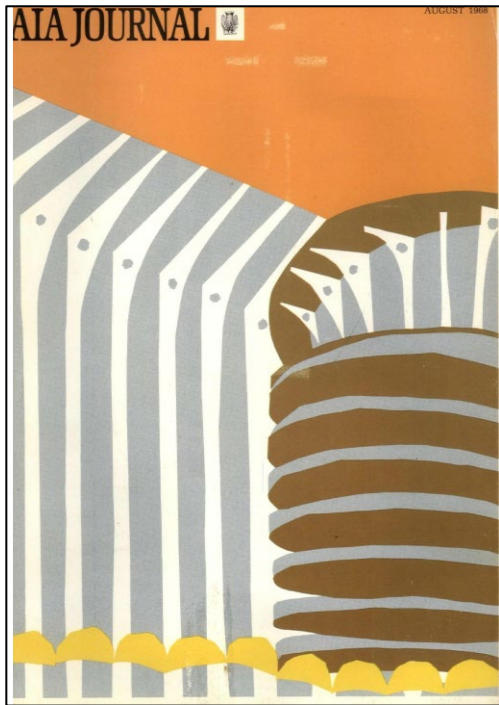
Planning is going forward on the network of skywalks to link the Parkade with surrounding stores and buildings, Cole emphasized. And he added: “This is not the last parking garage of this type you’ll see in our area.

...

Warren Cummings Heylman, the architect, described how Sceva Construction Co., Inc., worked on a tight construction schedule to complete it for a St. Patrick’s Day opening.

“The new critical path flow method was used,” he said “with timing down to the hour on when each piece of building material had to be in a certain spot”

The Parkade was the nexus of and forerunner of several downtown improvement projects that added new retail space, office buildings, and expansion of the skywalk system. As reported in *The Spokesman-Review* in July 1968, the 8-story Fidelity Mutual Savings Bank’s main office (1953) was planned for extensive remodel and the construction of a covered skywalk from the Parkade. New entrances on Riverside and on Howard, a new access to the Fidelity Plaza, and remodeling of the main floor interior were proposed. The architectural firms of Evanoff & Kabush completed the Fidelity Building work, and Warren Cummings, Heylman & Associates supervised the skywalk portion of the project. A building permit to Sceva to build a skywalk from Parkade to Fidelity Mutual Savings with a value of \$26,000 was issued on September 30th.



Also, in September 1968, *The Spokesman-Review* informed that Parkade was featured in the *AIA Journal*: “**Spokane’s Parkade Is Praised.**” “Spokane’s Parkade, described as “a bright spot and a fun place,” was the subject of a feature article in the August 1968 issue of *AIA Journal*, a trade magazine of the American Institute of Architects. The article, titled “The Gala Garage,” included nine photos of the downtown parking and retailing facility which it termed “at once a private enterprise and an urban renewal project.” ...

The Parkade, as the first element of the execution of the Ebasco Plan, would lead a series of development projects in the downtown core, and most importantly, the expansion of the skywalk system. The success of the Parkade was contributory to the development of a second major parking garage in the northwest quadrant of the downtown. As reported in the *Spokane Daily Chronicle* on April 18, 1972: “**Redevelopment Affects Four-Block City Area.**” Anchored by a 10-story 1,000-car parking structure spanning Post along the south side of Trent [Spokane Falls Boulevard], the retail base of downtown was expanding with a new three-story J.C. Penney Store on the southwest corner of Main and Post and across on the southeast corner, a new four-story addition to the Crescent Department store. Nordstrom was also remodeling and occupying the former J.C. Penny store. New skywalks were extended to serve the new garage and retail blocks, forming a loop that would

connect back through the newly completed Washington Mutual tower, across Howard Street, back to the Parkade.

In looking back at the role of the Parkade in the revitalization of Spokane's downtown business core, Joel Ream of *The Spokesman-Review* and Frank Bartel of the *Chronicle* and *Spokesman-Review* would tout its importance to the downtown. Ream reported in April 1976 that the Parkade was finally returning a modest profit and "A financial report ... showed that the seven partners in the Parkade divided earnings of about \$127,000 last year." The operations lost money in the first five years but turned \$200,000 in the year of Expo 74. Ream advised that as a financial investment: "That \$3.5 million would have brought higher returns invested in almost any fixed income securities..." but, it was an important civic project paid dividends as a "catalyst for new offices and retailing structures in its area, helping boost the city's tax base." "With space for 1,000 cars, the Parkade was hailed at its opening in 1967 as "a milestone in urban progress in Spokane." "It was designated as the first phase of a program to revitalize the city's business district by providing economical and easily accessible parking for shoppers." As a model for urban redevelopment, the project had been visited and studied by community leaders from dozens of other cities seeking guidance on downtown renewal efforts.

A decade after the opening of the Parkade, its neighbors to the south announced a major project. On July 13, 1977, the *Spokane Daily Chronicle* reported: "**Skywalk Extension Proposed.**" The City Plan Commission was considering "the largest single step ever taken in lengthening the second-story skywalk system." The project would start at Parkade, pass over the plaza into second story of the Sherwood Building, then turn east into the second story of the First National Bank, bridge Stevens Street to the Old National Bank mezzanine, then cross to the south, and for the first time, bridge Riverside Avenue into the Paulson Building. Extensive remodeling of the buildings involved and construction of a second story addition to the Sherwood Building would result in a new pedestrian mall and retail shops on the first and second stories of the Sherwood Building and the second floor of the First National Bank. Architects are Trogdon-Smith-Grossman; Adkison, Leigh, Sims, Cuppage Architects, and Warren Cummings Heylman and Associates. The 16-shop mini-mall opened in May 1978 and extended the skywalk-connected blocks to ten, making it the second largest skywalk system in the nation; following Minneapolis.

In a March 16, 1986 commentary, Frank Bartel, now business editor for *The Spokesman-Review* recapped the importance of the Parkade to the downtown business health. The Old National Bancorporation was selling its interest in the Parkade to the remaining four owners. Bartel touted the landmark private-sector urban renewal project "as the cornerstone of today's sprawling skywalk network."

“Two decades ago, when plans for the Parkade were announced – calling for six skybridges linking five blocks – it was hailed as the first such project in the county.”

“More importantly, it was the first concerted effort by a combine of private property and business owners to clear out a pocket of blight and help build a brighter future for downtown Spokane.”

“These visionaries realized that revitalization of the stagnant, outdated, downtown district required construction of off-street parking, but many people here might not have taken readily to high-rise parking. Skybridges to retail centers were seen as avenues to overcoming this reluctance”

“Few people recognize today that the Parkade was the catalyst in construction of the skywalk system.”

The Main and Howard corner of the Parkade anchored the first two legs of the fledgling skywalk system. The bridges spanned Main to the Bennett Block, and Stevens to The Bon. Next skybridges streamed across Howard through the Washington Mutual Bank Building, then leaped Wall to the Crescent.”

“Other spans followed, and today the Parkade remains a hub of the ever-expanding system.”

...

“The Parkade was a highly imaginative, ambitious and risky undertaking for a downtown district that had been dying on the vine for decades. To spread the risk, 10 major business and property owners combined forces to float the project.”

...

According to architectural historians, Amanda C. R. Clark and Brandon R. Emerson in an article in *SAH Archipedia*, “Parkade,” as “one of the nation’s most distinctive parking garage complexes—is a beacon on the Spokane skyline as well as a crucial artery within the city’s downtown business district.” They continue: “The Parkade, however, was more than just a parking garage. Developers were careful to link the complex (referred to originally as the “Parkade Center”) to neighboring shops, including the no-longer extant Bon Marche, with covered skywalks that were included as part of the overall plan. Heylman’s design, meanwhile, was intended to give the structure a monumentality not always afforded such utilitarian structures. Exploiting the malleability of concrete, he provided the complex with three distinct volumes: a garage, elevator tower, and a circular ramp, each with characteristic touches that suggested the sleekness of modern car design and the swooping curves of modern freeway off-ramps.”

“In an attempt to ensure the Parkade would remain grounded in the urban environment and economically connected with downtown Spokane, Heylman also provided retail spaces in a series of storefronts along the north and east sides of

a brick plaza, with a reflecting pool and a large, saucer-shaped fountain, which opened up to North Howard Street...”

Spokane’s World Fair, Expo ’74 cleaned up the steel and concrete wall of the railroads along the river, provided a new urban park that highlighted the Spokane River falls, and brought new energy to Spokane and worked to revitalize the downtown. The skywalk system initiated with the Parkade in 1967 pushed into department stores such as the Bon Marche, Crescent, J.C. Penney, Riverpark Square and a second 1,000-space parking garage, and office buildings such as the Washington Mutual Building (Chase Bank), Old National Bank (U.S. Bank) and Paulsen Building, and Seattle First National Bank (Bank of America). Eventually some 14 blocks would be connected by this system. But, as a new emphasis was placed on street level retail and activity on the sidewalks, the skywalk system, essentially a two-level retail area within the core, began to fade in the 1990s. Riverpark Square was expanded and reopened in 2000, as a major retail mall that connected to the 1,000-car parking garage and concentrated retail in the Post Street and Main Avenue corridor.

An article in the Journal of Business in 2005 reported the results of a recent survey of downtown skywalk spaces and indicated that 40 percent of the retail spaces were empty. Much of the space was shifted back to office use which it had been prior to the expansion of the skywalk system. “We’ll probably see less skywalk retail space in the future,” says Scot Auble, president of the Auble, Jolicoeur & Gentry commercial real estate appraisal firm here. “Those who are able to remodel retail skywalk space into offices probably will do so in the next three years.” Auble says the firm found that of the 119 skywalk spaces throughout downtown, 49 are vacant. By comparison, he says, 58 of the 317 street-level spaces downtown—or 18 percent—are vacant.

ARCHITECTURAL SIGNIFICANCE.

Parking Structures in Downtown

The Parkade has parallels with its predecessor, the first ramp type parking garage built in downtown Spokane, the City Ramp Garage (350 car parks in six stories), constructed in 1928. In the City Ramp Garages’s National Register Nomination (2012), the author stated that the construction of the garage eventually helped set the pattern for garages in the 1950s, 1960s, and 1970s such as Pay Less Drug Store Parking Garage (1954), the Parkade Plaza (1967) and Riverpark Square (1974). The City Ramp was also privately funded in that a private consortium sold bonds to finance the garage which would serve the southeast quadrant of downtown. Even back in the 1920s, parking in downtown was viewed as a problem by the downtown business community. To solve their problems, owners of three high rise buildings formed a corporation to pool resources, sell bonds, and build a parking garage. The City Ramp Garage, constructed of slip-cast concrete, would become Spokane’s first ramp-type

parking garage. Like the Parkade, the garage also included retail shops on the ground floor of its north and west facades.

Downtown Spokane, like its counterparts throughout the nation was dealing with the ills of parking and congestion. During the 1950s, Spokane was at the lead of compact downtown parking solutions. In the time span between the building of the City Ramp Parking Garage and the Parkade, downtown Spokane flirted with Pigeonhole Parking. Vaughn and Leo Sanders, former loggers from Northeast Washington invented a "carparking machine" that would be distributed throughout the United States. A Universal Newsreel from February 23, 1951 depicted the "Pigeon Hole Parking of Spokane, Washington." The narrator told how a narrow lot that could park only 37 cars on the surface would now park 142 cars. "Drive your car onto the lift, lock it and pocket your keys. "The framework elevator stacks them up like hotcakes." "Pigeonhole your parking woes." The first operating pigeonhole car park had been erected in 1950 at 22 North Madison in downtown Spokane, the first of four that would spend some time in Spokane, the last being dismantled in 1961 and shipped to Honolulu.

Downtown Spokane's second retail-parking garage was announced with a banner headline in the May 9, 1954 *Spokesman-Review*. **"500-Car Parking Garage To Be Built For Retail Area."** It too would utilize the mechanized parking system. A drawing of the "Shopping Center Garage" to be erected at Main and Lincoln depicted the "modern" design of Whitehouse and Price's six-story edifice with an eleven-story corner tower next to Payless Drug Company. F. W. Woolworth Company occupied the ground floor over which the parking garage operated. The structure was an enclosed Pigeon Hole parking installation nearly twice as large as any building in the United States. For its opening an August 3, 1955, the Crescent Department Store placed an advertisement in the *Chronicle* announced the opening of the new Shopping Center Building: "There's a new landmark on Spokane's skyline, a slim, graceful tower piercing the sky above the world's largest automatic parking garage ... marking another milestone in the city's progress." (Libby Photo L87-1.81275-55)



Fenton Roskelley of the *Spokane Chronicle* wrote how Spokane was playing a "Foremost Role in Fighting Parking Ills," in a December 21, 1956 article. "Opening of the big, well-designed parking garage at 715 First this month emphasizes, if emphasis is needed, that Spokane is the birthplace of at least three novel methods for helping solve the nation's parking headaches. The newest unit, a Parkmaster, with spaces for 172 automobiles, upped the downtown off-street parking spaces to 1047. Roskelley reported that downtown Spokane seemed to be a mecca for visitors seeking solutions to automobile-choked communities. Beginning in 1950 Spokane became home to pigeonhole parking units and now had five such units accommodating 875 automobiles in downtown. Besides the Pigeon Hole Parking of the Sanders brothers, two other such companies originated in Spokane: Parkmaster Systems and the Systematic Parking Company. These companies were building systems throughout the United States. In spite of Spokane's parking solutions, the writer mused that with the units being constructed here, the city's parking problems should be eased; but "they won't be solved. There'll always be a high percentage of motorists who drive around and around hunting for cheap curb parking space."

By the time Parkade was completed, Pigeon Hole parking structures were all dismantled and shipped off to other places. Riverpark Square, still accommodating downtown parking was built in 1974, and with the demolition of the Shopping Center Garage in the late 1990s would become one of three major parking garages serving the downtown business and retail community.

NEW FORMALISM

New Formalism evolved in the mid-1950s and blossomed in the 1960s as an escape from the rigid form of Modernism which is expressed locally in the neighboring First National Bank and Fidelity Mutual Savings Bank. The style seeks to interpret classical building motifs with new forms enabled by advances in building technology. Classical elements such as proportion and scale, classical columns, highly stylized entablatures, and colonnades were reinterpreted. The use of concrete allowed an expression of new forms from historic precedence. In the case of the Parkade, the symmetry, scale and proportions, slender smooth concrete colonnades rising from an arcaded podium of textured and honed concrete, and flaring cavetto cornices exemplify this style. According to Architectural Historian Diana Painter in Spokane's Mid-Century Spokane survey: "...the New Formalist building was also recognized for its expressive use of concrete, earning Heylman an award from the American Concrete Institute."

Architectural Historian Michael Houser adds: "Buildings designed in the New Formalist style have a carefully organized hierarchy of space, and an emphasis is placed on the structural grid of the building. A single volume structure is preferred, and the buildings are often separated from nature by being set on a raised podium or base. Many have an exotic flavor and exterior wall surfaces of cast stone, brick and marble. New Formalist civic buildings are designed on a

larger urban scale and achieve a monumental presence by emphasizing symmetry and the axis or orientation of the building.”

Characteristics of New Formalism include (Wikipedia):

- Buildings usually set on a podium;
- Designed to achieve modern monumentality;
- Embraces classical precedents, such as arches, colonnades, classical columns and entablatures;
- Smooth wall surfaces;
- Delicacy of details;
- Formal landscape; use of pools, fountains, sculpture within a central plaza.

DEVELOPER, ARCHITECT AND CONTRACTOR

Building Developer – John G.F. Hieber, Sr. (Obituary in *The Spokesman Review*. 7/29/2007).

Passed away unexpectedly on July 23, 2007 at age 84. He was born April 13, 1923 in Spokane the son of John and Louise Hieber. He attended grade school in Spokane and two years in Germany. A graduate of Lewis and Clark High School, he received a degree in economics from the University of Washington. He served in the infantry in World War II under General Mark Clark in the European theater. Because he was fluent in German, he was shifted from combat to serve as an interrogation officer. After the war he returned to Spokane and became involved in the development and ownership of downtown Spokane real estate. He was a celebrated cofounder of Spokane Unlimited, Inc and promoter of Expo 74 and The World’s Fair. He was a former president of the Building Owners and Managers Assoc. and president of Hieber Properties, Inc. John was an early advocate for historic preservation of downtown properties, including the Bennett Block Building and the Parkade. His parents had immigrated from Germany and his father started Hieber Brewing and Malting Company, also known as Bohemian Brewery, which operated until Prohibition. In spite of having to sell the brewery, the Hiebers retained vast real estate holdings in Spokane.

Architect – Warren Heylman (1923 - 2022)

Warren Cummings Heylman was born on September 12, 1923 in Spokane, graduated from Lewis and Clark High School in 1942. He studied architecture at Washington State College and received his architectural engineering degree from University of Kansas in 1945, Heylman served for a number of years in the Navy before returning to Spokane and working with G.A Pehrson, Whitehouse & Price, and John P. O’Neill until to open his own private practice in 1952.

Over the next forty years, Heylman’s unique designs garnered him many awards and accolades. His forward thinking and unusual designs were at times

controversial among the general public. Heylman retired in 1984, but continued his own work in the office for years after that.

Projects included the Liberty Lake Golf Course Clubhouse (1957); the Lincoln Garden Apartments (1962); the Spokane International Airport with William Trogdon, 1965); the Parkade Parking Garage (1967); Cathedral Plaza Residential Tower (1970); Hangman Valley Golf Course Clubhouse (1968); and the Riverfalls Tower (1973)—all in Spokane. Heylman is also credited with the design for the Federal Building in Wenatchee, Capitol Lake Towers (1973) in Olympia, and the public Library in Colfax (1960). He has also designed over twenty single-family houses in Spokane, including the Norman Wells House (1954).

Although considered by some public observers as controversial because of its rounded corner turrets, the Spokane County Social and Health Services Center (1977), is notable for its use of curved forms in brick and has received architectural accolades by his peers. It is also notable, that including the Health Building on the north riverbank, Heylman has four major buildings that are within each other's view: the Riverfalls Tower (SRHP), and Cathedral Plaza on the west edge of downtown, and the Parkade in the northeast corner of the downtown core. Heylman's work is prominent and distinctive, and in the case of the Parkade, in bridging the centuries, is iconic on Spokane's skyline.

Despite the controversy, Heylman's playful forms pushed the architectural envelope to its very edge. Over the years, he was awarded six AIA Spokane Chapter honor awards; received a Concrete Institute Award (for the Parkade) and was inducted as a fellow of the AIA in 1983.

During his career, Heylman was active in a variety of community and civic affairs including the Spokane Allied Arts Commission, the Spokane County Fair Board, and the Boy Scouts.

Heylman passed away in Spokane in 2022 at the age of 98. *The Spokesman-Review* in its August 18, 2022 edition extolled his legacy in Spokane:

“Warren Heylman, architect behind Parkade, airport and other iconic Spokane designs, dies at 98.”

As a boy growing up on Spokane's South Hill, Heylman recalled: “I just wanted to draw.” “Ever since I was a little boy, that's all I wanted to do.” The article recounted Heylman's career and included a few observations of his contributions. “From that pencil came the designs for iconic structures of Spokane's skyline. The Parkade parking structure, the River Falls Tower on downtown's west end and the Burlington Northern rail bridge over Hangman Creek all owe their design to Heylman.” “There's a handful of architects who you can say truly shaped the city's landscape,” stated copywriter Aaron Bragg who helped curate an exhibit of Spokane's architecture at

the Northwest Museum of Arts and Culture, “You can’t imagine it without Warren Heylman’s stamp on it.”

John Edwin Klapp. (1927-2014)

John Edwin Klapp was born in Spokane on June 9, 1927 in Spokane to Reed and Anna LeBaron Klapp. “Ed” graduated from North Central High School at age 16 and then studied architecture at Washington State College.

His college years were interrupted by two years in the Army at the end of World War II where he was stationed at Chesapeake Bay on harbor protection duty.

Upon graduation from WSC with a B.S. in architectural engineering in 1950 with an advanced degree in Architecture, he began what would become a long and prolific career in Spokane. He married Maryan Lewis, RN, in 1956 and raised a family on the South Hill.

His works include numerous public buildings in the region, apartments, private homes, churches, and the pioneering of HUD funded senior housing projects for both the Catholic and Episcopal Dioceses. He was an associate of Heylman on the Parkade and also worked with Heylman on prototype modular exhibit buildings for Spokane’s Expo’74, and the 61-unit City Center elderly apartment project in Browne’s Addition. He worked with Heylman until around 1980 when he established his own firm. He was able to continue his work until 2012 with his final design, a Rockwood Bay estate completed in October of 2013.

Ed passed away on February 6, 2014 and was survived by two sons, John and Spencer; seven grandchildren, Tristan, Jon Ross, Mackenzie, Jamie, Marissa, Holly, and Brooke; and six great-grandchildren.

Contractor - Sceva Construction, Inc.

Incorporated in 1950 with Paul H. Sceva of Tacoma, Paul H. Sceva Jr., Spokane and P.M. Winston, Spokane, Sceva Construction was a Spokane-based construction company that grew to be one of the largest in Spokane. Paul Senior resided in Tacoma and was President of the Rainier National Park Company, while his son Paul was a graduate of the University of Washington and moved to Spokane in 1949 to run the construction company. One of the first contracts in Spokane was the Grace Avenue Pumping station for the City of Spokane Water Department in 1950. During the company’s operations in Spokane which ended with the liquidation of the company in 1983, the company built major buildings throughout the Inland Northwest for private and public projects alike. Projects included Safeway Stores in the Inland Northwest, the National Guard Tower at Fairchild AFB, Spokane County Fairgrounds Spokane Fairgrounds Exhibition Building (1953), Consolidated Freightways Terminal in Spokane (1954), Whitworth College classroom building (1955), warehouse building for Prudential

Distributors (1956), Pacific Telephone and Telegraph company office building (1955), Airman's Dormitories at Geiger (1958), Desert City Center Motel (1959), Whitman Co. Library (1960), Colfax, Colfax High School (1960), Lincoln Jr. High School, Pullman (1961), additional seating at Albi Stadium (1962), Wallace Residence Hall at University of Idaho (1964), Spokane YMCA (1964), Kennedy Pavilion at Gonzaga University (1964), Kennedy Library at EWU (1966), Hangman Valley Golf Course (1967), Parkade (1967), Physical Education Building, at University of Idaho (1969), Russian Pavilion Interior for Expo 74 (1973), General contractor for 8 pavilions for Expo 74, including the Russian Pavilion Interior for Expo 74 (1973), remodel of the Fidelity Building and extension of the internal skywalk to the Sherwood Mall, 1978).

Several of those projects were Warren Heylman designed projects including the Whitman County Library, Hangman Valley Golf Course, Parkade and the Fidelity Building skywalk.

Paul Sceva, Junior retired from Sceva Construction in 1970 and passed the ownership to Frank R. Noble and Donald C. Wiley both of Spokane. Sceva was active in Spokane civic affairs, including the Spokane County Plan Commission, and passed away in Spokane in 1996.

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Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



1. Southwest corner, looking northeast at west and south facades (8/2023)



2. Northwest corner, looking southeast at west and north facades (8/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



3. Northeast corner, looking southwest at east and north facades (8/2023)



4. Southeast corner, spiral exit ramp, tower, looking northwest (8/2020)



5. West end of north façade, skywalk across Main Avenue on west, looking south (9/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



6. North facade - ramp from Main Avenue to parking garage entry, looking west (10/2023)



7. North facade, looking south at floors 2 to 10- skywalk to cornice (10/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



8. North facade, east of ramp, looking south at storefront and skywalk level (floor 2) (10/2023)



9. North side-Main Avenue entry ramp, looking east (10/2023)



10. East facade, floors 2-10, looking west (7/2023)



11. South facade skywalk level, looking east at elevator/stair tower and spiral ramp (10/2023)



12. South facade west of tower, looking north (9/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



13. Southwest corner-west façade, Rite Aid main entrance, looking northeast (10/2023)



14. Ground floor - Rite Aid Pharmacy. looking northwest 9/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



15. Ground floor - Rite Aid store, looking west along middle columns (10/2023)



16. Ground floor (Rite Aid) - central column and beam repaired (9/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



17. East facade- northeast corner entry to retail space, looking west (10/2023)



18. Ground floor retail in northeast corner, looking west (10/2023)

Parkade Historic Nomination
511 West Main Avenue, Spokane, WA 99201



19. Ground floor - southeast corner retail shop beneath spiral ramp, looking northwest (9/2023)



20. Ground floor - Rotunda (bottom of spiral exit), looking north (10/2023)



21. Ground floor - elevator/stair lobby looking east (9/2023)



22. Ground floor - elevator/stair tower lobby, looking northwest at new graphics (19/2023)



23. Basement elevator/stair lobby – new graphics, looking west (9/2023)



24. Basement parking garage - south lane, looking east (12/2020)



25. Skywalk level (floor 2) - elevator/stair lobby, looking west (10/2023)



26. Skywalk level along south facade, looking east toward lobby from southwest corner (10/2023)



27. Skywalk level entry to parking garage red level, looking south (10/2023)



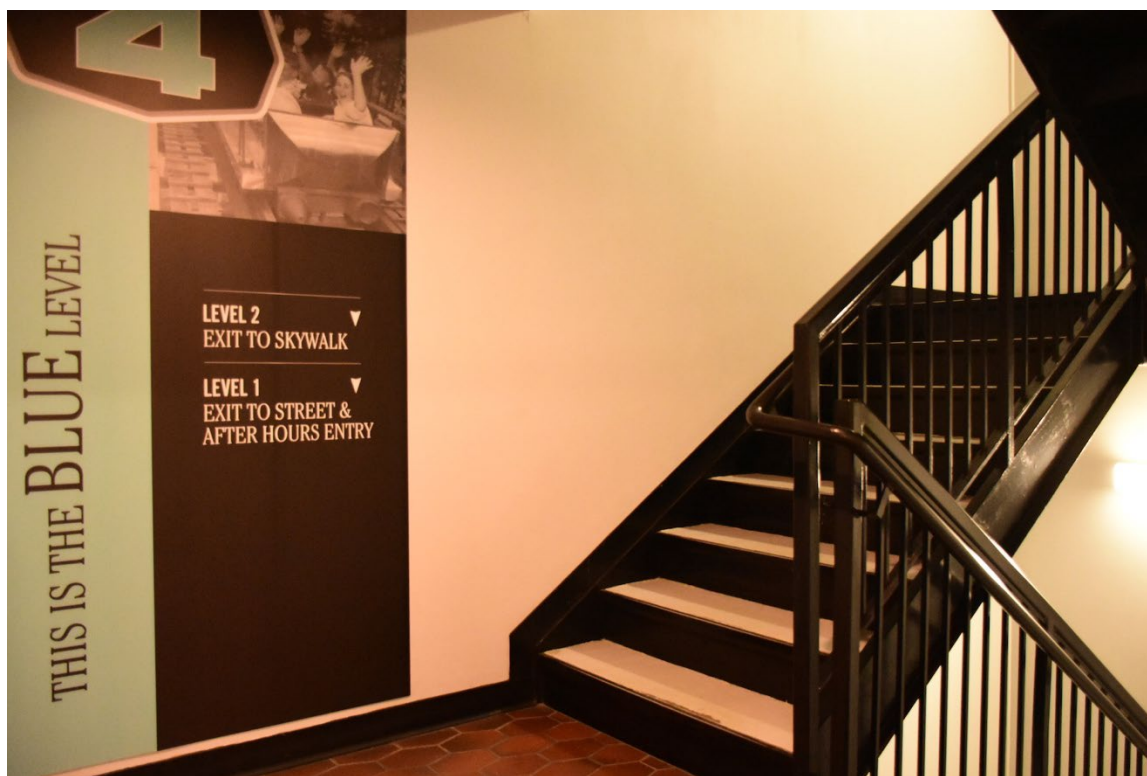
28. Red level - elevator/stair lobby – new graphics, typical, looking west (9/2023)



29. Red level (floor 3), looking south across ramp to elevator/stair lobby (10/2023)



30. Red level (floor 3)- ramp deck drive lane and stalls, looking west (10/2023)



31. Elevator/stair tower – stairs at blue level (level 4) landing looking south (10/2023)



32. Pink level parking ramp - north side, looking east (9/2021)



33. Top floor (yellow) showing ramps, lighting and roof structure, looking east (1/2021)



34. Yellow floor (10) north wall, looking outside toward northeast (9/2021)

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

11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	OPR 2023-1125
Renews #	
Cross Ref #	OPR 2023-0699
Project #	
Bid #	RFQU 5906-23
Requisition #	BT PENDING

Submitting Dept	WASTEWATER MANAGEMENT
Contact Name/Phone	TREY GEORGE 625-7908
Contact E-Mail	JGEORGE@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	4330 - STORMWATER - CONSENT FOR CONTRACT WITH EVERGREEN STORMH2O

Agenda Wording

Consent request to enter into a \$375,945 contract with Evergreen StormH2O to perform a grant funded TAPE Project.

Summary (Background)

Evergreen StormH2O submitted bid documents in response to a RFQu to perform a grant funded TAPE Project published in May 2023, and was identified as the preferred consulting firm following City of Spokane procurement processes.

Lease? NO Grant related? YES Public Works? YES

Fiscal Impact

Expense \$ 375945

Select \$

Select \$

Select \$

Budget Account

4330-98817-35148-54201-10198

#

#

#

Approvals

Dept Head	GENNETT, RAYLENE
Division Director	FEIST, MARLENE
Finance	ALBIN-MOORE, ANGELA
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications**Study Session\Other** PIES 10/23/2023**Council Sponsor** KP Kinnear**Distribution List**

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mmurray@spokanecity.org

Purchasing

Tax & Licenses

ACCOUNTING - GRANTS

MURRAY, MICHELLE

mlowdon@spokanecity.org

Signer: Aimee S. Navickis-Brasch, PhD, PE

email: aimee@evergreenstormh2o.com

Committee Agenda Sheet

Select Committee Name

Submitting Department	Wastewater Management
Contact Name	Trey George
Contact Email & Phone	jgeorge@spokanecity.org
Council Sponsor(s)	Council President Kinnear
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Consent for contract with Evergreen StormH ₂ O to perform TAPE Project
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Consent request to enter into a \$375,945 contract with Evergreen StormH₂O to perform a grant funded TAPE Project.</p> <p>Evergreen StormH₂O submitted bid documents in response to a RFQu to perform a grant funded TAPE Project published in May 2023, and was identified as the preferred consulting firm following City of Spokane procurement processes.</p> <p>Grant application WQC-2023-Spokane-00120, titled <i>Bioretention Soil Media Study: Development of Non-Vegetated BMPs</i>, was awarded to the City of Spokane July 1, 2022 with a total estimated cost of \$400,000. The grant award is for \$300,000 of reimbursable costs, and a 25% match (\$100,000) is required. The contract with Ecology for the grant funding will be finalized October 2023 (OPR 2023-0977).</p> <p>The project will be administered cooperatively by the City of Spokane as the Lead Entity, and Spokane County and City of Spokane Valley as Participants. Grant match costs will be split equally under MOU (OPR 2023-0699).</p> <p>The TAPE project will evaluate the effectiveness of swales constructed with engineered soils, but without vegetation to determine if they provide adequate treatment to urban runoff in the absence of plants. Positive results will support the City's water conservation goals by eliminating vegetation (e.g. turf grass) as a necessary component of stormwater facilities, eliminating the need for irrigation.</p>
Proposed Council Action	Provide consent for a \$375,945 contract with Evergreen StormH ₂ O to perform a grant funded TAPE Project with an estimated cost of up to \$400,000.
Fiscal Impact Total Estimated Cost: <u>\$33,000</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: Wastewater Management stormwater budget Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	

Other budget impacts:

Total project estimated costs are \$400,000, where \$300,000 is Ecology grant funded reimbursable costs, and \$100,000 are a 25% required grant match. Splitting the grant match costs three ways under MOU with Spokane County and City of Spokane Valley, the final estimated cost to City of Spokane is 1/3 of \$100,000 (\$33,000) over the course of 3 years.

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

N/A – This is a grant funded research project to determine if vegetation is necessary for a swale to function. The outcome of the study will be applicable to all swales within the region.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A – See above comment.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Data will be collected per the rigorous TAPE program requirements to ensure appropriate QA/QC is occurring to validate data that is generated.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This project aligns with the goals of the City of Spokane Water Conservation Plan in that the results may demonstrate that vegetation is unnecessary to provide adequate treatment to stormwater, thereby eliminating the need for irrigation.



City of Spokane
CONSULTANT AGREEMENT
Title: NON-VEGETATED BIORETENTION
TAPE STUDY PROJECT

This Consultant Agreement is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **NB ENGINEERING dba EVERGREEN STORMH20**, whose address is PO Box 18912, Spokane, Washington 99228 as (“Consultant”), individually hereafter referenced as a “Party”, and together as the “Parties”.

WHEREAS, the purpose of this Agreement is to perform a Tape Study Project to Determine if two different BSM without vegetation can meet the TAPE treatment performance goals; and

WHEREAS, the Consultant was selected from a Request for Quote (RFQu) 5906-23 issued by the City; and

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance of the Scope of Work contained herein, the City and Consultant mutually agree as follows:

1. TERM OF AGREEMENT.

The term of this Agreement begins on November 1, 2023, and ends on July 1, 2027, unless amended by written agreement or terminated earlier under the provisions. This Agreement is renewable upon mutual agreement of the parties.

2. TIME OF BEGINNING AND COMPLETION.

The Consultant shall begin the work outlined in the “Scope of Work” (“Work”) on the beginning date, above. The City will acknowledge in writing when the Work is complete. Time limits established under this Agreement shall not be extended because of delays for which the Consultant is responsible, but may be extended by the City, in writing, for the City’s convenience or conditions beyond the Consultant’s control.

3. SCOPE OF WORK.

The General Scope of Work for this Agreement is described in Consultant’s Proposal attached as **Exhibit B** and made a part of this Agreement. In the event of a conflict or discrepancy in the contract documents, this City Agreement controls.

The Work is subject to City review and approval. The Consultant shall confer with the City periodically, and prepare and present information and materials (e.g. detailed outline of completed Work) requested by the City to determine the adequacy of the Work or Consultant’s progress.

4. COMPENSATION.

Total compensation for Consultant's services under this Agreement shall not exceed **THREE HUNDRED SEVENTY-FIVE THOUSAND NINE HUNDRED FORTY-FIVE AND NO/100 DOLLARS (\$375,945.00) plus tax if applicable**, unless modified by a written amendment to this Agreement. This is the maximum amount to be paid under this Agreement for the work described in Section 3 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Agreement.

5. PAYMENT.

The Consultant shall submit its applications for payment to Spokane Wastewater Management Department, 909 East Sprague Avenue, Spokane, Washington 99202. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Consultant's application except as provided by state law. If the City objects to all or any portion of the invoice, it shall notify the Consultant and pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

6. REIMBURSABLES

The reimbursables under this Agreement are to be included, and considered part of the maximum amount not to exceed (above), and require the Consultant's submittal of appropriate documentation and actual itemized receipts, the following limitations apply.

- A. City will reimburse the Consultant at actual cost for expenditures that are pre-approved by the City in writing and are necessary and directly applicable to the work required by this Contract provided that similar direct project costs related to the contracts of other clients are consistently accounted for in a like manner. Such direct project costs may not be charged as part of overhead expenses or include a markup. Other direct charges may include, but are not limited to the following types of items: travel, printing, cell phone, supplies, materials, computer charges, and fees of subconsultants.
- B. The billing for third party direct expenses specifically identifiable with this project shall be an itemized listing of the charges supported by copies of the original bills, invoices, expense accounts, subconsultant paid invoices, and other supporting documents used by the Consultant to generate invoice(s) to the City. The original supporting documents shall be available to the City for inspection upon request. All charges must be necessary for the services provided under this Contract.
- C. The City will reimburse the actual cost for travel expenses incurred as evidenced by copies of receipts (excluding meals) supporting such travel expenses, and in accordance with the City of Spokane Travel Policy, details of which can be provided upon request.
- D. **Airfare:** Airfare will be reimbursed at the actual cost of the airline ticket. The City will reimburse for Economy or Coach Fare only. Receipts detailing each airfare are required.
- E. **Meals:** Meals will be reimbursed at the Federal Per Diem daily meal rate for the city in which the work is performed. *Receipts are not required as documentation.* The invoice shall state "the meals are being billed at the Federal Per Diem daily meal rate", and shall detail how many of each meal is being billed (e.g. the number of breakfasts, lunches, and dinners). The City will not reimburse for alcohol at any time.
- F. **Lodging:** Lodging will be reimbursed at actual cost incurred up to a maximum of the published General Services Administration (GSA) Index for the city in which the work is performed (*the current maximum allowed reimbursement amount can be provided upon request*). Receipts detailing each day / night lodging are required. The City will not reimburse for ancillary expenses charged to the room (e.g. movies, laundry, mini bar, refreshment center, fitness center, sundry items, etc.)
- G. **Vehicle mileage:** Vehicle mileage will be reimbursed at the Federal Internal Revenue Service Standard Business Mileage Rate in effect at the time the mileage expense is incurred. Please note: payment for mileage for long distances traveled will not be more

than an equivalent trip round-trip airfare of a common carrier for a coach or economy class ticket.

- H. **Rental Car:** Rental car expenses will be reimbursed at the actual cost of the rental. Rental car receipts are required for all rental car expenses. The City will reimburse for a standard car of a mid-size class or less. The City will not reimburse for ancillary expenses charged to the car rental (e.g. GPS unit).
- I. **Miscellaneous Travel** (e.g. parking, rental car gas, taxi, shuttle, toll fees, ferry fees, etc.): Miscellaneous travel expenses will be reimbursed at the actual cost incurred. Receipts are required for each expense of \$10.00 or more.
- J. **Miscellaneous other business expenses** (e.g. printing, photo development, binding): Other miscellaneous business expenses will be reimbursed at the actual cost incurred and may not include a markup. Receipts are required for all miscellaneous expenses that are billed.

Subconsultant: Subconsultant expenses will be reimbursed at the actual cost incurred and a five percent (5%) markup. Copies of all Subconsultant invoices that are rebilled to the City are required.

7. TAXES, FEES AND LICENSES.

- A. Consultant shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Agreement. It is the Consultant's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.
- B. Where required by state statute, ordinance or regulation, Consultant shall pay and maintain in current status all taxes necessary for performance. Consultant shall not charge the City for federal excise taxes. The City will furnish Consultant an exemption certificate where appropriate.
- C. The Director of Finance and Administrative Services may withhold payment pending satisfactory resolution of unpaid taxes and fees due the City.
- D. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Agreement shall be included in the project budgets.

8. CITY OF SPOKANE BUSINESS LICENSE.

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 Consultant 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.

9. SOCIAL EQUITY REQUIREMENTS.

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 Agreement 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. Consultant 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 Consultant. Consultant shall seek inclusion of woman and minority business for subcontracting. A woman or minority business is one that self-identifies to be at least 51% owned by a woman and/or minority. Such firms do not have to be certified by the State of Washington.

10. INDEMNIFICATION.

The Consultant shall 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 to the extent caused by the Consultant's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Consultant 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 Consultant'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 Consultant, its agents or employees. The Consultant specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Consultant's own employees against the City and, solely for the purpose of this indemnification and defense, the Consultant specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Consultant 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.

11. INSURANCE.

During the period of the Agreement, the Consultant shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to RCW Title 48;

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Consultant's services to be provided under this Agreement; and

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

D. Professional Liability Insurance with a combined single limit of not less than \$1,000,000 each claim, incident or occurrence. This is to cover damages caused by the error, omission, or negligent acts related to the professional services to be provided under this Agreement. The coverage must remain in effect for at least two (2) years after the Agreement is completed.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Consultant shall furnish acceptable Certificates Of Insurance (COI) to the City at the time it returns this signed Agreement. The certificate shall specify the City of Spokane as "Additional Insured" specifically for Consultant's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the thirty (30) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

12. DEBARMENT AND SUSPENSION.

The Consultant 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 (see Exhibit A attached).

13. AUDIT.

Upon request, the Consultant shall permit the City and any other governmental agency ("Agency") involved in the funding of the Work to inspect and audit all pertinent books and records. This includes work of the Consultant, any subconsultant, or any other person or entity that performed connected or related Work. Such books and records shall be made available upon reasonable notice of a request by the City, including up to three (3) years after final payment or release of withheld amounts. Such inspection and audit shall occur in Spokane County, Washington, or other reasonable locations mutually agreed to by the parties. The Consultant shall permit the City to copy such books and records at its own expense. The Consultant shall ensure that inspection, audit and copying rights of the City is a condition of any subcontract, agreement or other arrangement under which any other persons or entity may perform Work under this Agreement.

14. INDEPENDENT CONSULTANT.

- A. The Consultant is an independent Consultant. This Agreement does not intend the Consultant to act as a City employee. The City has neither direct nor immediate control over the Consultant nor the right to control the manner or means by which the Consultant works. Neither the Consultant nor any Consultant employee shall be an employee of the City. This Agreement prohibits the Consultant to act as an agent or legal representative of the City. The Consultant is not granted express or implied rights or authority to assume or create any obligation or responsibility for or in the name of the City, or to bind the City. The City is not liable for or obligated to pay sick leave, vacation pay, or any other benefit of employment, nor to pay social security or other tax that may arise from employment. The Consultant shall pay all income and other taxes as due. The Consultant may perform work for other parties; the City is not the exclusive user of the services that the Consultant provides.
- B. If the City needs the Consultant to Work on City premises and/or with City equipment, the City may provide the necessary premises and equipment. Such premises and equipment are exclusively for the Work and not to be used for any other purpose.
- C. If the Consultant works on the City premises using City equipment, the Consultant remains an independent Consultant and not a City employee. The Consultant will notify the City Project Manager if s/he or any other Workers are within ninety (90) days of a consecutive 36-month placement on City property. If the City determines using City premises or equipment is unnecessary to complete the Work, the Consultant will be required to work from its own office space or in the field. The City may negotiate a reduction in Consultant fees or charge a rental fee based on the actual costs to the City, for City premises or equipment.

15. KEY PERSONS.

The Consultant shall not transfer or reassign any individual designated in this Agreement as essential to the Work, nor shall those key persons, or employees of Consultant identified as to be involved in the Project Work be replaced, removed or withdrawn from the Work without the express written consent of the City, which shall not be unreasonably withheld. If any such individual leaves the Consultant's employment, the Consultant shall present to the City one or more individuals with greater or equal qualifications as a replacement, subject to the City's approval, which shall not be unreasonably withheld. The City's approval does not release the Consultant from its obligations under this Agreement.

16. ASSIGNMENT AND SUBCONTRACTING.

The Consultant shall not assign or subcontract its obligations under this Agreement without the City's written consent, which may be granted or withheld in the City's sole discretion. Any subcontract made by the Consultant shall incorporate by reference this Agreement, except as otherwise provided. The Consultant shall require that all subconsultants comply with the obligations and requirements of the subcontract. The City's consent to any assignment or subcontract does not release the consultant from liability or any obligation within this Agreement, whether before or after City consent, assignment or subcontract.

17. CITY ETHICS CODE.

- A. Consultant shall promptly notify the City in writing of any person expected to be a Consultant Worker (including any Consultant employee, subconsultant, principal, or owner) and was a former City officer or employee within the past twelve (12) months.
- B. Consultant shall ensure compliance with the City Ethics Code by any Consultant Worker when the Work or matter related to the Work is performed by a Consultant Worker who has been a City officer or employee within the past two (2) years.
- C. Consultant shall not directly or indirectly offer anything of value (such as retainers, loans, entertainment, favors, gifts, tickets, trips, favors, bonuses, donations, special discounts, work or meals) to any City employee, volunteer or official that is intended, or may appear to a reasonable person to be intended, to obtain or give special consideration to the Consultant. Promotional items worth less than \$25 may be distributed by the Consultant to a City employee if the Consultant uses the items as routine and standard promotional materials. Any violation of this provision may cause termination of this Agreement. Nothing in this Agreement prohibits donations to campaigns for election to City office, so long as the donation is disclosed as required by the election campaign disclosure laws of the City and of the State.

18. NO CONFLICT OF INTEREST.

Consultant confirms that the Consultant or workers have no business interest or a close family relationship with any City officer or employee who was or will be involved in the consultant selection, negotiation, drafting, signing, administration or evaluation of the Consultant's work. As used in this Section, the term Consultant includes any worker of the Consultant who was, is, or will be, involved in negotiation, drafting, signing, administration or performance of the Agreement. The term "close family relationship" refers to: spouse or domestic partner, any dependent parent, parent-in-law, child, son-in-law, daughter-in-law; or any parent, parent in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of a City officer or employee described above.

19. ERRORS AND OMISSIONS, CORRECTIONS.

Consultant is responsible for professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by or on the behalf of the Consultant under this Agreement in the delivery of a final work product. The standard of care applicable to Consultant's services will be the degree of skill and diligence normally employed by professional engineers or Consultants performing the same or similar services at the time said services are performed. The Final Work Product is defined as a stamped, signed work product. Consultant, without additional compensation, shall correct or revise errors or mistakes in designs, drawings, specifications, and/or other consultant services immediately upon notification by the City. The obligation provided for in this Section regarding acts or omissions resulting from this Agreement survives Agreement termination or expiration.

20. INTELLECTUAL PROPERTY RIGHTS.

- A. Copyrights. The Consultant shall retain the copyright (including the right of reuse) to all materials and documents prepared by the Consultant for the Work, whether or not the Work is completed. The Consultant grants to the City a non-exclusive, irrevocable, unlimited, royalty-free license to use copy and distribute every document and all the materials prepared

by the Consultant for the City under this Agreement. If requested by the City, a copy of all drawings, prints, plans, field notes, reports, documents, files, input materials, output materials, the media upon which they are located (including cards, tapes, discs, and other storage facilities), software program or packages (including source code or codes, object codes, upgrades, revisions, modifications, and any related materials) and/or any other related documents or materials developed solely for and paid for by the City to perform the Work, shall be promptly delivered to the City.

- B. Patents: The Consultant assigns to the City all rights in any invention, improvement, or discovery, with all related information, including but not limited to designs, specifications, data, patent rights and findings developed with the performance of the Agreement or any subcontract. Notwithstanding the above, the Consultant does not convey to the City, nor does the City obtain, any right to any document or material utilized by the Consultant created or produced separate from the Agreement or was pre-existing material (not already owned by the City), provided that the Consultant has identified in writing such material as pre-existing prior to commencement of the Work. If pre-existing materials are incorporated in the work, the Consultant grants the City an irrevocable, non-exclusive right and/or license to use, execute, reproduce, display and transfer the pre-existing material, but only as an inseparable part of the work.
- C. The City may make and retain copies of such documents for its information and reference with their use on the project. The Consultant does not represent or warrant that such documents are suitable for reuse by the City or others, on extensions of the project or on any other project, and the City releases the Consultant from liability for any unauthorized reuse of such documents.

21. CONFIDENTIALITY.

Notwithstanding anything to the contrary, City will maintain the confidentiality of Consultant's materials and information only to the extent that is legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records which are freely available upon request by anyone. In the event that City gets a valid public records request for Consultant's materials or information and the City determines there are exemptions only the Consultant can assert, City will endeavor to give Consultant notice. Consultant will be required to go to Court to get an injunction preventing the release of the requested records. In the event that Consultant does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

22. DISPUTES.

Any dispute or misunderstanding that may arise under this Agreement, concerning the Consultant's performance, shall first be through negotiations, if possible, between the Consultant's Project Manager and the City's Project Manager. It shall be referred to the Director and the Consultant's senior executive(s). If such officials do not agree upon a decision within a reasonable period of time, either party may decline or discontinue such discussions and may then pursue the legal means to resolve such disputes, including but not limited to mediation, arbitration and/or alternative dispute resolution processes. Nothing in this dispute process shall mitigate the rights of the City to terminate the Agreement. Notwithstanding all of the above, if the City believes in good faith that some portion of the Work has not been completed satisfactorily, the City may require the Consultant to correct such work prior to the City payment. The City will provide to the Consultant an explanation of the concern and the remedy that the City expects. The City may withhold from any payment otherwise due, an amount that the City in good faith finds to be under dispute, or if the Consultant provides no sufficient remedy, the City may retain the amount equal to the cost to the City for otherwise correcting or remedying the work not properly completed. Waiver of any of these rights is not deemed a future waiver of any such right or remedy available at law, contract or equity.

23. TERMINATION.

- A. For Cause: The City or Consultant may terminate the Agreement if the other party is in material breach of this Agreement, and such breach has not been corrected to the other party's reasonable satisfaction in a timely manner. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- B. For Reasons Beyond Control of Parties: Either party may terminate this Agreement without recourse by the other where performance is rendered impossible or impracticable for reasons beyond such party's reasonable control, such as, but not limited to, an act of nature, war or warlike operation, civil commotion, riot, labor dispute including strike, walkout or lockout, except labor disputes involving the Consultant's own employees, sabotage, or superior governmental regulation or control. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- C. For Convenience: Either party may terminate this Agreement without cause, upon thirty (30) days written notice to the other party.
- D. Actions upon Termination: if termination occurs not the fault of the Consultant, the Consultant shall be paid for the services properly performed prior to the actual termination date, with any reimbursable expenses then due, but such compensation shall not exceed the maximum compensation to be paid under the Agreement. The Consultant agrees this payment shall fully and adequately compensate the Consultant and all subconsultants for all profits, costs, expenses, losses, liabilities, damages, taxes and charges of any kind (whether foreseen or unforeseen) attributable to the termination of this Agreement.
- E. Upon termination, the Consultant shall provide the City with the most current design documents, contract documents, writings and other products the Consultant has produced to termination, along with copies of all project-related correspondence and similar items. The City shall have the same rights to use these materials as if termination had not occurred; provided however, that the City shall indemnify and hold the Consultant harmless from any claims, losses, or damages to the extent caused by modifications made by the City to the Consultant's work product.

24. EXPANSION FOR NEW WORK.

This Agreement scope may be expanded for new work. Any expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with all the following limitations and requirements: (a) the New Work is not reasonable to solicit separately; (b) the New Work is for reasonable purpose; (c) the New Work was not reasonably known either the City or Consultant at time of contract or else was mentioned as a possibility in the solicitation (such as future phases of work, or a change in law); (d) the New Work is not significant enough to be reasonably regarded as an independent body of work; (e) the New Work would not have attracted a different field of competition; and (f) the change does not vary the essential identified or main purposes of the Agreement. The City may make exceptions for immaterial changes, emergency or sole source conditions, or other situations required in City opinion. Certain changes are not New Work subject to these limitations, such as additional phases of Work anticipated at the time of solicitation, time extensions, Work Orders issued on an On-Call contract, and similar. New Work must be mutually agreed and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment.

25. MISCELLANEOUS PROVISIONS.

- A. Amendments: No modification of this Agreement shall be effective unless in writing and signed by an authorized representative of each of the parties hereto.

- B. Binding Agreement: This Agreement shall not be binding until signed by both parties. The provisions, covenants and conditions in this Agreement shall bind the parties, their legal heirs, representatives, successors and assigns.
- C. Americans with Disabilities Act (ADA): Specific attention by the designer is required in association with the Americans with Disabilities Act (ADA) 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611, its requirements, regulations, standards and guidelines, which were updated in 2010 and are effective and mandatory for all State and local government facilities and places of public accommodation for construction projects including alteration of existing facilities, as of March 15, 2012. The City advises that the requirements for accessibility under the ADA, may contain provisions that differ substantively from accessibility provisions in applicable State and City codes, and if the provisions of the ADA impose a greater or equal protection for the rights of individuals with disabilities or individuals associated with them than the adopted local codes, the ADA prevail unless approval for an exception is obtained by a formal documented process. Where local codes provide exceptions from accessibility requirements that differ from the ADA Standards; such exceptions may not be permitted for publicly owned facilities subject to Title II requirements unless the same exception exists in the Title II regulations. It is the responsibility of the designer to determine the code provisions.
- D. The Consultant, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers. Without limiting the generality of this paragraph, the Consultant shall comply with the requirements of this Section.
- E. This Agreement shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in the Superior Court of Spokane County.
- F. Remedies Cumulative: Rights under this Agreement are cumulative and nonexclusive of any other remedy of law or in equity.
- G. Captions: The titles of sections or subsections are for convenience only and do not define or limit the contents.
- H. Severability: If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.
- I. Waiver: No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Consultant after the time the same shall have become due nor payment to the Consultant for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.
- J. Additional Provisions: This Agreement may be modified by additional terms and conditions ("Special Conditions") which shall be attached to this Agreement as an Exhibit. The parties agree that the Special Conditions shall supplement the terms and conditions of the Agreement, and in the event of ambiguity or conflict with the terms and conditions of the Agreement, these Special Conditions shall govern.
- K. Entire Agreement: This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire agreement between the City and the Consultant. If conflict occurs between contract documents and applicable laws, codes, ordinances or regulations, the most stringent or legally binding requirement shall govern and be considered a part of this contract to afford the City the maximum benefits.
- L. Negotiated Agreement: The parties acknowledge this is a negotiated agreement, that they have had this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship.

M. No personal liability: No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Agreement, whether expressed or implied, nor for any statement or representation made or in any connection with this Agreement.

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 Agreement by having legally-binding representatives affix their signatures below.

**NB ENGINEERING dba
EVERGREEN STORMH20**

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:

Exhibit A – Certificate Regarding Debarment

Exhibit B – Consultant’s Proposal and scope of work under Contract No. 23002.

U2023-095

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)

Exhibit B

Project: Perform & Manage a Grant Funded TAPE Project & Permit Required Effectiveness Study to Determine Treatment Efficacies of Non-Vegetated Stormwater Bioretention Facilities

Client: City of Spokane

Consultant: Evergreen StormH2O

Contract No.: 23002

Project Background, Goals, and Overview

This project will conduct two studies at a single test site on the Gonzaga University campus over the same timeframe. This section provides the project goals along with an overview about each project, the selected bioretention soil medias (BSMs), and the scope tasks.

Project Goals

- **TAPE Study** - Determine if two different BSM without vegetation can meet the TAPE treatment performance goals.
- **Effectiveness Study** - Evaluate trends in the treatment and infiltration performance of the two BSMs due to seasonal climate variability (summer versus winter).

Selected Bioretention Soil Media (BSM)

The test site will be modified to install two different types of BSM in adjacent cells. One BSM will consist of an 18-inch layer of 60% sand and 40% compost (60:40 BSM). The other BSM will consist of the High Performance Bioretention Soil Media (HPBSM) which is composed of an 18-inch primary layer (70% sand, 20% coir, 10% biochar) and a 12-inch polishing layer (90% sand, 7.5% activated alumina, 2.5% iron aggregate). Both BSMs are approved for general use by Ecology to provide treatment with vegetation where basic (total suspended solids [TSS]), dissolved metals (Copper & Zinc), and oils treatment are required per the Washington Municipal Separate Storm Sewer Systems (MS4) Permits. The HPBSM is also approved to provide treatment with vegetation where phosphorus treatment is required, as long as the polishing layer is included.

TAPE Study

The **TAPE Study** is being conducted due to the challenges that vegetated bioretention Best Management Practices (BMPs) create for Washington locations with hot and dry summers. Bioretention cells require an irrigation system to keep the vegetation alive between storm events during summers, which adds to the overall life cycle cost of the BMP and consumes water with a higher beneficial use. Both BSMs have also been shown to meet the TAPE treatment performance criteria during development, when they were tested without vegetation in columns. The TAPE study will therefore focus on evaluating the non-vegetated BSM against the TAPE treatment performance goals for which they are approved as vegetated BMPs. The evaluation will be performed using data collected at the test site during field monitoring from



natural rainfall events following TAPE protocol. The data expected to be collected includes weather (precipitation depth and air temperature), flow rate, and water quality samples. Data will be collected during qualifying storm events over a minimum of two wet seasons. Water quality data from samples collected during fifteen qualifying storm events will be used to perform the evaluation against TAPE treatment performance goals. The TAPE study also includes developing a TAPE application, Quality Assurance Project Plan (QAPP), Technical Evaluation Report (TER), and study fact sheet.

This project also includes work needed to prepare for and modify the test site. This is expected to include designing the test site, development of construction plan sheets and specifications, and providing construction support while the site is being modified. The test site will be modified to accommodate the HPBSM depth which is anticipated to be 18-inches deeper compared to the depth of the existing cells. It is anticipated that the automated monitoring system already installed at the site will be used for this study to collect composite influent and effluent samples, precipitation, and flow data as required by TAPE.

Effectiveness Study

The **Effectiveness Study** is being conducted to fulfill EWA Phase II MS4 Permit Requirement for effectiveness studies (S8 Monitoring and Assessment). The study will evaluate the treatment performance of the non-vegetated BSM during seasonal variations (winter versus summer) in climate conditions. The focus was chosen because the impacts of seasonal conditions and respective maintenance practices, including application of deicer, on the treatment and infiltration performance of BSM, especially related to metals, are not well understood. The Effectiveness Study will leverage the information and data collected from the TAPE Study to answer study research questions. Specifically, treatment performance data will be compared between the two seasons to evaluate whether a statistically significant difference exists, or if any trends are present. Additionally, flow data will be used to estimate and compare infiltration rates during winter and summer to assess whether any trends exist between seasons. Additional weather-dependent data will be collected following completion of the TAPE study to supplement the leveraged data. The data will be collected during controlled field tests, during which synthetic stormwater will be applied to each cell. Six of the tests will include deicer in the synthetic stormwater. Treatment performance and infiltration data collected during the simulated storm events will be evaluated to determine if there is a statistically significant difference between storm events with and without deicer. The Effectiveness study also includes developing a final QAPP, TER, study fact sheet, and data upload to either the Ecology Environmental Information Management (EIM) or International BMP database.

Scope of Work Overview

The scope of work for this project has been organized by project followed by the tasks needed to meet each project's goals. The following provides an overview of this work:



Table 1. Scope of Work Overview

Task Number, Name, & Overview
TAPE Study Project
<p>Task 1.2.1 TAPE Project Grant Administration Ensure the grant is properly managed and fully document the project to meet Ecology's grant administrative requirements.</p>
<p>Task 2.2.1 TAPE Project Management & Coordination Includes the Consultants communication and coordination of the project. This includes managing all the technical aspects of the project as well as attending and preparing for meetings with the Consultant team, the City, and stakeholders (Spokane County, City of Spokane Valley, and the Technical Advisory Group [TAG]). Time for coordination with Ecology and the Board of External Reviewers (BER) are also included.</p>
<p>Task 3.2.1 TAPE Study Preparation Prepare for the study including developing the TAPE Application, TAPE Quality Assurance Project Plan (QAPP), BSM selection and testing, and modifying the test site.</p>
<p>Task 4.2.1 TAPE Data Collection and Analysis This task focuses on conducting the study as defined in the Ecology-approved QAPP.</p>
<p>Task 5.2.1 TAPE Project Reporting Document the TAPE study findings into a final report, a fact sheet, and upload the results to the International BMP Database.</p>
Effectiveness Study Project
<p>Task 1.2.2 Unassigned</p>
<p>Task 2.2.2 Effectiveness Study Project Management & Coordination Includes the Consultants communication and coordination of the project. This includes the Consultant managing all the technical aspects of the project as well as attending and preparing for meetings with the consultant team, the City, stakeholders, and the TAG.</p>
<p>Task 3.2.2 Effectiveness Study Preparation Support the development of an Ecology-approved QAPP that meets the EWA MS4 Permit Requirement S8.2.d.</p>
<p>Task 4.2.2 Effectiveness Study Data Collection & Analysis Conduct the study as defined in the Ecology-approved QAPP</p>
<p>Task 5.2.2 Effectiveness Study Reporting Document the Effectiveness Study findings into a final report, a fact sheet, and upload the results to the International BMP Database.</p>



Project Assumptions

Assumptions specific to each task are included in the task's scope section. General assumptions that apply to the entire project are listed below.

- The Effectiveness Study and the TAPE Project scopes of work included in this proposal will be contracted individually under two separate contracts with the City.
- The City will review and comment on deliverables on a mutually agreed timeline.
- The budget assumes one round of consolidated comments from the Client, Stakeholders (City of Spokane Valley and Spokane County), Ecology, the technical advisory group (TAG), and board of external reviewers (BER) on draft deliverables which the Consultant Team will incorporate into the final documents.
- The Consultant Team will use the comment option in Excel, Word, or a PDF compatible program to respond to all Client comments on draft deliverables. Revisions to draft deliverables showing track changes and comment responses will be submitted as the official record of how the comments were addressed.
- Following review and comment on the draft deliverables, the drafts will be updated to the final version by addressing comments provided on the draft deliverables.
- All deliverables and comments on deliverables will be transferred between the Consultant and Client via email or shared website.
- The Consultant will provide a QC review of the draft deliverables before they are submitted for review and an editorial review of the final version of deliverables before they are submitted to the Client.
- The Consultant will perform the services described in this scope of work up to the fees shown in Table 2. If additional effort is needed to meet the project goals, that extra work will be mutually determined by the Client and Consultant and defined in an amendment.
- The budget includes travel time and mileage to travel to the test site as needed meet the project goals. This is expected to include during construction, collecting samples, maintaining the monitoring equipment, and meetings with the Client if the meetings occur in person. The mileage rate billed will be determined by the rate set by the Washington State Office of Financial Management.
- Unless otherwise noted, all meetings will occur via video conference.
- The project duration will be 48 months starting after the contract is executed. The project schedule shown in Figure 7 is a draft schedule and the project schedule will be finalized after the contract is executed.
- Invoices will be submitted electronically.
- All meeting notes will be in a bulleted format and limited to a summary of the meeting discussion, decisions made, and action items.
- Meeting agendas will be emailed to the client before meetings, and meeting notes will be emailed to the Client after meetings on a mutually agreed upon schedule.
- Ecology review periods for the TAPE deliverables including the TAPE application, QAPP, construction package, and TER are assumed to be 30 calendar days. The



Consultant will respond to Ecology's comments within ten business days of receiving the comments.

- If the test site is modified prior to Ecology approving the QAPP; the test site would be constructed at-risk meaning Ecology could request revisions to the test site after construction is complete. If this should occur and result in additional work, the Consultant will negotiate an amendment to this contract with the City that includes the scope and budget for additional work.
- Because the work for the effectiveness study is dependent upon the work described in the TAPE project being conducted and completed as described in the background and TAPE Project Scope of Work section of this document, changes to that work could impact the Consultant's ability to complete the work described for the Effectiveness study. If this should occur and result in additional work, the Consultant will negotiate an amendment to this contract with the City that includes the scope and budget for additional work.



TAPE Project Tasks

Task 1.2.1 TAPE Project Grant Administration

The work for this task focuses on ensuring the grant is properly managed and fully documented to meet Ecology's grant administrative requirements. The work associated with this task is expected to include:

Consultant Services

- **Assist the Client with Grant Administration**
 - Assist the Client with grant administration as necessary to meet Ecology requirements which are expected to include: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; developing quarterly progress reports; preparing the project closeout report; preparing a two-page outcome summary report; and uploading submittals to EAGL.
 - Support the Client in carrying out this project in accordance with any completion dates outlined in the Ecology grant agreement.
- **Contracts and Permits**
 - Obtain and retain any contracts and permits established for this project, as well as applicable property use records such as easements or property rights documentation, as necessary.
- **Manage Project Documentation**
 - Manage project documentation that demonstrates the project is compliant with applicable procurement and contracting; permitting requirements; and submittal of required performance items in order to demonstrate compliance with relevant rules and regulations with respect to permits, licenses, easements, or property rights necessary for the project.
 - Make documentation available to Ecology upon request.
- **Communication with Ecology**
 - Support the Client in maintaining effective communication with Ecology and maintain up-to-date staff contact information in the EAGL Recipient contact form.

Client Responsibilities

- Provide the Consultant with access to Ecology's Administration of Grants and Loans (EAGL) system.



Assumptions

- For Ecology grant funded projects, only the City can bill time to Task 1.2.1. As such the fees for the Consultant work described in this task are up to \$9,000 and will be billed to Tasks 2.2.1 through 5.2.1.
- Fees included in Task 1.2.1 are only for the City to provide grant administration and provide support services for the other TAPE tasks.

Deliverables

- T1.1 Quarterly Reports
- T1.2 Recipient Closeout Report
- T1.3 Outcome Summary Report
- T1.4 Contract, Permit, & Property Documents

Task 2.2.1 TAPE Project Management & Coordination

This task includes the communication and coordination of the project. This includes the Consultant Project Manager (PM) managing all the technical aspects of the project as well as attending and preparing for meetings with the Client, Stakeholders, and Technical Advisory Group (TAG). In addition, coordination with Ecology throughout the project and the BER for items related to TAPE is also included. The work associated with this task is expected to include:

Consultant Services

- **Stakeholder Coordination**
 - Check-in Meetings - Prepare for, organize, and lead quarterly meetings with the Client and Stakeholders. The purpose of these meetings is for the Consultant to provide an update on the project/grant status and to solicit input/comments from the Client and Stakeholders on the project work planned and completed to date. For each meeting, an agenda and meeting notes will be developed.
 - Kick-off Meeting - The first check-in meeting will serve as a kick-off meeting. The purpose of this meeting is for the Client, Stakeholders, and Consultant team to meet, review the scope of work and discuss the project goal and vision for the project results, identify which Client and Stakeholder staff should be involved in the project, identify potential TAG members, confirm the project schedule including deliverable deadlines and review periods, schedule future meetings, and establish communication protocol.
 - Technical Advisory Group (TAG) - The Consultant will convene a TAG, which will be composed of Ecology and additional permittees. Twice per year, the stakeholder check-in meetings will be expanded to include the TAG members to update interested parties on the project status and collect feedback on project findings and deliverables.
- **Ecology and BER Coordination**
 - Coordinate with Ecology and the BER on their review of the TAPE required documents including the TAPE application, the QAPP, and the TER. This is



expected to include coordination prior to, during, and after the review period; submitting the TAPE required documents to Ecology and the BER; organizing, preparing for, and attending meetings to discuss deliverables and review comments; and responding to Ecology and BER comments including synthesizing their comments into a table for each of the final technical documents and providing a summary of the Consultant team's comment resolution.

- Meetings will be scheduled with the Client and Stakeholders and the BER to provide an overview of the technical documents (TAPE application, QAPP, and TER) prior to their review and to discuss the BER's comments following their review.
 - Meeting agendas and notes from Ecology/BER meetings will be developed that summarize the key topics and the status of action items.
 - Up to 64 hours were budgeted for this work.
- **Consultant Project Management & Coordination**
 - Project Management - Coordinate with and manage the consultant team to successfully complete the project tasks. This will include coordinating all technical aspects of the project in accordance with the Ecology-approved QAPP, managing retention of data records required by the QAPP and TAPE, managing the project schedule, and tracking the project budget. This work also includes set up and close-out of the Consultant contract as well as preparing amendments to this contract if needed.
 - Shared Site - An online shared site (e.g., OneDrive) will be developed and managed by the Consultant that provides the Client, stakeholders, Ecology, and the BER with access to all project documents. The site will be used to house/distribute all review and working copies of deliverables.
 - Progress Reports & Invoices - Develop progress reports and invoices monthly to request payment from the Client for work completed. Monthly progress reports will be formatted the same as quarterly progress reports (Task 1.2.1) and quarterly the Consultant will combine their notes with any work completed by the Client to develop the draft grant quarterly reports.
 - **Task 1.2.1 TAPE Project Grant Administration**
 - Provide the Consultant services defined in Task 1.2.1 up to \$4,000.

Client Responsibilities

- Provide input on the scope, priority of Tasks, Schedule, and Budget.
- Process payment of invoices within 30 calendar days of invoice.
- Review and process contract change requests and amendments, if needed.
- Attend check-in & Ecology/BER meetings.



Assumptions

- The budget assumes seventeen (17) check-in meetings with the City and Stakeholders. TAG members will be invited to eight (8) meetings. For each meeting, 5.5 hours (88 hours total) were budgeted for the Consultant team to prepare for, attend, and complete follow-up work.
- TAPE fees are waived for Permittees as such no application or review fees were included in the Consultant fees.
- All meetings will be held via webinar.
- Budget assumes 36 progress reports and invoices will be developed.
- Ecology is responsible for convening the BER.

Deliverables

- T2.1a Check-in Meeting Agendas & Minutes (Word or PDF version)
- T2.1b List of TAG Members (PDF version)
- T2.1c TAG Meeting Agendas & Minutes (Word or PDF version)
- T2.2 Ecology & BER Meeting Agendas & Minutes (Word or PDF version); Responses to Ecology & BER Comments on the TAPE Application, QAPP, and TER (Excel or PDF, table format)
- T2.3 Monthly Progress Reports & Invoices (PDF version)

Task 3.2.1 TAPE Study Preparation

The purpose of this task is to prepare for the study which includes developing the experimental design and modifying the test site. This is expected to include the following work:

Consultant Services

- **TAPE Application**
 - Develop the TAPE application for entering the BMPs (non-vegetated bioretention cells with 60:40 BSM and HPBSM) into the evaluation program following the requirements defined in the 2018 TAPE Guidance and TAPE Process Overview Documents.
- **TAPE Quality Assurance Project Plan (QAPP)**
 - Develop a QAPP following the Eastern Washington Effectiveness Study Structural BMP QAPP Template. The document defines the details of the experimental design. This will include sizing the bioretention facilities following the Ecology Stormwater Management Manual for Eastern Washington (SWMMEW) design guidance.
- **Construction Package**
 - Develop a construction package, including construction drawings and specifications for modifying the test-site. This is expected to include removing/replacing the BSM from the previous Spokane County effectiveness study with the HPBSM and 60:40 BSM, lowering the cell depth to accommodate



sample collection from the deeper HPBSM, replacing the effluent collection manhole with a deeper manhole, and replacing the impermeable liner and underdrain piping. The depth of the cells is also being lowered based on lessons learned from the Spokane County Bioretention Media Thickness Effectiveness Study regarding backwater issues during high intensity rainfall events which contaminated samples. The final composition of the cells will include the 60:40 BSM in one cell and the HPBSM in the other cell.

- The construction package will include the final plans, specifications, engineer's opinion of cost (including a schedule of eligible costs, and project construction schedule. The submittal will be PDF searchable.
- The final construction package will be included in the appendix of the QAPP.

- **BSM Selection & Testing**

- Material Suppliers - Locate and contact material suppliers in EWA to identify which suppliers can provide BSM materials for this study and future EWA projects. This will include developing an inventory of suppliers, their contact information, and a summary of available media and costs. Recommendations will also be made for which supplier(s) to use for this project.
- Collect BSM samples from each cell and submit them to an Ecology-certified lab for testing the physiochemical properties defined in Tables 3 and 4.
- Verify BSM Properties - To verify the BSM installed at the test site is consistent with the BSM specification properties, results from the testing will be compared to the specification defined in SWMMEW for the 60:40 BSM and the Guidance on Using New High Performance Bioretention Soil Mixes for the HPBSM. If the properties are not consistent with these documents, a meeting will be scheduled with Ecology and the Client to decide how to proceed.

- **Modify Test Site**

- Inadvertent Discovery Plan (IDP) - Complete an IDP using the current template provided by Ecology.
- Construction Quality Assurance Plan (CQAP) - Develop a CQAP before the start of construction. The CQAP will describe how the Consultant team will perform construction oversight and include a Stormwater Pollution Prevention Plan (SWPPP), construction staging and sequencing, and identify disposal locations for the existing BSM. The CQAP will be developed following the guidance located in the Design Deliverables Document available on the Ecology website and WAC Chapter 173-240-075. The Consultant team will also oversee implementation of the CQAP.
- Pre-Construction Meeting - Organize, prepare for, and lead one pre-construction conference meeting before construction begins to review the CQAP and construction package. The crew selected to construct the test site will be invited as well as the Client, Stakeholders, Ecology, and Gonzaga University Plant Maintenance.



- Provide Construction Oversight – This is expected to include being on site during construction to confirm the test site is constructed following the plans and specifications. Field notes will be developed using the inspectors’ daily report (IDR) form developed as part of the CQAP. This will include taking photos of the test site prior to, during, and after construction which will be submitted with the IDRs after construction and included in the TER to describe the test site setup.
 - Monitoring Equipment – The Consultant will install the monitoring equipment after the test site has been constructed.
 - Construction Schedule – develop and manage the construction schedule prior to the start of the construction and whenever changes occur.
 - Change Orders – Develop eligible change orders (if needed) for items that deviate from the Ecology accepted plans and specifications.
 - Identify Materials and Equipment – Select construction materials and equipment necessary to construct the test site. This information will be provided to the City and the City is responsible for purchasing these items. The Consultant is responsible for identifying, purchasing, and/or providing maintenance (during construction) for the monitoring equipment. This is expected to include the items listed in Table 5.
 - Record Drawings – Following construction completion, the Consultant team will prepare record drawings of the as-constructed test site and bioretention cells which will be included in the TER.
- **Task 1.2.1 TAPE Project Grant Administration**
 - Provide the Consultant services defined in Task 1.2.1 up to \$3,200.

Client Responsibilities

- The Client is responsible for constructing the test site following the construction plans and specifications as well as purchasing the materials and equipment needed to construct the test site. As such, fees for these items are not included in the Consultants cost estimate in Table 2.

Assumptions

- The TAPE Application and QAPP will be developed following the 2018 TAPE Guidance Manual requirements.
- The fees for this task include time for the Consultant to update draft deliverables based on comment provided by the Client, Stakeholders, TAG, Ecology, and the BER.
- An IDP will be sufficient for the Cultural Resources work required for the modifications to this project site. If additional Cultural Resources work is identified to be necessary, the consultant will work with the Client to develop an amendment.
- The Construction Plans will be prepared using AutoCAD Civil3D 2023 software or newer and will be limited to two (2) 11 x 17 plan sheets.
- Project construction specifications will be provided in WSDOT Standard format and will be current with the version published prior to the deliverable submittal.
- The budget assumes construction will be complete within five working days.



- Record drawings will be prepared following construction and will be limited to one (1) round of consolidated revision comments from the Client and/or Ecology.
- The Consultant is responsible for coordinating the construction schedule and site access with Gonzaga University. Construction activities cannot begin until authorization from Plant Services representatives has been granted.

Deliverables

- T3.1 Draft and Final TAPE Application (Word or PDF)
- T3.2 Draft and Final QAPP (Word or PDF)
- T3.3 Draft and Final BSM Supplier List & Recommendations (Excel or PDF)
- T3.4 Draft and Final Construction Plans & Specifications (PDF)
- T3.5 Preconstruction Meeting Agenda & Minutes, CQAP, photos, and record drawings (Word or PDF)

Task 4.2.1 TAPE Data Collection and Analysis

This task focuses on conducting the study as defined in the Ecology-approved QAPP, which is expected to include data collection, analysis, and management. This is expected to include the following work.

Consultant Services

- **Data Collection**

- Collect field data as defined in the QAPP from up to 15 (fifteen) qualifying rainfall events over two (2) wet seasons. The primary work associated with this task before rainfall events occur includes daily monitoring of the weather forecast (identify when qualifying rainfall events will occur), prepare the test site for sample collection, purchase and install ice in the samplers; clean/replace three main sampler collection bottles, and complete the pre-storm maintenance check list. The primary work associated with this task following the rainfall event includes collecting three water quality samples from three locations for each rainfall event (one influent and two effluent), duplicates for 10% of the samples, and rinsate blanks; and downloading precipitation depth and flow rate data from the data logger.
- Process Samples – Collect samples as defined in the QAPP. This is expected to include collecting sample bottles from the lab prior to rainfall events and transferring samples to these bottles after rainfall events, filling out the chain of custody form, and delivering the samples to the lab for analysis. Table 6 identifies the parameters, standard testing methods, and number of samples. The Consultant will submit results from lab testing to Ecology quarterly.
- Test Site Maintenance
 - Provide equipment maintenance and calibration per the QAPP. This will include purchasing and replacing items as well as manufacturer



maintenance (if needed) throughout the project. The fees and anticipated items are items identified in Table 5.

- Maintain the test site as defined in the QAPP. This is expected to include inspecting the equipment for wear, damage, and/or tampering; verifying the sump pump operation; creating visit reports and the equipment worksheets; cleaning the manhole and pipes; removing trash from the site and arranging for the catch basins to be cleaned.
- **Data Analysis and Management** - Manage and analyze the data as outlined in the QAPP for 15 rainfall events in which the Consultant collects samples. This is expected to include:
 - Database - Input storm and water quality data into the project database (Excel file or equivalent) including noting any data that has been flagged by the laboratory. Scan and save completed field data forms as well as results provided by the lab and maintain electronic files for the data collected. Manage the database as defined in the QAPP.
 - Storm Reports - Develop individual storm reports for each storm event monitored according to Ecology TAPE requirements.
 - Qualifying Event Assessment - Evaluate the data collected from the data logger and the water quality results from the lab to assess whether a qualifying event occurred.
 - Data Analysis - Analyze the data using the methods defined in the QAPP for each cell, including data normality, hypothesis testing, pollutant removal efficiency, and confidence interval testing using the bootstrapping method.
 - Infiltration Assessment - Assess the infiltration performance of the bioretention cells by analyzing the influent and effluent flow and precipitation data for each cell. Statistical analyses will then be performed on this data, testing for significant differences in flow attenuation and residence time in BSM.
 - Summarize Data - Summarize the analyzed data into tables and graphs as defined in the QAPP, including developing quarterly summaries for stakeholders to review during their meetings. The Consultant will also submit copies of these reports to Ecology quarterly.
- **Third Party Audit**
 - Conduct two (2) third-party audits to confirm the Consultant team is following the procedures defined in the QAPP, including developing two audit report forms (included in the QAPP) that summarize the audit findings.
- **Gonzaga Coordination**
 - The Consultant will coordinate with Gonzaga University senior civil engineering design teams to support the project over two (2) academic years. The students role may include assisting with data collection and management, site maintenance, equipment maintenance and calibration, analyzing and summarizing data, and assisting with development of the TER.



- \$16,000 has been included in the Table 2 fees which the Consultant will pay to Gonzaga University for sponsoring a senior design team.
- The Consultant is responsible for verifying the students' work. This is expected to include verifying all forms are complete and filled out correctly and that the data input into the database is consistent with the original data.
- **Task 1.2.1 TAPE Project Grant Administration**
 - Provide the Consultant services defined in Task 1.2.1 up to \$800.

Client Responsibilities

- The Client and/or Stakeholders are responsible for cleaning the catch basins at the test site using a vactor truck up to four times per year as identified by the Consultant.

Assumptions

- Maintenance and inspection checklists completed as part of this task will be submitted with the TER.
- Fees to advise the senior design teams are included in the sponsorship fees.
- Due to Ecology's requirements for stormwater monitoring (defined in the TAPE requirements), samples may be collected and analyzed that do not meet Ecology requirements. These conditions include but are not limited to:
 - The rainfall event does not meet the criteria for a qualifying event.
 - The target pollutants do not meet the minimum influent concentrations.
 - Insufficient precipitation depth to test for all the pollutants listed in Table 6.
 - Errors reported by the laboratory during analysis.
- The scope of work covers the consultant's services for the activities described to collect samples from up to 15 rainfall events. If this work does not result in samples from 15 events that meet qualifying conditions as defined by the 2018 TAPE Manual, the Consultant will negotiate an amendment to this contract with the City that includes the scope and budget for collecting and lab analysis of additional samples.
- The fees to conduct analysis of water quality and BSM samples listed in Tables 3, 4, and 6 are based on the fees provided by the laboratory at the time the grant application was written. If the fees have increased beyond the project budget, the Consultant will negotiate an amendment to this contract with the City for the additional fees.

Deliverables

- T4.1 Lab Sample Reports (PDF)
- T4.2 Draft and Final Tables & Graphs of Analyzed Data (PDF)
- T4.3 Two (2) Third-Party Audit Reports (PDF)



Task 5.2.1 TAPE Project Reporting

This task focuses on documenting the findings of the TAPE study into a final report and a fact sheet as well as uploading the results to the Ecology EIM or the International BMP Database. The Consultant team's work is expected to include:

Consultant Services

- **Technical Evaluation Report (TER)**
 - Develop a TER following the TAPE guidelines. The TER will summarize the study results and recommendations for future actions based on the findings of the study following the reporting requirements defined in the QAPP.
 - Develop recommendations for design and maintenance of a non-vegetated bioretention cell in the TER that can be used by Permittees in the future to design, construct, and maintain the non-vegetated bioretention BMPs.
- **Fact Sheet**
 - Develop a fact sheet (2-4 pages) that summarizes the findings of the study in language that is accessible to a broad audience. The fact sheet will be formatted to also meet the requirements for the T1.3 Outcome Summary Report.
- **Upload Data to EIM or International BMP Database (BMPDB)**
 - Upload the data collected and analyzed from the project to the Ecology EIM or the BMPDB (based on Ecology's preference). This will include organizing and compiling the data into the BMPDB required format, providing information about the BMP monitored, monitoring events, and results of the monitoring events.
- **Task 1.2.1 TAPE Project Grant Administration**
 - Provide the Consultant services defined in Task 1.2.1 up to \$1,800.

Deliverables

- T5.1 Draft and Final TER (Word or PDF)
- T5.2 Draft and Final Fact Sheet (Word, Microsoft Publisher, or PDF)
- T5.3 Data submitted to EIM or BMPDB (Excel or PDF)

Effectiveness Study Tasks

Task 1.2.2 Unassigned

Per the RFQu, no work will be assigned to this task. The task has been included so that the remaining task names and focus align with the TAPE Project.

Task 2.2.2 Effectiveness Study Project Management & Coordination

This task includes the communication and coordination of the project. This includes the Consultant PM managing all the technical aspects of the project as well as preparing for and



facilitating meetings with the consultant team, the Client, Stakeholders, the TAG, and Ecology. The work associated with this task is expected to include:

Consultant Services

- **Stakeholder Coordination**

- Check-in Meetings - Check-in meetings with the Client, stakeholders, and the Consultant team will be held to discuss the project status. Because the stakeholders and meeting focus are the same as from Task 2.2.1 for the TAPE Project, one meeting will be held each quarter to discuss both projects.
- Kick-off Meeting - The first check-in meeting will serve as a kick-off meeting which will be combined with the TAPE project kick-off meeting. The purpose and agenda for this meeting is the same as described in Task 2.2.1 except the focus will be expanded to include the Effectiveness Study. In addition, the project kickoff meeting (Task 2.3 for both projects), the Consultant will coordinate with the City and stakeholders to define a mutually agreeable review and comment response period that is ahead of the MS4 Permit S8 Monitoring and Assessment deadlines.

- **Ecology Coordination**

- Coordinate with Ecology on the effectiveness study to support that the work completed meets the MS4 Permit requirements defined in S8 Monitoring and Assessment. This is expected to include correspondence and meetings with Ecology to review draft permit required deliverables, schedule review periods, and discuss Ecology's comments and the Consultants responses to comments on deliverables. The Consultant will also synthesize Ecology comments on the draft QAPP into a table format and provide a summary of the Consultant team's comment resolution.
- Meeting agendas and notes from Ecology meetings will be developed that summarize the key topics and the status of action items.
- We have budgeted up to 16 hours for this work.

- **Consultant Project Management & Coordination**

- Project Management - Coordinate with and manage the Consultant team to successfully complete the project tasks. This will include coordinating technical aspects of the project in accordance with the QAPP, managing retention of data records required by the QAPP, managing the project schedule, and tracking the project budget.
- Shared Site - The same online shared site (e.g., OneDrive), that was set up for the TAPE Project will be used to share the Effectiveness Study documents, except project files will be stored in separate folders to keep the project documentation separate.
- Progress Reports & Invoices - Develop progress reports and invoices to request payment from the Client for work completed on the grant. Progress reports will



be combined to develop quarterly summary reports for discussion at the check-in meetings.

Client Responsibilities

- Provide input on the scope, priority of Tasks, Schedule, and Budget.
- Process payment of invoices within 30 calendar days of invoice.
- Review and process contract change requests and amendments, if needed.
- Attend check-in & Ecology meetings.

Assumptions

- The budget assumes twenty hours for check-in meetings with the City and Stakeholders. This includes time for the Consultant team to prepare for, attend, and complete follow-up work.
- The meeting agenda & notes developed for meeting that include topics for both the TAPE and Effectiveness Study projects will clearly denote the topics and key discussion points for each project separately.
- Budget assumes twelve (12) invoices and status reports over the project duration.

Deliverables

- E2.1 Meeting Agendas & Minutes (Word or PDF version)
- E2.2 Table of Ecology Comments and Consultant Responses (Excel or PDF format)
- E2.3 Monthly Progress Reports & Invoices; Project Schedule Updates (PDF version)

Task 3.2.2 Effectiveness Study Preparation

This task focuses on developing a QAPP that meets the EWA MS4 Permit Requirement defined in S8.2.d. The Effectiveness Study builds on the work that will be completed as part of the TAPE Project and expands to include how seasonal variability will be evaluated, what TAPE data will be used, and to describe the controlled experiment aspects of the study.

Consultant Services

- **Effectiveness Quality Assurance Project Plan Amendment**

The City submitted a draft QAPP to meet the July 31, 2023 MS4 Permit deadline; as such the work described in this section focuses on the work remaining to develop an Ecology-approved QAPP which is expected to include:

- Align the content of the draft QAPP with the content from the QAPP developed for the TAPE project (Task 3.2.1).
- Respond to Ecology's comments on the draft QAPP that the City submitted.
- Submit a copy of the revised QAPP to the City and Stakeholders for review and comment and respond to their comments.
- Submit a copy of the revised QAPP to Ecology for review and comment and respond to Ecology's comments on the Consultant revised QAPP.
- We have budgeted up to 92 hours for this work.



Client Responsibilities

- Develop a draft QAPP and submit it to Ecology by the July 31, 2023, MS4 Permit deadline. This will include completing the QAPP portions of the Detailed Study Design Proposal that was submitted to Ecology on September 30, 2022.

Assumptions

- The effectiveness study project work the Consultant outlined in the detailed study design proposal that the City and Stakeholders submitted to Ecology on September 30, 2022 was not modified. If work has been modified, the Consultant will meet with the City to assess if the modifications will result in additional work beyond what is described in the scope of work for the Effectiveness Study. If there is additional work, the Consultant will negotiate an amendment to this contract with the City that includes the scope and budget for that additional work.
- The budget assumes one round of consolidated comments from the Client, Stakeholders), and Ecology on the revised QAPP which the Consultant Team will incorporate into the final documents.

Deliverables

- E3.1 Revised Draft and Final QAPP; Responses to City and Ecology comments (Word and PDF version)

Task 4.2.2 Effectiveness Study Data Collection & Analysis

This task focuses on conducting the study as defined in the Ecology-approved QAPP, which is expected to include the work defined in the following subtasks.

Consultant Services

- **Leverage TAPE Project Data**

Data collected for the TAPE Project will be used to meet part of the effectiveness study project goals. This data includes weather (precipitation depth and air temperature), runoff flow rate, infiltration rate, and water quality data. The work is expected to include:

- Seasonal Data Criteria - Develop a criteria that defines the characteristics of cold (winter) and hot (summer) weather conditions. The criteria will be submitted with the revised QAPP.
- Data Management - Data collected from the TAPE study will be categorized as winter or summer precipitation events using the criteria developed. Then the data will be organized into tables by category so the data is ready for analysis as defined in the subsequent subtask.

- **Data Collection**

After the TAPE Project is complete, The consultant will conduct 12 (twelve) simulated rainfall events at the test site that was constructed as part of the TAPE Project. Storm events will be simulated using synthetic stormwater and pumping the water to the two non-vegetated bioretention cells present at the site. Synthetic stormwater will be



created using water from a fire hydrant at the site and chemical standards for TSS, dissolved copper, dissolved zinc, and phosphorus. The work is expected to include:

- Preparation – Setup the test site for conducting the simulated rainfall events including ordering equipment and building the rainfall distribution system. This will also include time to coordinate with Gonzaga University for when this work will be conducted as well as maintaining and calibrating the monitoring equipment per the final QAPP.
- Data Collection – Conduct twelve (12) simulated storm events. Six (6) of the synthetic stormwater batches will contain deicer to understand the impacts of deicing chemicals on treatment performance. Influent and effluent samples will be collected, processed, and transported to an Ecology-certified lab to analyze the samples.
- Data Management – Input storm and water quality data into the project database (Excel file or equivalent) including noting any data that has been flagged by the laboratory. Scan and save completed field data forms as well as results provided by the lab and maintain electronic files for the data collected. Manage the database as defined in the QAPP.

- **Data Management and Analysis**

Analyze the data as defined in the QAPP which is expected to include:

- TAPE Data – A statistical analysis will be performed to determine whether a statistically significant difference exists between the treatment performance and infiltration data collected during winter and summer climate conditions. In addition, a trend analysis will be performed on the same data to assess if there are seasonal trends in the treatment or infiltration performance.
- Effectiveness Study Data – Data analysis will be conducted on the water quality data including normality and hypothesis testing, pollutant removal efficiency, and confidence interval testing using the bootstrapping method. The infiltration performance of the BSM will also be assessed by analyzing the influent and effluent flow and precipitation data for each cell. Statistical analyses will then be performed on the infiltration and water quality data to evaluate the significance of the differences in data collected during simulated storm events with deicer to data collected during events not using deicer to determine whether statistically significant differences occur in treatment performance and/or infiltration rates.
- Data Presentation – Results from the analysis will be summarized into tables and graphs as defined in the QAPP, including developing quarterly summaries for stakeholders to review during their meetings.

- **Third Party Audit**

- Conduct two (2) third-party audits to confirm the Consultant team is following the procedures defined in the QAPP, including developing two audit report forms (included in the QAPP) that summarize the audit findings.



Client Responsibilities

- The Client and/or Stakeholders are responsible for cleaning the catch basins at the test site using a vactor truck up to four times per year as identified by the Consultant.

Assumptions

- The budget assumes up to \$5,000 for analyzing water quality samples from twelve events as well as supplies needed to conduct simulated rainfall events.
- The development of the seasonal weather criteria will be billed to this task with the final version submitted in the revised version of the QAPP.

Deliverables

- E4.1 Categorized Data (Excel and PDF)
- E4.2 Lab Sample Reports (PDF)
- E4.3 Draft Tables & Graphs of Analyzed Data (Excel, Word, or PDF)
- E4.4 Two (2) Third-Party Audit Reports (PDF)

Task 5.2.2 Effectiveness Study Reporting

This task focuses on documenting the findings of the Effectiveness Study into a final report and developing a fact sheet that provides a brief overview of the study findings as well as uploading the results to the Ecology EIM or the International BMP Database. The Evergreen team's work is expected to include:

Consultant Services

- **Technical Evaluation Report (TER)**
 - Develop a TER following to meet EWA MS4 Permit S8.B.1.b requirements including following the format defined in the Ecology-approved QAPP. The TER will summarize the study results and recommendations for future actions based on the findings of the study.
 - Develop recommendations for design and maintenance of a non-vegetated bioretention cell in the TER that can be used by Permittees in the future to design, construct, and maintain the non-vegetated bioretention BMPs.
- **Fact Sheet**
 - Develop a fact sheet (2-4 pages) that summarizes the findings of the study in language that is accessible to a broad audience. The fact sheet will be developed to meet the EWA MS4 Permit S8.B.1.c requirements. The fact sheet will also describe how work and data from the TAPE project were used to inform the Effectiveness Study.
- **Upload Data to EIM or International BMP Database (BMPDB)**
 - Upload the data collected and analyzed from the Effectiveness Study project to the Ecology EIM or the BMPDB (based on Ecology's preference) to meet the EWA MS4 Permit S8.B.1.a requirements. This will include organizing and compiling the



data into the BMPDB required format, providing information about the BMP monitored, monitoring events, and results of the monitoring events.

- **Annual Summaries**

- Develop a summary regarding the implementation of the Effectiveness Study for the Client and Stakeholders' 2023, 2024, 2025, and 2026 Annual Reports. The summaries will be developed to meet the EWA MS4 Permit requirements for Annual Reports S4.G.1.d regarding the results of any monitoring, assessment, or evaluation: water quality and BSM sample collection, analytical results, data analysis, and deliverable progress. The summaries will also be developed to meet the EWA MS4 Permit requirement S8.B.2, which requires that every Permittee track assigned duties and record participation in Effectiveness Study meetings, proposal development, project reviews, and study implementation, and include the summary in the Permittee's Annual Report.

Assumptions

- To the extent possible, portions of the TAPE TER and Fact Sheet will be used and/or modified to reduce the overall time and cost of developing these documents for the Effectiveness Study.

Deliverables

- E5.1 Draft and Final TER
- E5.2 Draft and Final Fact Sheet
- E5.3 Data submitted to EIM or BMPDB
- E5.4 Draft and Final Annual Report Summaries for 2023, 2024, & 2025



Fee Summary & Project Schedule

The fees are based on the scope of services defined in this document and associated assumptions. The professional services are based on a time and materials basis not to exceed \$476,979. All expenses will be billed at cost plus a 5% markup. Any modifications to the scope or requests for additional services will be agreed upon prior to proceeding. A fee breakdown is provided in Table 2.

Table 2. Fee Summary

Task Number & Name	Fees
TAPE Study Project	
Task 1.2.1 TAPE Project Grant Administration	\$0
Task 2.2.1 TAPE Project Management & Coordination	\$60,278
Task 3.2.1 TAPE Study Preparation	\$102,394
Task 4.2.1 TAPE Data Collection and Analysis	\$171,588
Task 5.2.1 TAPE Project Reporting	\$41,685
TAPE Project Total	\$375,945
Effectiveness Study Project	
Task 1.2.2 Unassigned	\$0
Task 2.2.2 Effectiveness Study Project Management & Coordination	\$15,516
Task 3.2.2 Effectiveness Study Preparation	\$14,496
Task 4.2.2 Effectiveness Study Data Collection & Analysis	\$41,353
Task 5.2.2 Effectiveness Study Reporting	\$29,670
Effectiveness Study Project Total	\$101,035
Total	\$476,979



Table 3. High Performance Bioretention Soil Media (HPBSM) Testing

Layer	Component	Parameter	Method	Cost per Sample	# of Samples	Total Cost
High Performance Bioretention Soil Media	Coconut Coir Fiber	Nitrate-Nitrite	Synthetic Precipitation Leaching Protocol (EPA Method 1312)	\$152.00	3	\$456.00
		Total Phosphorous				
		Otho-phosphorus				
		Copper	\$95.00	3	\$285.00	
		Electrical Conductivity	TMECC Method 04.10-A	\$20.00	3	\$60.00
	Filter Sand	Particle Size Distribution for sieve sizes: 3/8", No 4., 8, 16, 30, 50, 100, 200	ASTM D422	\$96.00	3	\$288.00
		Nitrate-Nitrite	Synthetic Precipitation Leaching Protocol (EPA Method 1312)	\$152.00	3	\$456.00
		Total Phosphorous				
		Otho-phosphorus				
		Copper				
	High Carbon Wood Ash (Biochar)	Nitrate-Nitrite	Synthetic Precipitation Leaching Protocol (EPA Method 1312)	\$152.00	3	\$456.00
		Total Phosphorous				
		Otho-phosphorus				
		Copper				
		Organic Carbon (C _{org})	EPA 440.0 (total C & H) & ASTM D4373 (Inorganic C)	\$23.00	3	\$69.00
		H:C _{org}				
		Volatile Matter	ASTM D1762	\$40.00	3	\$120.00
		Ash				
Arsenic		EPA Method 6020	\$110.00	3	\$330.00	
Cadmium, Lead, Mercury, Copper, Molybdenum, Nickel, Selenium, Zinc						
PAH						EPA 8270
Dioxins/Furans		EPA Method 8290				
Cation Exchange Capacity	EPA Method 9081	\$13.00	3	\$39.00		
#6 & #100	ASTM D422	\$24.00	3	\$72.00		



Layer	Component	Parameter	Method	Cost per Sample	# of Samples	Total Cost
Polishing Layer	Filter Sand	Particle Size Distribution for sieve sizes: 3/8", No 4., 8, 16, 30, 50, 100, 200	ASTM D422	\$96.00	3	\$288.00
		Nitrate-Nitrite	Synthetic Precipitation Leaching Protocol (EPA Method 1312)	\$152.00	3	\$456.00
		Total Phosphorous				
		Otho-phosphorus				
	Copper		\$95.00	3	\$285.00	
	Activated Alumina	Nitrate-Nitrite	Synthetic Precipitation Leaching Protocol (EPA Method 1312)	\$152.00	3	\$456.00
		Total Phosphorous				
		Otho-phosphorus				
		Copper				
		Alumina (Al ₂ O ₃) content	Manufacturer Analysis			
		Bulk Density				
		Surface Area				
	#14 & #28 US Standard Sieve	ASTM D422	\$24.00	3	\$72.00	
	Iron Aggregate	Nitrate-Nitrite	Synthetic Precipitation Leaching Protocol (EPA Method 1312)	\$152.00	3	\$456.00
		Total Phosphorous				
		Otho-phosphorus				
		Copper		\$95.00	3	\$285.00
Iron Content by Weight		Producer Analysis				
Particle Size Distribution for sieve sizes: No 4., 8, 16, 30, 50, 100, 200		ASTM D422 or Producer Analysis	\$84.00	3	\$252	
HPBSM Testing Total						\$6,786.00
Total BSM Testing¹						\$7,230.00
Total BSM Testing w/ Tax						\$8,000.00

1. Includes fees from Table 4.



Table 4. 60:40 Bioretention Soil Media (60:40 BSM) Testing

Parameter	Method	Cost per Sample	Number of Samples	Total Cost
Cation Exchange Capacity	EPA 9081/S-10.10	\$13.00	3	\$39.00
Total Elements (Zn, Cu)	EPA 6020	\$26.00	3	\$78.00
Particle Size Distribution for the following sieve sizes: 3/8", No. 4, No. 10, No. 40, No. 100, No. 200	ASTM D422	\$96.00	3	\$288.00
Organic Matter Content	ASTM D2974 or TMECC 5.07A	\$13.00	3	\$39.00
60:40 BSM Total Testing				\$444.00

Table 5. Monitoring Equipment Maintenance Costs

Item	Quantity	Unit	Unit Price	Total Cost
Maintenance of Automated Samplers	1	Per Item	\$4,874	\$4,874
Sample Tubing	100	ft	\$4.70	\$470
Thelmar Weir	6	Per Item	\$262.50	\$1,575
Maintenance of Pressure Transducer	1	Per Item	\$1,413	\$1,413
Replace Sump Pumps	4	Per Item	\$100	\$400
Total				\$8,332
Total with Tax				\$9,165
20% Contingency				\$11,000



Table 6. Water Quality Testing Costs

Parameter	Method	Influent # Samples	Effluent 60:40 BSM # Samples	Effluent HPBSM # Samples	Total Number of samples ¹	Cost per Sample	Total Cost
Total Suspended Solids (TSS)	SM 2540 D	15	15	15	60	\$20	\$1,200
Particle Size Distribution (PSD)	Modified SSC method (based on ASTM D3977-97)	3	3	3	12	\$50	\$600
pH	EPA Method 150.1	15	15	15	60	\$15	\$900
Total Phosphorous (TP)	SM 4500-P F	15	3	15	47	\$40	\$1,880
Orthophosphate (OP)	SM 4500-P F	15	3	15	47	\$25	\$1,175
TKN	EPA 351.2 or SM 4500 Norg D	3	3	3	12	\$40	\$480
Nitrate-Nitrite	SM 4500-NO ₃ I	3	3	3	12	\$30	\$360
Hardness as CaCO ₃	SM 2340 B (ICP)	15	15	15	60	\$48	\$2,880
Total Copper (Cu)	EPA 200.8(ICP/MS) or SM 3125 (ICP/MS)	15	15	15	60	\$35	\$2,100
Dissolved Copper (Cu)		15	15	15	60	\$48	\$2,880
Total Zinc (Zn)		15	15	15	60	\$13	\$780
Dissolved Zinc (Zn)		15	15	15	60	\$35	\$2,100
NWTPH-Dx	NWTPH-Dx	15	15	15	60	\$95	\$5,700
Fecal Coliform	SM 9222 D (Enumeration, MF)	3	3	3	12	\$30	\$360
E-Coli	SM 9223B	3	3	3	12	\$40	\$480
Total							\$23,875
Total with Tax							\$26,000

1. Fees are included for testing the required and screening parameters per the TAPE Guidance Manual plus duplicates and rinsate blanks.



Table 7. Proposed Project Schedule^{1,2,3}

Task Name	2023						2024				2025					
	J	A	S	O	N	D	Q1	Q2	Q3	Q4	Q1	Q2	Q3	O	N	D
Task 1.0 TAPE Project Grant Administration																
1.1 Quarterly Reports	T1.1			T1.1			T1.1	T1.1	T1.1	T1.1	T1.1	T1.1	T1.1	T1.1		
1.2 Recipient Closeout Report																
1.3 Outcome Summary Report																
1.4 Contract, Permit, and Property Documents	T1.4															
Task 2.0 Consultant Project Management & Coordination																
Task 2.2.1 TAPE Project Management & Coordination																
2.1 Stakeholder Coordination	T2.1a	T2.1b		T2.1c			T2.1a	T2.1c	T2.1a	T2.1c	T2.1a	T2.1c	T2.1a	T2.1c		
2.2 Ecology & BER Coordination	T2.2			T2.2												
2.3 Consultant Project Management & Coordination	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3
2.4 TAPE Administration																
Task 2.2.2 Effectiveness Study Management & Coordination																
E2.1 Stakeholder Coordination	E2.1			E2.1			E2.1		E2.1		E2.1		E2.1			
E2.2 Coordination of QAPP & TER Reviews	E2.2	E2.2														
E2.3 Consultant Project Management & Coordination	E2.3	E2.3	E2.3	E2.3	E2.3	E2.3										
Task 3.0 Study Preparation																
Task 3.2.1 TAPE Project Preparation																
3.1 TAPE Application		T3.1d	T3.1f													
3.2 Quality Assurance Project Plan (QAPP)		T3.2d		T3.2f												
3.3 BSM Selection & Testing	T3.3d	T3.3f														
3.4 Construction Plans to Modify Test Site ⁱⁱ		T3.5d		T3.5f												
3.5 Modify Test-Site			T3.5	T3.5	T3.5											
Task 3.2.2 Effectiveness Study Preparation																
E3.1 Quality Assurance Project Plan (QAPP)	E3.1d				E3.1f ⁹	Note 4										
Task 4.0 Data Collection & Analysis																
Task 4.2.1 TAPE Project Data Collection & Analysis																
4.1 Operation of Monitoring System, Data Collection																
4.2 Data Analysis & Management																
4.3 Third Party Audit								T4.3				T4.3				
Task 4.2.2 Effectiveness Study Data Collection & Analysis																
E4.1 Leverage TAPE Project Data																
E4.2 Data Collection																
E4.3 Data Analysis																
Task 5.0 Reporting																
Task 5.2.1 TAPE Project Reporting																
5.1 TER																
5.2 Fact Sheet																
5.3 Upload Data to EIM/BMP Database																
Task 5.2.2 Effectiveness Study Reporting																
E5.1 TER																
E5.2 Fact Sheet																
E5.3 Upload Data to EIM/BMPDB																
E5.4 Annual Summaries							E5.4				E5.4					



Table 7. Proposed Project Schedule^{1,2} Continued

Task Name ^{1,2,3}	2026												2027					
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
Task 1.0 TAPE Project Grant Administration																		
1.1 Quarterly Reports	T1.1			T1.1			T1.1			T1.1			T1.1	T1.1				
1.2 Recipient Closeout Report														T1.2				
1.3 Outcome Summary Report														T1.3				
1.4 Contract, Permit, and Property Documents																		
Task 2.0 Consultant Project Management & Coordination																		
Task 2.2.1 TAPE Project Management & Coordination																		
2.1 Stakeholder Coordination	T2.1a			T2.1c			T2.1a			T2.1c			T2.1a	T2.1c				
2.2 Ecology & BER Coordination												T2.2		T2.2				
2.3 Consultant Project Management & Coordination	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3	T2.3				
Task 2.2.2 Effectiveness Study Management & Coordination																		
E2.1 Stakeholder Coordination			E2.1						E2.1								E2.1	
E2.2 Coordination of QAPP and TER Reviews															E2.2		E2.2	E2.2
E2.3 Consultant Progress Reports									E2.3	E2.3		E2.3		E2.3		E2.3		E2.3
Task 3.0 Study Preparation																		
Task 3.2.1 TAPE Project Preparation																		
3.1 TAPE Application																		
3.2 Quality Assurance Project Plan (QAPP)																		
3.3 BSM Selection & Testing																		
3.4a Construction Plans to Modify Test Site																		
3.4b Modify Test-Site																		
Task 3.2.2 Effectiveness Study Preparation																		
E3.1 Quality Assurance Project Plan (QAPP)																		
Task 4.0 Data Collection & Analysis																		
Task 4.2.1 TAPE Project Data Collection & Analysis																		
4.1 Operation of Monitoring System, Data Collection												T4.1						
4.2 Data Analysis & Management												T4.2						
4.3 Third Party Audit				T4.3														
Task 4.2.2 Effectiveness Study Data Collection & Analysis																		
E4.1 Leverage TAPE Project Data												E4.1						
E4.2 Data Collection															E4.2			
E4.3 Data Analysis															E4.3			
Task 5.0 Reporting																		
Task 5.2.1 TAPE Project Reporting																		
5.1 TER												T5.1d		T5.1f				
5.2 Fact Sheet													T5.2d	T5.2f				
5.3 Upload Data to EIM/BMP Database														T5.3				
Task 5.2.2 Effectiveness Study Reporting																		
E5.1 TER																E5.1d		E5.1f
E5.2 Fact Sheet																E5.2d		E5.2f
E5.3 Upload Data to EIM/BMPDB																		E5.3
E5.4 Annual Summaries	E5.4												E5.4					



Table 1. Proposed Project Schedule Notes & Cell Color Coding

	TAPE Project	TX.X	TAPE Project Deliverables		Effectiveness Study	EX.X	Effectiveness Study Deliverables		EWA Phase II MS4 Permit Deadline
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1. Draft deliverables are denoted with a "d" following the deliverable number and final deliverables are denoted with a "f" following the deliverable number.
2. Task 1 applies only to the TAPE study. Note that for Ecology grant-funded projects, only jurisdictions can bill time to Task 1; as such consultant fees to support Task 1 work will be included in Task 2 for the TAPE Project.
3. The abbreviation E before Tasks and Deliverables represents the "Effectiveness Study" work. The Effectiveness Study will occur at the same test site as the TAPE study.
4. The MS4 Permit deadline for starting to collect samples is December 31, 2023.





Agenda Sheet for City Council Meeting of:
11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	ORD C36457
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	HUMAN RESOURCES
Contact Name/Phone	DAVID MOSS 625-6383
Contact E-Mail	DMOSS@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	0620-HUMAN RESOURCES-QUARTERLY RANGE CHANGES Q3 2023

Agenda Wording
Approval of the quarterly salary range changes that have been identified.

Summary (Background)
The City's Human Resources Department conducted an internal and external salary analysis of select positions due to a change in duties and job responsibilities. The individual positions impacted by the salary analysis are listed. Upon approval these range changes will be put into effect in the HR system and incumbents' pay will be adjusted in the current year. These salary range changes are incorporated into the 2024 budget.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Select \$		#
Select \$		#
Select \$		#
Select \$		#

Approvals		Council Notifications	
Dept Head	MOSS, DAVID	Study Session\Other	PIES Committee 10/23/2023
Division Director	MOSS, DAVID	Council Sponsor	CM Cathcart & CM Wilkerson
Finance	BUSTOS, KIM	Distribution List	
Legal	PICCOLO, MIKE		
For the Mayor	JONES, GARRETT		
Additional Approvals			
Purchasing			
MANAGEMENT & BUDGET	STRATTON, JESSICA		

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	Human Resources																																																																																																																					
Contact Name & Phone	David Moss																																																																																																																					
Contact Email	dmoss@spokanecity.org																																																																																																																					
Council Sponsor(s)	CM Cathcart & CM Wilkerson																																																																																																																					
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5min																																																																																																																					
Agenda Item Name	SBO – Q3 2023, Quarterly Range Changes																																																																																																																					
Summary (Background)	<p>The City’s Human Resources Department conducted an internal and external salary analysis of the below positions due to a change in duties and job responsibilities. The individual positions affected by the salary analysis are listed below. Upon approval these range changes will be put into effect in the HR system and incumbents’ pay will be adjusted.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th>Union</th> <th>SPN</th> <th>Title</th> <th>From Grade</th> <th>To Grade</th> <th>Former Range</th> <th>New Range</th> </tr> </thead> <tbody> <tr> <td>270</td> <td>279</td> <td>Police Radio Dispatcher III</td> <td>44</td> <td>46</td> <td>\$55,394.64- \$91,287.36</td> <td>\$57,002.40- \$93,918.24</td> </tr> <tr> <td>270</td> <td>284</td> <td>Police Radio Dispatcher II</td> <td>38</td> <td>40</td> <td>\$50,383.44- \$80,638.56</td> <td>\$52,032.96- \$85,712.40</td> </tr> <tr> <td>270</td> <td>018</td> <td>Police Record Technology Specialist</td> <td>31</td> <td>33</td> <td>\$44,328.24- \$69,760.08</td> <td>\$46,270.08- \$72,370.08</td> </tr> <tr> <td>M&P-A</td> <td>738</td> <td>Director of Fleet Services</td> <td>52</td> <td>56</td> <td>\$88,092.72 - \$123,505.20</td> <td>\$97,948.08 - \$137,536.56</td> </tr> <tr> <td>M&P-B</td> <td>342</td> <td>Recovery Conservation Manager</td> <td>-</td> <td>46</td> <td>-</td> <td>\$76,212.00- \$107,991.36</td> </tr> <tr> <td>M&P-B</td> <td>043</td> <td>Fire-Education and Outreach Specialist</td> <td>-</td> <td>38</td> <td>-</td> <td>\$62,702.64- \$88,802.64</td> </tr> <tr> <td>270</td> <td>031</td> <td>Pension Specialist</td> <td>30</td> <td>34</td> <td>\$45,539.28- \$71,534.88</td> <td>\$49,757.04- \$77,527.44</td> </tr> <tr> <td>M&P-A</td> <td>751</td> <td>Facilities Director</td> <td>52</td> <td>56</td> <td>\$88,092.72 - \$123,505.20</td> <td>\$97,948.08 - \$137,536.56</td> </tr> <tr> <td>M&P-B</td> <td>050</td> <td>Safety Coordinator</td> <td>43</td> <td>45</td> <td>\$70,824.96- \$100,474.56</td> <td>\$74,478.96- \$105,590.16</td> </tr> <tr> <td>270</td> <td>611</td> <td>Plumber</td> <td>37</td> <td>38</td> <td>\$52,408.80- \$82,288.08</td> <td>\$52,909.92- \$84,689.28</td> </tr> <tr> <td>270</td> <td>605</td> <td>Electrician</td> <td>37</td> <td>38</td> <td>\$52,408.80- \$82,288.08</td> <td>\$52,909.92- \$84,689.28</td> </tr> <tr> <td>MPB</td> <td>066</td> <td>Assistant Parks & Recreation Department Manager</td> <td>45</td> <td>46</td> <td>\$74,478.96- \$105,590.16</td> <td>\$76,212.00- \$107,991.36</td> </tr> <tr> <td>MPB</td> <td>078</td> <td>Parks Programming Manager</td> <td>45</td> <td>46</td> <td>\$74,478.96- \$105,590.16</td> <td>\$76,212.00- \$107,991.36</td> </tr> <tr> <td>MPB</td> <td>696</td> <td>Park Safety and Facilities Mgr.</td> <td>45</td> <td>46</td> <td>\$74,478.96- \$105,590.16</td> <td>\$76,212.00- \$107,991.36</td> </tr> <tr> <td>NON-REP</td> <td>763</td> <td>Director of Parks & Recreation</td> <td>61</td> <td>65</td> <td>\$112,919.04- \$158,437.44</td> <td>\$120,018.24- \$167,394.96</td> </tr> </tbody> </table>						Union	SPN	Title	From Grade	To Grade	Former Range	New Range	270	279	Police Radio Dispatcher III	44	46	\$55,394.64- \$91,287.36	\$57,002.40- \$93,918.24	270	284	Police Radio Dispatcher II	38	40	\$50,383.44- \$80,638.56	\$52,032.96- \$85,712.40	270	018	Police Record Technology Specialist	31	33	\$44,328.24- \$69,760.08	\$46,270.08- \$72,370.08	M&P-A	738	Director of Fleet Services	52	56	\$88,092.72 - \$123,505.20	\$97,948.08 - \$137,536.56	M&P-B	342	Recovery Conservation Manager	-	46	-	\$76,212.00- \$107,991.36	M&P-B	043	Fire-Education and Outreach Specialist	-	38	-	\$62,702.64- \$88,802.64	270	031	Pension Specialist	30	34	\$45,539.28- \$71,534.88	\$49,757.04- \$77,527.44	M&P-A	751	Facilities Director	52	56	\$88,092.72 - \$123,505.20	\$97,948.08 - \$137,536.56	M&P-B	050	Safety Coordinator	43	45	\$70,824.96- \$100,474.56	\$74,478.96- \$105,590.16	270	611	Plumber	37	38	\$52,408.80- \$82,288.08	\$52,909.92- \$84,689.28	270	605	Electrician	37	38	\$52,408.80- \$82,288.08	\$52,909.92- \$84,689.28	MPB	066	Assistant Parks & Recreation Department Manager	45	46	\$74,478.96- \$105,590.16	\$76,212.00- \$107,991.36	MPB	078	Parks Programming Manager	45	46	\$74,478.96- \$105,590.16	\$76,212.00- \$107,991.36	MPB	696	Park Safety and Facilities Mgr.	45	46	\$74,478.96- \$105,590.16	\$76,212.00- \$107,991.36	NON-REP	763	Director of Parks & Recreation	61	65	\$112,919.04- \$158,437.44	\$120,018.24- \$167,394.96
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M&P-B	811	Assistant Director of Fleet Services	44	47	\$72,662.40- \$103,230.72	\$78,112.08- \$110,455.20
M&P-A	805	Deputy City Clerk-Public Records Analyst	42	44	\$69,071.04- \$96,570.00	\$72,662.40- \$101,706.48
M&P-A	807	City Clerk	51	52	\$86,088.24- \$120,749.04	\$88,092.72- \$123,505.20
M&P-B	042	SR HR Analyst	52	53	\$88,092.72 - \$125,342.64	\$92,414.88 - \$130,270.32
270	625	Fleet Service Writer	36	38	\$51,636.24 - \$80,638.56	\$52,909.92 - \$84,689.28
270	183	Fleet Warranty and Program Specialist	31	33	\$46,562.40 - \$73,267.92	\$48,587.76- \$76,003.20
M&P-B	627	Fleet Analyst	40	41	\$65,939.04 - \$93,438.00	\$67,567.68- \$95,693.04
270	287	Electronic Comm. Systems Tech	39	40	\$53,849.52- \$87,570.72	\$54,642.96 - \$90,013.68
M&P-B	234	Principal Engineer	56	57	\$97,948.08- \$139,561.92	\$100,474.56- \$145,450.08
M&P-B	301	Neighborhood & Housing Specialist	40	42	\$65,939.04- \$93,438.00	\$69,071.04- \$98,010.72
270	222	Public Works Materials Laboratory Assistant	37	39	\$52,408.80- \$82,288.08	\$53,849.52 - \$87,570.72
270	551	Landfill Transfer Station Foreperson	45	46	\$58,944.24- \$97,300.80	\$59,862.96- \$98,616.24
270	217	Public Works Lead Inspector	37	39	\$52,408.80- \$82,288.08	\$53,849.52- \$87,570.72
270	090	Water Efficiency Specialist	32	33	\$47,606.40- \$74,583.36	\$48,587.76- \$76,003.20
270	023	Lead Permit Technician	-	39		\$53,849.52- \$87,570.72
270	010	Permit Technician II	32	36	\$47,606.40- \$74,583.36	\$51,636.24- \$80,638.56
270	009	Permit Technician I	28	30	\$43,534.80- \$68,382.00	\$45,539.28- \$71,534.88
M&P-B	658	Environmental Program Manager	52	53	\$88,092.72- \$125,342.64	\$92,414.88- \$130,270.32
M&P-B	128	Budget Analyst	47	49	\$78,112.08- \$110,455.20	\$81,995.76- \$115,612.56

Proposed Council Action & Date: Approve range change SBO on October 30, 2023

Fiscal Impact:
Total Annual Cost: \$216,000 - \$386,000 (\$72,000 - \$148,000 in the General Fund)
Total Cost Remaining This Year: \$54,000 - \$97,000 (\$18,000 - \$37,000 in the General Fund)

Approved in current year budget? Yes No N/A

Funding Source One-time Recurring

Specify funding source: Various funds' revenues or reserves

Expense Occurrence One-time Recurring

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

Operations Impacts

What impacts would the proposal have on historically excluded communities?

N/A, recurring HR admin task.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A, recurring HR admin task.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

N/A, recurring HR admin task.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Ensures compensation equity.

ORDINANCE NO C36457

An ordinance amending Ordinance No. C36345, passed by the City Council December 12, 2022, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2023, making appropriations in the various funds of the City of Spokane government for the year ending December 31, 2023, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2023 budget Ordinance No. C36345, as above entitled, and which passed the City Council December 12, 2022, it is necessary to make changes in the appropriations of the various funds listed below, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Change the grade and associated pay range for the Police Record Technology Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	018	Police Record Technology Specialist	31	33	\$44,329-\$69,760	\$46,270-\$72,370

- 2) Change the grade and associated pay range for the Senior Human Resources Analyst position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	042	Senior Human Resources Analyst	52	53	\$88,093-\$125,343	\$92,415-\$130,270

- 3) Change the grade and associated pay range for the Budget Analyst position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	128	Budget Analyst	47	49	\$78,112-\$110,455	\$81,996-\$115,613

- 4) Change the grade and associated pay range for the Public Works Lead Inspector position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	217	Public Works Lead Inspector	37	39	\$52,409-\$82,288	\$53,850-\$87,571

- 5) Change the grade and associated pay range for the Public Works Materials Laboratory Assistant position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	222	Public Works Materials Laboratory Assistant	37	39	\$52,409-\$82,288	\$53,850-\$87,571

- 6) Change the grade and associated pay range for the Principal Engineer position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	234	Principal Engineer	56	57	\$97,948-\$139,562	\$100,475-\$145,450

- 7) Change the grade and associated pay range for the Police Radio Dispatcher III position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	279	Police Radio Dispatcher III	44	46	\$55,395-\$91,287	\$57,002-\$93,918

- 8) Change the grade and associated pay range for the Police Radio Dispatcher II position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	284	Police Radio Dispatcher II	38	40	\$50,383-\$80,639	\$52,033-\$85,712

- 9) Change the grade and associated pay range for the Deputy City Clerk position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPA	805	Deputy City Clerk	42	44	\$69,071-\$96,570	\$72,662-\$101,706

- 10) Change the grade and associated pay range for the City Clerk position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPA	807	City Clerk	51	52	\$86,088-\$120,749	\$88,093-\$123,505

Section 2. That in the budget of the Fleet Services Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Fleet Warranty and Program Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	183	Fleet Warranty and Program Specialist	31	33	\$46,562-\$73,268	\$48,588-\$76,003

- 2) Change the grade and associated pay range for the Electronic Communication Systems Tech position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	287	Electronic Comm Systems Tech	39	40	\$53,850-\$87,571	\$54,643-\$90,014

- 3) Change the grade and associated pay range for the Fleet Analyst position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	627	Fleet Analyst	40	41	\$65,939-\$93,438	\$67,568-\$95,693

- 4) Change the grade and associated pay range for the Director of Fleet Services position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPA	738	Director of Fleet Services	52	56	\$88,093-\$123,505	\$97,948-\$137,537

- 5) Change the grade and associated pay range for the Assistant Director of Fleet Services position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	811	Assistant Director of Fleet Services	44	47	\$72,662-\$103,231	\$78,112-\$110,455

Section 3. That in the budget of the Parks and Recreation Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Assistant Parks & Recreation Dept Manager position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	066	Assistant Parks & Recreation Dept Manager	45	46	\$74,479- \$105,590	\$76,212- \$107,991

- 2) Change the grade and associated pay range for the Parks Programming Manager position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	078	Parks Programming Manager	45	46	\$74,479- \$105,590	\$76,212- \$107,991

- 3) Change the grade and associated pay range for the Plumber position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	611	Plumber	37	38	\$52,409- \$82,288	\$52,910- \$84,689

- 4) Change the grade and associated pay range for the Park Safety & Facilities Manager position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	696	Park Safety & Facilities Manager	45	46	\$74,479- \$105,590	\$76,212- \$107,991

- 5) Change the grade and associated pay range for the Director of Parks & Recreation position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Exempt	763	Director of Parks & Recreation	61	65	\$112,919- \$158,437	\$120,018- \$167,395

Section 4. That in the budget of the Development Services Center Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Permit Technician I position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	009	Permit Technician I	28	30	\$43,535-\$68,382	\$45,539-\$71,535

- 2) Change the grade and associated pay range for the Permit Technician II position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	010	Permit Technician II	32	36	\$47,606-\$74,583	\$51,636-\$80,639

- 3) Change the grade and associated pay range for the Public Works Lead Inspector position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	217	Public Works Lead Inspector	37	39	\$52,409-\$82,288	\$53,850-\$87,571

- 4) Change the grade and associated pay range for the Principal Engineer position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	234	Principal Engineer	56	57	\$97,948-\$139,562	\$100,475-\$145,450

- 5) Change the grade and associated pay range for the Neighborhood & Housing Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	301	Neighborhood & Housing Specialist	40	42	\$65,939-\$93,438	\$69,071-\$98,011

- 6) Change the grade and associated pay range for the Lead Permit Technician position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	023	Lead Permit Technician	-	39	-	\$53,850-\$87,571

Section 5. That in the budget of the Water Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Safety Coordinator position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	050	Safety Coordinator	43	45	\$70,825- \$100,475	\$74,479- \$105,590

- 2) Change the grade and associated pay range for the Water Efficiency Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	090	Water Efficiency Specialist	32	33	\$47,606- \$74,583	\$48,588- \$76,003

- 3) Change the grade and associated pay range for the Principal Engineer position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	234	Principal Engineer	56	57	\$97,948- \$139,562	\$100,475- \$145,450

Section 6. That in the budget of the Facilities Operations Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Electrician position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	605	Electrician	37	38	\$52,409- \$82,288	\$52,910- \$84,689

- 2) Change the grade and associated pay range for the Facilities Director position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPA	751	Facilities Director	52	56	\$88,093- \$123,505	\$97,948- \$137,537

Section 7. That in the budget of the Sewer Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Safety Coordinator position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	050	Safety Coordinator	43	45	\$70,825-\$100,475	\$74,479-\$105,590

- 2) Change the grade and associated pay range for the Principal Engineer position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	234	Principal Engineer	56	57	\$97,948-\$139,562	\$100,475-\$145,450

- 3) Change the grade and associated pay range for the Environmental Program Manager position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	658	Environmental Program Manager	52	53	\$88,093-\$125,343	\$92,415-\$130,270

Section 8. That in the budget of the Solid Waste Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Safety Coordinator position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	050	Safety Coordinator	43	45	\$70,825-\$100,475	\$74,479-\$105,590

- 2) Change the grade and associated pay range for the Landfill Transfer Station Foreperson position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	551	Landfill Transfer Station Foreperson	45	46	\$58,944-\$97,301	\$59,863-\$98,616

Section 9. That in the budget of the Public Safety Levy Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Police Radio Dispatcher II position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
Local 270	284	Police Radio Dispatcher II	38	40	\$50,383- \$80,639	\$52,033- \$85,712

Section 10. That in the budget of the Fire/EMS Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 1) Change the grade and associated pay range for the Fire Education and Outreach Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	043	Fire Education & Outreach Specialist	-	38	-	\$62,703- \$88,803

Section 11. That in the budget of the Integrated Capital Management Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 2) Change the grade and associated pay range for the Fire Education and Outreach Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	234	Principal Engineer	56	57	\$97,948- \$139,562	\$100,475- \$145,450

Section 12. That in the budget of the Workers' Compensation Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

- 3) Change the grade and associated pay range for the Safety Coordinator position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
MPB	050	Safety Coordinator	43	45	\$70,825- \$100,475	\$74,479- \$105,590

Section 13. That in the budget of the Retirement Fund, and the budget annexed thereto with reference to the funds, the following changes be made:

4) Change the grade and associated pay range for the Pension Specialist position as noted below.

Union	SPN	Title	From Grade	To Grade	Former Range	New Range
270	031	Pension Specialist	30	34	\$45,539-\$71,535	\$49,757-\$77,527

Section 14. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to adjust pay ranges to align with salary analysis, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
10/30/2023

Date Rec'd	9/29/2023
Clerk's File #	ORD C36454
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	DEVELOPMENT SERVICES CENTER
Contact Name/Phone	TAMI PALMQUIST 6157
Contact E-Mail	TPALMQUIST@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	4700 - SOLAR PERMIT FEES

Agenda Wording

An ordinance relating to the waiver of certain permitting fees for solar energy systems and electric vehicle charging stations set forth Spokane Municipal Code and adding fees, amending SMC 08.02.031, SMC 08.02.034, SMC 15.05.040, and SMC 15.05.05

Summary (Background)

In an effort to support and encourage renewable energy within the City of Spokane, Council approved an ordinance on March 5, 2018, which waived the building and construction permit fees related to the installation of solar energy systems. In the recent years the number of solar permits has increased significantly. This places a burden on the DSC and Fire Dept. to perform this work while not being adequately compensated.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	PALMQUIST, TAMI	Study Session\Other	PIES 2/27/23, Finance 4/17/23
Division Director	MACDONALD, STEVEN	Council Sponsor	CM Bingle, CM Cathcart
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	PICCOLO, MIKE	tpalmquist@spokanecity.org	
For the Mayor	JONES, GARRETT	idah@spokanefire.org	
Additional Approvals		jrichman@spokanecity.org	
Purchasing		smacdonald@spokanecity.org	
		akiehn@spokanecity.org	

Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	Development Services Center & Fire Department											
Contact Name	Tami Palmquist & Lance Dahl											
Contact Email & Phone	tpalmquist@spokanecity.org , 625-6157 idahl@spokanecity.org , 625-7040											
Council Sponsor(s)	CM Bingle, CM Cathcart											
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 min											
Agenda Item Name	Solar Permit Fees											
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>In an effort to support and encourage renewable energy within the City of Spokane, Council approved an ordinance on March 5, 2018, which waived the building and construction permit fees related to the installation of solar energy systems.</p> <p>In the recent years the number of solar permits has increased significantly. This places a burden on the DSC and Fire Dept. to perform this work while not being adequately compensated.</p>											
	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 10%;">2019</th> <th style="width: 10%;">2020</th> <th style="width: 10%;">2021</th> <th style="width: 10%;">2022</th> <th style="width: 10%;">2023</th> </tr> </thead> <tbody> <tr> <td style="background-color: #ffff00;">Solar Permits</td> <td style="background-color: #ffff00; text-align: center;">73</td> <td style="background-color: #ffff00; text-align: center;">82</td> <td style="background-color: #ffff00; text-align: center;">221</td> <td style="background-color: #ffff00; text-align: center;">605</td> <td style="background-color: #ffff00; text-align: center;">435 YTD</td> </tr> </tbody> </table>		2019	2020	2021	2022	2023	Solar Permits	73	82	221	605
	2019	2020	2021	2022	2023							
Solar Permits	73	82	221	605	435 YTD							
Proposed Council Action	Repeal SMC 15.05.040 Solar Energy Systems item B. permit fee waiver.											
Fiscal Impact												
Total Cost: <u>No cost</u>												
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A												
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring												
Specify funding source: N/A												
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring												
Other budget impacts: (revenue generating, match requirements, etc.) See Attachments												
Operations Impacts (If N/A, please give a brief description as to why)												
What impacts would the proposal have on historically excluded communities? None.												
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? We do not collect data on disparities.												
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? The departments will continue to collect permit record data that can be compiled at any time to see if the impact of reinstating the fees results in a reduction of permits being pulled.												
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? Having the departments operate at a loss puts the City at risk of not being able to deliver services at the level citizens deserve.												

The actual **Permit/Inspection** and **Plan Review Fees** shown in the Job Value Examples will vary in accordance with the existing sliding scale identified in [SMC 08.02.031\(A\)](#).

The **Flat Fee Proposal** will require updates to [SMC 08.02.031](#) as a separate Solar Permit/Inspection Fee does not currently exist.

- Prior to the Solar Fee Waiver adopted under [SMC 15.05.040](#), building permits required in association with the Electrical Solar Permit were based on the Job Value.
- The **\$75 Plan Review Fee** proposed is based on the SMC 08.02.031(C)(5) for an estimated 1hr or less of plan review and the associated overhead costs determined during our 2008 Fee Study and is on par with the Residential Job Value Review Fee for the estimated average job value.
- The **\$150 Permit Inspection Fee** proposed would be equal to the Single-Family Residence Safety Inspection Fee for 2-or-more trade categories. (See [SMC 08.02.031\(S\)\(3\)](#))
 - This fee should be sufficient for most installations and the 2-3 inspection visits likely to be required for solar installations.
 - This fee also keeps our fees competitive with those of the County whose fees are \$190-\$290 depending on mounting method + a separate electrical permit applied for through L&I.

Separate Building and Electrical Inspections are required which previously involve the need for multiple permits. We have combined the Building and Electrical Permits into a single Solar Permit *similar to our Sign Permits* to provide customers with a simpler process and save them from paying the extra \$25.00 processing fee for the extra permit.

The **Energy Storage System (ESS) Fee** does not currently exist and is being requested due to increased demand for these and recognition of the need to inspect them in accordance with IRC 324 and NFPA 70. ESS may include batteries and require ventilation, protection from vehicle impact, appropriate UL Listing, and commissioning.

Staff has been working with **SolarApp+** to bring a simplified review process to our community for residential installations. This will allow residential solar contractors to apply directly to SolarApp+ for an almost instant review at a \$25 fee paid directly to SolarApp+. Once approved they will enter their approval code into our permit system, therefore bypassing plan review and going straight to inspection. No additional review fees will be required if the contractor chooses to use SolarApp+. We hope to have this live by the end of the year.

ORDINANCE NO. C36454

An ordinance relating to the waiver of certain permitting fees for solar energy systems and electric vehicle charging stations set forth in the Spokane Municipal Code and adding fees, amending SMC 08.02.031, SMC 08.02.034, SMC 15.05.040, and SMC 15.05.050.

WHEREAS, the City of Spokane's Sustainable Action Plan was adopted in 2009; and

WHEREAS, the City of Spokane's Sustainable Action Plan identifies renewable energy as a strategy to improve efficiency and sustainability; and

WHEREAS, in 2018, the City worked with local energy experts to adopt a goal of 100% renewable electricity by 2030; and

WHEREAS, the City of Spokane City Council adopted two new sections 15.05.040 and 15.05.050 of the Spokane Municipal Code with the inclusion of a fee waiver to incentive the use of renewable energy sources; and

WHEREAS, when this ordinance was considered the City Council at the time did not complete a financial impact assessment of the Development Services Center enterprise fund, or identify a funding source to make the enterprise fund whole.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 15.05.040 of the Spokane Municipal Code is hereby amended as follows:

Section 15.05.040 Solar Energy Systems

A. The City of Spokane is committed to increasing the use of renewable energy citywide to become more resilient and reduce reliance on fossil-fuel based energy.

~~((B. ——— All City of Spokane building and construction permit fees imposed in connection with the installation of a solar energy system pursuant to chapter 08.02, SMC shall be waived until the majority of energy sourced in Washington state is derived from renewable resources. The permit fee waiver is limited to the building and construction of a solar energy system. The permit fee waiver does not apply to permits and fees not connected to the solar energy system.))~~

Section 2. That section 15.05.050 of the Spokane Municipal Code is hereby amended as follows:

Section 15.05.050 Electric Vehicles

A. The City of Spokane is committed to increasing the purchase, conversion to, and use of alternative vehicle fuels such as biodiesel, natural gas, and electricity.

~~((B. All City of Spokane building and construction permit fees required for the installation of an electric vehicle charging stations shall be waived until the majority of energy sourced in Washington state is sourced from renewable resources.))~~

B. The City of Spokane shall assist the Spokane Regional Transportation Council, Spokane Transit Authority, and county and regional governments to transition to electric fleet and other renewable energy-powered public transit options.

Section 3. That section 08.02.031 of the Spokane Municipal Code is hereby amended as follows:

[Section 08.02.031](#) Building Code

A. Building Permit.

Building permit fees are based on the value of the work to be done as follows:

VALUE OF WORK

(in dollars)

FEE

(in dollars)

1 – 500

28.00

501 - 2,000

28.00 plus 3.00 for each 100 over 500

2,001 - 25,000

73.00 plus 13.00 for each 1,000 over 2,000

25,001 - 50,000

372.00 plus 10.00 for each 1,000 over 25,000

50,001 - 100,000

622.00 plus 7.00 for each 1,000 over 50,000

100,001 - 500,000

972.00 plus 5.00 for each 1,000 over 100,000

500,001 - 1,000,000

2,972.00 plus 4.00 for each 1,000 over 500,000

1,000,001 - 99,999,999

4,972.00 plus 3.00 for each 1,000 over 1,000,000

B. Valuation.

1. The value of construction for purposes of calculating the amount of the fee is determined by using the:
 - a. most current building valuation data from the International Code Council (ICC) as published and updated by the ICC twice annually; or
 - b. contract valuation, whichever is greater.
2. "Gross area" when used in conjunction with the ICC building valuation data to determine valuation of a project is the total area of all floors, measured from the exterior face, outside dimension, or exterior column line of a building, including basements and balconies but excluding unexcavated areas.
3. The fee is based on the highest type of construction to which a proposed structure most nearly conforms, as determined by the building official.
4. For roofing permits, the value is determined to be:
 - a. one hundred fifty dollars per square for recovering roofs;
 - b. two hundred dollars per square for roofing projects when existing layers of roofing are torn off and a new layer is installed;
 - c. two hundred fifteen dollars per square for roofing projects when existing layers of roofing are torn off, new sheeting is installed, and a new layer of roof is installed;

d. or the contract valuation if it is greater.

C. Building Plan Review.

1. Plan review fees are sixty-five percent of the building permit fee as calculated from the table rounded up to the next whole dollar amount for:
 - a. all commercial building permits;
 - b. all industrial building permits;
 - c. all mixed use building permits; and
 - d. new multi-family residences with three or more units.
2. Plan review fees are one hundred percent of the building permit fee as calculated from the table for fast-track projects.
3. Plan review fees are twenty-five percent of the building permit fee as calculated from the table rounded up to the next whole dollar amount for new:
 - a. single-family residences; and
 - b. duplexes.
4. Plan review fees are twenty-five dollars for:
 - a. new buildings that are accessory structures for single-family residences and duplexes to include garages, pole buildings, greenhouses, sheds that require a permit, etc.; and
 - b. additions to existing single family residences and duplexes to include living space, garages, sunrooms, decks, etc.
5. Plan review fees for additional review required by changes, additions, or revisions to plans are seventy-five dollars per hour or fraction thereof.
6. The building official may elect to assess plan review for remodeling single family residences and duplexes when required. This amount will be not be higher than the twenty-five percent of the building fee as calculated in the table rounded to the nearest whole dollar charged on a new single-family residence or duplex.

D. Demolition

Demolition permit fees are:

1. Single-family residence, duplex and accessory structures: Thirty-five dollars each.
2. Other structures: Thirty-five dollars for every thousand square feet, to a maximum fee of three hundred fifty dollars.
3. The processing fee is twenty-five dollars.
4. For historic landmarks and contributing buildings within an historic district or located within the Downtown Boundary Area: five hundred dollars.
5. All demolition permit fees received by the city are to be deposited in the historic preservation incentives fund established by [SMC 07.08.152](#).

E. Fencing.

1. The permit fee is twenty dollars per one hundred linear feet, or fraction thereof.
2. The processing fee and review fee is twenty-five dollars.

F. Grading.

1. Grading permit fees are as follow:

VOLUME

(in cubic yards)

FEE

(in dollars)

100 or less

28.00

101 - 1,000

28.00 plus 12.00 for each 100 over 100

1,001 - 10,000

136.00 plus 10.00 for each 1,000 over 1,000

10,001 - 100,000

226.00 plus 45.00 for each 10,000 over 10,000

100,001 and more

631.0 plus 25.00 for each 10,000 over 100,000

2. Grading plan review fees are as follow:

VOLUME

(in cubic yards)

FEE

(in dollars)

50 or less

None

51 – 100

20.00

101 - 1,000

25.00

1,001 - 10,000

35.00

10,001 - 100,000

35.00 plus 17.00 for each 10,000 over 10,000

100,001 - 200,000

188.00 plus 10.00 for each 10,000 over 100,000

200,001 and more

288.0 plus 5.00 for each 10,000 over 200,000

3. Failure to obtain a grading permit is a class one infraction under [SMC 1.05.150](#).

4. The processing fee is twenty-five dollars.

G. Sign Permits.

1. Sign permit fees are:
 - a. thirty dollars for each wall sign, projecting sign and incidental sign; or
 - b. seventy-five dollars for each pole sign, including billboards and off-premises signs.
2. The building services plan review fee is fifty dollars and is in addition to the sign permit fee for pole signs in excess of one hundred square feet or more than thirty feet high.
3. The planning services review fee is fifty dollars for all signs.
4. The processing fee is twenty-five dollars.

H. Factory-built Housing.

1. The installation fee for factory-built housing is fifty dollars per section.
2. A foundation or basement requires a separate building permit.
3. Decks, carports and garages require a separate building permit.
4. The development services review fee is fifty dollars.
5. The processing fee is twenty-five dollars.

I. Manufactured (Mobile) Home.

1. The installation fee for a manufactured (mobile) home is fifty dollars per section.
2. A basement requires a separate building permit.
3. Decks, carports and garages require a separate building permit.
4. The development services review fee is fifty dollars.
5. The processing fee is twenty-five dollars.

J. Temporary Structures.

Permit fees for temporary structures are:

1. One hundred dollars for the first one hundred eighty days; and
2. Five hundred dollars for the second one hundred eighty days.
3. No third session will be allowed.
4. The development services review fee is fifty dollars.
5. The processing fee is twenty-five dollars.

K. Relocation.

1. The fee for a building relocation inspection for bond determination is seventy-five dollars.
2. The development services review fee is fifty dollars.
3. The processing fee is twenty-five dollars.
4. Any repairs or alterations required for relocation are handled by various building permits and the fees for such building permits are in addition to the relocation permit fee.

L. Early Start and Fast Track Approval.

The fee for an early start or fast track building permit approval is twenty-five percent of the building permit fee rounded to the next whole dollar amount and is in addition to any other required fees.

M. Certificate of Occupancy.

1. There is no separate fee for the issuance of a certificate of occupancy following final inspection under a permit so long as the fee for the permit is at least fifty dollars; otherwise, the minimum fee for a building permit and certificate of occupancy is fifty dollars plus a twenty-five dollar processing fee.
2. The fees for the issuance of a certificate of occupancy not resulting from work done under permit are as provided in [SMC 8.02.060](#).
3. The building official will assess a fee not to exceed one hundred percent of the building permit fee for the issuance or extension of any temporary certificate of occupancy. The minimum fee will be:

- a. two hundred twenty-five dollars plus a twenty-five dollar processing fee when the building permit fee exceeds this amount;
- b. equal to the amount of the building permit fee when the building permit fee is less than two hundred fifty dollars.

N. Swimming Pools.

1. The building and plumbing permit fee for a swimming pool is:
 - a. seventy-five dollars for those accessory to a single-family residence;
and
 - b. one hundred dollars for all others.
2. The planning services review fee is twenty-five dollars.
3. The processing fee is twenty-five dollars.
4. Mechanical, electrical and fence permits are additional.

O. Parking Lot and Site Work Permits.

The fee for a site work permit is charged in accordance with the fee table in subsection (A) of this section.

P. Reinspections.

The fee for reinspections for work that was not ready, or corrections previously identified but remain uncorrected, or site not accessible is seventy-five dollars per incident.

Q. Inspections Outside Normal Inspector Working Hours.

The fee for inspections outside normal inspector working hours is seventy-five dollars per hour or fraction of an hour. A minimum of two hours is payable at the time the request is made and before an inspection can be scheduled.

R. Work Done Without a Permit/Investigation Fees.

Where work has commenced without first obtaining the required permit(s), a work without permit fee equivalent to the greater of:

1. twice the inspection fee, or
2. the permit fee plus one hundred fifty dollars,

must be paid prior to the issuance of the permit(s).

S. Safety Inspections.

The fees for safety inspections are:

1. Commercial Buildings: Seventy-five dollars per hour or fraction of an hour with a prepaid minimum of one hundred fifty dollars.
2. Single-family Residence – Electrical only: Seventy-five dollars.
3. Single-family Residence – Two or more trade categories: One hundred fifty dollars.
4. Two-family Residence: One hundred seventy-five dollars.
5. Multifamily – Three to six units: Two hundred fifty dollars.
6. Multifamily – Seven to fifty units: Two hundred fifty dollars plus twenty-five dollars for each unit over six.
7. Multifamily – Over fifty units: One thousand three hundred fifty dollars plus ten dollars for every unit over fifty.
8. Electrical Service Reconnect - Residence - Twenty-five dollars
9. Electrical Service Reconnect - Commercial - Fifty dollars
10. Processing fee: Twenty-five dollars.

T. Recording Fee Use of Public Right-of-way and Large Accessory Building Agreement.

The property owner shall be charged a pass-through fee equal to the amount assessed by Spokane County when erecting a fence, retaining wall or other structure in a public right-of-way. This is a recording fee for the acknowledged agreement whereby the property owner covenants to remove the encroachment upon notice by the City. An additional twenty-five dollar processing fee is required when a permit is not issued in conjunction with the recording.

U. Expired Permits Over Six Months.

1. Building Permits.

- a. No inspections have been made: Permits require full resubmittal, and if a commercial project, plan review. Original valuation shall be contained in description of new permit.
- b. Footings and foundations only have been inspected and approved: Minimum of seventy-five percent of the original assessed permit fee plus new processing fees. Original valuation shall be contained in description of new permit.
- c. All rough-in inspections approved: Minimum of twenty-five percent of original permit fee plus new processing fees. Original valuation shall be contained in description of new permit.
- d. Additional work done not on original permit: New valuation shall be calculated based upon either square footage if new construction, or valuation if remodel.

2. Plumbing Permits.

- a. No inspections: A full new permit for all fixtures is required.
- b. Partial inspections approved: If water tests, top outs and ground plumbing have been approved, then twenty-five percent of the original itemized permit fees plus new processing fee.

3. Mechanical Permits.

- a. No inspections: A full new permit is required.
- b. Partial inspections: If all rough-in inspections and air tests have been approved, then twenty-five percent of the original permit fee plus new processing fee.

4. Electrical Permit.

- a. No inspections: A full new permit is required.
- b. Partial inspections: If all rough-in inspections and service inspections have been approved, then twenty-five percent of the original fees plus new processing fee.

V. Processing Fee.

In addition to all of the fees identified in [SMC 8.02.031](#), the processing fee for each permit is twenty-five dollars, unless specifically stated otherwise.

W. Temporary Accessory Dwelling Unit (ADU) Fee Waivers.

1. In response to the ongoing local and national housing crisis, the City Council has decided to provide relief to residents and businesses by waiving all applicable fees within this section 08.02.031 associated with the construction of ADUs on lots located at least partially within ½ mile of a Center or Corridor, Context Area, or Downtown zone or CC3 zoning overlay. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.
2. The fee waiver described in this subsection 08.02.031(W) shall expire at 5:00 p.m. on December 31, 2024.

X. Solar Permits.

1. For single-family residence, duplex, and associated accessory structure installations and modifications eligible for review under the adopted International Residential Codes.
 - a. Plan Review: seventy-five dollars
 - b. SFRD Inspection Fee: one hundred fifty dollars
 - c. Electrical Service Fee: assessed in accordance with SMC 08.02.032(C)(2).
2. For all other installations and alterations.
 - a. Plan Review Fee: sixty-five percent of the MFCOM Inspection Fee.
 - b. MFCOM Inspection Fee: calculated based on the table included in Section 08.02.031(A).
 - c. Electrical Service Fee: assessed in accordance with SMC 08.02.032(C)(2).
3. Additional electrical fees in accordance with SMC 08.02.032.
4. Energy Storage Systems: fifty dollars.

Section 4. That section 08.02.034 of the Spokane Municipal Code is hereby amended as follows:

Section 08.02.034 Fire Code

A. Storage Tanks.

The fees in connection with aboveground or underground storage tanks for critical materials as defined in [SMC 17A.020.030](#), including flammable or combustible liquids, are:

1. Installation (including installation of pumps and dispensers) of underground storage tank, per tank: seven hundred twenty eight dollars.
2. Installation of above ground storage tank, per tank:
 - a. More than sixty but less than five hundred gallons: two hundred seventy six dollars.
 - b. Five hundred gallons or more: four hundred fifty dollars.
3. Aboveground or underground storage tank removal or abandonment, per tank: two hundred ten dollars.
4. Placement of tank temporarily out of service: two hundred ten dollars.
5. Alteration or repair of a tank: two hundred seventy six dollars.

B. Installation of Fire Protection/Detection Equipment.

1. The fees for installing, altering, or repairing fire protection and/or fire detection equipment are based on the value of the work, according to the following schedule:

BID AMOUNT	PERMIT FEE	PLAN CHECK FEE
(Valuation)		
\$1 through \$500	\$105	\$68.25
\$501 through \$2,000	\$210	\$136.50
\$2,001 through 5,000	\$420	\$273
\$5,001 through \$10,000	\$840	\$546
\$10,001 through \$15,000	\$1,260	\$819
\$15,001 through \$20,000	\$1,470	\$955.50
\$20,001 through \$25,000	\$1,680	\$1,092
\$25,001 through \$30,000	\$1,890	\$1,228.50
\$30,001 through \$40,000	\$1,995	\$1,296.75
\$40,001 through \$50,000	\$2,100	\$1,365
\$50,001 through \$60,000	\$2,520	\$1,638
\$60,001 through \$80,000	\$2,940	\$1,911
\$80,001 through \$100,000	\$3,150	\$2047.50
\$100,001 through \$150,000	\$3,465	\$2,252.25

\$150,001 through \$200,000	\$3,780	\$2,457
\$200,001 through \$250,000	\$4,200	\$2,730
\$250,001 through \$300,000	\$5,000	\$3,250
\$300,001 through \$350,000	\$5,800	\$3,770
\$350,001 through \$400,000	\$6,600	\$4,290
\$400,001 through \$450,000	\$7,425	\$4,826.25
\$450,001 through \$500,000	\$8,230	\$5,349.50
For valuations of \$500,001 and over, fees are calculated as follows:		
Permit Fee: Valuation multiplied by 0.0165		
Plan Check Fee: 65% of permit fee.		

2. Fees apply to initial submittal and one subsequent resubmittal if the initial submittal is not accepted. If the resubmittal is not accepted, the applicant will need to begin a new submittal.

3. Penalty.

Whenever any work for which a fire equipment permit is required is started without first obtaining a permit, the permit fees specified above are doubled and a Class 1 civil infraction may be issued.

4. Fee Refunds.

The fire official may authorize the refund of any fee erroneously paid or collected. The fire official may authorize the refunding of not more than eighty percent of the paid permit fee when no work has been done under an issued permit.

5. Valuation.

The valuation of the work done must be submitted at the time of application for a permit. The valuation is the value of the work to be done and includes all labor, material, equipment, and the like supplied and installed by the permittee to complete the work. The permittee may be asked to verify the valuation placed on the work. When the cost of any proposed work is unknown, an estimate of the cost shall be made and used to compute the permit fee. Upon completion of the work, a fee adjustment is made in favor of the City or permittee, if requested by either party.

6. Inspections.

The number of inspections for each permit is determined by the valuation, with the minimum number of inspections for a permit being two.

7. Revisions.

Fees include one revision to an approved submittal. Additional revisions will be charged at an hourly rate of one hundred five dollars.

8. Phasing

Submittals for projects that are done in phases for the construction shall follow the phasing approved as part of the building permit. Where a building permit has not been issued, the phasing shall be approved by the Fire Code Official.

C. Fire Protection System Verification.

The fee for verification that a fire protection system has been appropriately serviced by a fire department registered fire equipment servicer, for each inspection, is:

1. Thirty-eight dollars for:
 - a. sprinkler systems,
 - b. standpipe systems,
 - c. alarm systems,
 - d. rangehood systems,
 - e. inert gas extinguishing systems,
 - f. spray booths, and
2. Nineteen dollars for private fire hydrants.

D. Safety/Building & Multi-Family Inspections.

The fee for conducting safety inspections is one hundred five dollars per hour with a minimum one-hour charge, including annual life safety reviews for short-term rentals. Building and multi-family inspections will be charged according to building area per the table below:

	Building Area (sq. ft.)	Fee
A		

	0 – 1,500		
B	1,501 – 3,000		
C	3,001 – 5,000		\$44
D	5,001 – 7,500		
E	7,501 – 10,000		
F	10,001 – 12,500		
G	12,501 – 15,000		
H	15,001 – 17,500		
I	17,501 – 20,000		
J	20,001 – 30,000		\$202
K	30,001 – 40,000		
L	40,001 – 50,000		\$355
M	50,001 – 60,000		

N	60,001 – 70,000	\$512
O	70,001 – 100,000	
P	100,001 – 150,000	
Q	150,001 – 200,000	
R	Over 200,000	

E. Reinspections.

The fee for conducting reinspections is one hundred five dollars per incident. This applies to inspection requests beyond the allowable inspections associated with an original permit. The reinspection fee will apply when an inspection is scheduled with the fire department and the following occurs:

1. The project or occupancy is not ready for the inspection.
2. Corrections that were previously identified remain uncorrected.
3. The site is not accessible and a return visit is required.

F. Inspection fees as set forth in this section are appropriated for an estimated time spent equal to or less than one hour per inspection. Permittees are subject to additional inspection fees, which shall apply in a minimum of one-hour increments for each permit fee category, for additional time spent on inspection services to include code research and return site visits.

G. Solar Photovoltaics

Solar photovoltaic permits be assessed at 20% of the Chart A valuation.

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:
10/30/2023

Date Rec'd	10/18/2023
Clerk's File #	ORD C36456
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact Name/Phone	MATT BOSTON 6820
Contact E-Mail	MBOSTON@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0320 - MONTHLY JOINT BUDGET DISCUSSION ORDINANCE

Agenda Wording

An ordinance relating to budget planning and budget presentations, and amending Section 07.14.030 of the Spokane Municipal Code.

Summary (Background)

Council understands the challenges that the organization is facing within the current budget climate and that it is necessary for the Legislative and Executive bodies to work simultaneously with the cabinet members in order to ensure a sustainable future for the City of Spokane. These meetings will be during study session on the second Thursday of each month.

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

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

Approvals

Dept Head	BYRD, GIACOBBE
Division Director	
Finance	
Legal	
For the Mayor	

Council Notifications

Study Session\Other	10/16/23
Council Sponsor	Kinnear, Cathcart, Bingle
Distribution List	
	mboston@spokanecity.org
	cwright@spokanecity.org
	gbyrd@spokanecity.org

Additional Approvals

Purchasing	

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	City Council
Contact Name	Matt Boston
Contact Email & Phone	mboston@spokanecity.org
Council Sponsor(s)	CP Kinnear, CM Bingle, CM Cathcart
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10
Agenda Item Name	Ordinance Update – Monthly joint budget discussion
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Council understands the challenges that the organization is facing within the current budget climate and that it is necessary for the Legislative and Executive bodies to work simultaneously with the cabinet members in order to ensure a sustainable future for the City of Spokane.</p> <p>These meetings will be during study session on the second Thursday of each month.</p>
Proposed Council Action	Pass on 10/23/24
Fiscal Impact	
Total Cost: <small>Click or tap here to enter text.</small>	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Specify funding source: <small>Click or tap here to enter text.</small>	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? As these meetings would be publicly accessible meetings, historically excluded communities would have better access to budget information.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? No additional data of meetings will be reported.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? No additional data of meetings will be collected.	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? Proposal brings better transparency and communication between all aspects of the local government in order to create better overall efficiencies within the organization.	

ORDINANCE NO. C36456

An ordinance relating to budget planning and budget presentations, and amending Section 07.14.030 of the Spokane Municipal Code.

WHEREAS, pursuant to RCW 35.33.075, the City of Spokane must adopt a balanced budget each year, wherein expenditures do not exceed anticipated revenues and available funds carried forward from the prior year; and

WHEREAS, pursuant to RCW 35.33.135 and SMC 07.14.010, the mayor is to provide the city council with current information on estimates of revenues from all sources as adopted in the budget for the current year, together with any preliminary budget prepared by the Director of Finance, Treasury and Administration; and

WHEREAS, SMC 7.14.030 requires the Finance, Treasury and Administration Division to provide to the City Council “regular, monthly, financial reports including budget-to-actual data for the General Fund and any other key fund(s)”; and

WHEREAS, development and adoption of a balanced annual city budget is a complex process that depends on regular reports as required by SMC 7.14.030 and further depends on regular and year-long communication between the administration and the city council, as well as separate projections that reflect both administrative and council views regarding both expenditures and revenues; and

WHEREAS, the city council regularly holds study sessions each Thursday for briefings on topics and issues relating to city matters.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That Section 07.14 030 of the Spokane Municipal Code is amended to read as follows:

Section 07.14.030 Budget Monitoring and Review

- A. The Finance, Treasury and Administration Division shall provide regular, monthly, financial reports including budget-to-actual data for the General Fund and any other key fund(s), as necessary. The reports will be provided to the City Council as soon as reasonably available upon the closing of the period.
 - 1. As part of the regular monthly reports, a summary of the General Fund budgeted revenue and expenditures shall be provided with estimates of beginning and ending fund balance and reserves with presumptions and trends, and, when available, council budget staff outlooks defined in the estimates.

2. In the month following the end of a quarter's Finance and Administration Committee Meeting, the Management and Budget Department will provide a summary of potential financial or operational issues that may impact the City's overall financial position, either positively or negatively, based on analysis of actuals relative to the approved budget.
 3. In the month following the end of the quarter, the Management and Budget Department will provide proposed budget amendments as deemed appropriate based on operational activities, grant or contract awards, financial projections, or other relative information. City Council will determine which proposed budget amendments will proceed for the approval process via a special budget ordinance. The special budget ordinance will be scheduled for approval accordingly.
- B. The Finance, Treasury and Administration Division shall provide a pre-audit year- end financial report for the General Fund, and any other key fund deemed appropriate. The report will include relative fund/reserve balances for the General Fund. The report will be provided to the City Council as soon as reasonable and reliable financial information is available following the close of the fiscal year, but no later than the end of May.
- C. Based on analysis of financial activity from the previous fiscal year, as reported in the pre-audit year-end financial report, the Finance, Treasury and Administration Division shall provide:
1. An update to the General Fund Five-Year Forecast based on all known or expected revenues and expenditures. The General Fund Five-Year Forecast will include the current year's budget, current year projections, and updated projections including projections for the subsequent four years and, when available, council budget staff projections for the same periods. The report will be provided to the City Council by the May Finance and Administration Committee meeting.
 2. Focused discussion on current year General Fund "summary type code" accounts (both within the General Fund and supported by the General Fund) that have a materiality level of a budgeted 5% of overall expenditures and/or is projected to be +/- of \$250,000 of its annual budget allocation.
 3. By the May Finance and Administration Committee meeting, the Administration will provide a recommendation to the City Council which, via Special Budget Ordinance, rectifies the material budget inaccuracies identified within 07.14.030 (C)(2) to fall below thresholds identified.
- D. The Finance, Treasury and Administration Division, and other senior administration personnel and cabinet members, shall, upon concurrence of the mayor, make themselves available for budget deliberations with the City Council on a monthly basis, or more frequently as mutually agreed with the mayor. The city council shall set aside its regular study sessions on the second Thursday of each month, if coinciding with a holiday, the third Thursday shall be set aside for budget presentations and discussions with program managers, cabinet-level department heads, and senior level administrators. The Administration should make other staff members available as necessary or beneficial to the content of the planned discussion. The monthly study sessions shall be held in a location that allows for real-time public viewing of the study

session via a live telecast or streaming in the same manner as regular briefing and legislative session of the city council.

Section 2. This ordinance shall become effective on January 1, 2024.

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:
11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	ORD C36458
Renews #	

Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	
Contact Name/Phone	TIM X6893	Project #	
Contact E-Mail	TTHOMPSON@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 - BUILDING OPPORTUNITY AND CHOICES FOR ALL REPEAL AND		

Agenda Wording

An ordinance to repeal sections 17C.400.010 through 17C.400.030 of the Building Opportunity and Choices for All interim ordinance, while extending section 17C.400.040 Pilot Center and Corridors Development Standards six months through June 18, 2024.

Summary (Background)

The Building Opportunity and Choices for All interim ordinance was approved by City Council July 2022. The interim ordinance was ultimately extended, to expire December 18, 2023. This ordinance seeks to repeal the sections of the interim ordinance related to the Building Opportunity for Housing permanent changes, while extending the Pilot Center and Corridors Development Standards another six months to await the ongoing Center and Corridor Study.

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

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

Approvals		Council Notifications	
Dept Head	GARDNER, SPENCER	Study Session\Other	Study Session 10/19/23
Division Director	MACDONALD, STEVEN	Council Sponsor	CMs Wilkerson &
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	RICHMAN, JAMES	jrichman@spokanecity.org	
For the Mayor	JONES, GARRETT	tblack@spokanecity.org	
Additional Approvals		tpalmquist@spokanecity.org	
Purchasing		dgmurphy@spokanecity.org	
		mfeist@spokanecity.org	
		idahl@spokanecity.org	
		kdowney@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Select **\$**

Select **\$**

Budget Account

#

#

Distribution List

tthompson@spokanecity.org

sgardner@spokanecity.org

smacdonald@spokanecity.org

BRIEFING PAPER
City of Spokane
City Council
Study Session
October 19, 2023

Subject

Following on the heels of the successful Building Opportunity and Choices for All interim ordinance, the Building Opportunity for Housing project intends to develop lasting Comprehensive Plan and Municipal Code amendments that increase housing choice and diversity in the city by supporting middle housing development. The first phase of the Building Opportunity for Housing project amended the Vision for housing in Spokane through the Comprehensive Plan. After a round of robust public engagement, the proposed amendments were unanimously passed by City Council on July 31, 2023.

The second phase of Building Opportunity for Housing analyzed and developed possible amendments to the Municipal Code, focusing on updating the residential development standards, such as permitted housing types, building coverage, minimum lot sizes, subdivision standards, and related administration regulations. The proposed text amendments were recommended for approval with conditions by Plan Commission at the October 11, 2023 public hearing.

All project materials and information are available on the project webpage:

<https://my.spokanecity.org/projects/shaping-spokane-housing/building-opportunity-for-housing/>

Impact

Phase 2 of Building Opportunity for Housing is modifying the development regulations, design standards, and administrative processes for Middle Housing development citywide. The text amendments encourage a mix of housing types while removing identified barriers to the feasibility of housing construction within the Spokane Municipal Code.

Consideration:

The Phase 2 Building Opportunity for Housing text amendments as recommended for approval by Plan Commission will be forwarded to the City Council for consideration of adoption by ordinance in November.

For further information, contact the Building Opportunity for Housing project team at DevelopmentCode@spokanecity.org

ORDINANCE NO. C36458

AN ORDINANCE relating to housing development regulations and extending an interim zoning ordinance; repealing Sections 17C.400.010, 17C.400.020, and 17C.400.030 of the Spokane Municipal Code; and amending Section 17C.400.040 of the Spokane Municipal Code to extend an additional six months.

WHEREAS, on July 18, 2022 the City Council adopted Ordinance No. C36232, an interim zoning ordinance, to implement actions specified in RCW 36.70A.600(1), and adopting Chapter 17C.400 SMC to increase residential building capacity; and

WHEREAS, on October 24, 2022 the City Council adopted Ordinance No. C36296, amending SMC 17C.400.010 and 17C.400.030 to clarify requirements for airport overlay zones and the siting of parking facilities in relation to streets and residential structures, and declaring an emergency; and

WHEREAS, Ordinance No. C36232, as amended, is currently effective until December 18, 2023; and

WHEREAS, pursuant to RCW 36.70A.390, a work plan was initiated to study the interim zoning ordinance and to provide time for public engagement and refinement of regulations before adopting permanent changes to Title 17C SMC; and

WHEREAS, on July 31, 2023, the City Council adopted Ordinance No. C36414 amending Chapter 3 (Land Use) of the City's Comprehensive Plan to align policy language in the Comprehensive Plan with the foregoing developments and to further implement the middle housing options that are now required under State law; and

WHEREAS, this ordinance is proposed to implement changes consistent with the work plan established by Ordinance No. C36232 and with the July 31, 2023 amendments to the Comprehensive Plan by Ordinance No. C36414; and

WHEREAS, RCW 36.70A.390 authorizes the City to renew interim zoning ordinances adopted for one or more six-month periods if subsequent public hearings are held and findings of fact are made prior to each renewal; and

WHEREAS, most of the items identified by the work plan established under Ordinance No. C36232 will be completed by the expected adoption of this ordinance; and

WHEREAS, work is underway to complete the remaining aspects of the work plan and more time is required to prepare proposed permanent amendments asked for by the work plan and interim zoning ordinance; Now, Therefore,

The City of Spokane does ordain:

Section 1. Findings of Fact. That the preambles to Ordinance No. C36232, Ordinance No. C36296, Ordinance C36388, and to this Ordinance are adopted as the City Council's findings of fact in support of the above-mentioned interim zoning regulations and the extension adopted herein.

Section 2. Repeal of Certain Sections. That SMC 17C.400.010 Pilot Low-Intensity Residential Development Standards, 17C.400.020 Pilot Density, and 17C.400.030 Pilot Low-Intensity Residential Design Standards of the Interim Housing Regulations Adopted to Implement RCW 36.70A.600(1) are repealed.

Section 3. Interim Zoning Ordinance Extension. That SMC 17C.400.040 Pilot Centers and Corridors Development Standards of the Interim Housing Regulations Adopted to Implement RCW 36.70A.600(1) is retained and extended an additional six (6) months to June 18, 2024.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Scrivener's Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Passed the City Council _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date: _____

* Date of State Approval



Agenda Sheet for City Council Meeting of:
11/06/2023

Date Rec'd	10/25/2023
Clerk's File #	ORD C36459
Renews #	

Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	
Contact Name/Phone	TIM 6893	Project #	
Contact E-Mail	TTHOMPSON@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650-BUILDING OPPORTUNITY FOR HOUSING CODE AMENDMENTS		

Agenda Wording

Phase 2 Building Opportunity for Housing SMC text amendments to address the current housing shortage, increase residential building capacity, and comply with HB 1110 by supporting middle housing development.

Summary (Background)

Following the Building Opportunity and Choices for All interim ordinance, these proposed permanent code changes are the result of Mayor Woodward's July 26, 2021, Housing Emergency Proclamation, the Spokane Housing Action Plan, and the City Council's HAP Implementation Plan. The code changes allow for and make more feasible single-unit and middle housing with development regulation, design standard, and process modifications. The regulations also implement requirements from HB 1110.

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

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

Approvals		Council Notifications	
Dept Head	GARDNER, SPENCER	Study Session\Other	Study Session 10/19/23
Division Director	MACDONALD, STEVEN	Council Sponsor	CM Wilkerson & CM
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	RICHMAN, JAMES	jrichman@spokanecity.org	
For the Mayor	JONES, GARRETT	tblack@spokanecity.org	
Additional Approvals		tpalmquist@spokanecity.org	
Purchasing		smacdonald@spokanecity.org	
		amccall@spokanecity.org	
		rbenzie@spokanecity.org	
		dgmurphy@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Select **\$**

Select **\$**

Budget Account

#

#

Distribution List

mfeist@spokanecity.org

sgardner@spokanecity.org

idahl@spokanecity.org

kdowney@spokanecity.org

tthompson@spokanecity.org

BRIEFING PAPER
City of Spokane
City Council
Study Session
October 19, 2023

Subject

Following on the heels of the successful Building Opportunity and Choices for All interim ordinance, the Building Opportunity for Housing project intends to develop lasting Comprehensive Plan and Municipal Code amendments that increase housing choice and diversity in the city by supporting middle housing development. The first phase of the Building Opportunity for Housing project amended the Vision for housing in Spokane through the Comprehensive Plan. After a round of robust public engagement, the proposed amendments were unanimously passed by City Council on July 31, 2023.

The second phase of Building Opportunity for Housing analyzed and developed possible amendments to the Municipal Code, focusing on updating the residential development standards, such as permitted housing types, building coverage, minimum lot sizes, subdivision standards, and related administration regulations. The proposed text amendments were recommended for approval with conditions by Plan Commission at the October 11, 2023 public hearing.

All project materials and information are available on the project webpage:

<https://my.spokanecity.org/projects/shaping-spokane-housing/building-opportunity-for-housing/>

Impact

Phase 2 of Building Opportunity for Housing is modifying the development regulations, design standards, and administrative processes for Middle Housing development citywide. The text amendments encourage a mix of housing types while removing identified barriers to the feasibility of housing construction within the Spokane Municipal Code.

Consideration:

The Phase 2 Building Opportunity for Housing text amendments as recommended for approval by Plan Commission will be forwarded to the City Council for consideration of adoption by ordinance in November.

For further information, contact the Building Opportunity for Housing project team at DevelopmentCode@spokanecity.org

ORDINANCE NO. C36459

AN ORDINANCE relating to increasing housing options by permitting and encouraging the construction of middle housing in more residential zoning districts; adopting subdivision processes to encourage homeownership; implementing Section 3 of HB 1110; amending Spokane Municipal Code (SMC) chapters 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.060, 17A.020.120, 17A.020.130, 17A.020.180, 17A.020.190, 17A.020.200, 17A.040.020, 17A.040.030, 17A.040.040, 17A.040.050, 17C.120.500, 17C.122.060, 17C.200.020, 17C.200.040, 17C.200.100, 17C.230.110, 17C.230.130, 17C.300.010, 17C.300.100, 17C.300.110, 17C.300.130, 17G.020.060, 17G.025.010, 17G.030.010, 17G.030.030, 17G.030.040, 17G.070.030, 17G.070.135, 17G.080.020, 17G.080.040, 17G.080.050, 17G.080.060, 17G.080.065; repealing SMC chapters 17C.110, 17G.060, and 17G.060T, and SMC sections 17G.080.010, and 17G.080.080; adopting SMC chapters 17C.111 and 17G.061, and SMC sections 17D.060.135, 17G.080.000, and 17G.080.025; and setting an effective date.

WHEREAS, RCW 36.70A.600(1) encourages the City to take a number of actions in order to increase its residential building capacity and authorized the City to adopt a housing action plan; and

WHEREAS, on July 26, 2021, the Mayor of the City of Spokane proclaimed a housing emergency and directed the City to pursue actions to expand housing types, reduce overall development costs to increase development of affordable housing, and streamline municipal procedures to support the development cycle; and

WHEREAS, as authorized by RCW 36.70A.600(2), Council Resolution 2021-0062 adopted the City of Spokane Housing Action Plan as a guide for future housing planning, policy development, and regulatory and programmatic implementation measures that increase housing options that are affordable and accessible for people and families of all incomes in the City; including the Implementation Plan, included as Appendix A within the Housing Action Plan, which outlines several strategies and policies to remedy the current housing crisis; and

WHEREAS, the 2020 Housing Needs Assessment completed for the Housing Action Plan indicates several facts about the housing supply and need, particularly the need to accommodate an estimated 6,000 additional housing units by 2037; and

WHEREAS, according to media reports, the median home price in Spokane is \$415,000.00, an increase of \$91,968 since April 2020; and

WHEREAS, a recent study by the Spokane Association of Realtors estimates a shortage of 32,000 housing units within the Spokane region needed to meet current levels of housing demand, and finds that less than 15 percent of employed residents can afford to buy a home; and

WHEREAS, the region's housing shortage is contributing to rapidly escalating home prices and rents which is a contributing factor in the worsening homelessness crisis in Spokane and the surrounding region; and

WHEREAS, in Resolution 2021-0062, the City Council outlined several code amendments and permit processes that the City should enact in support of the strategies and actions recommended in the Housing Action Plan and to encourage construction of more housing within Spokane; and

WHEREAS, in Resolution 2021-0062, the City Council specifically called for allowing attached houses, duplexes, and fourplexes in more areas of the city; and

WHEREAS, in Resolution 2021-0062, the City Council specifically called for the Plan Commission to consider reductions of minimum lot size and width, maximum building coverage, and floor area ratio in order to create more opportunities for housing; and

WHEREAS, on July 18, 2022, the City Council adopted Ordinance C36232, an Interim Zoning Ordinance known as Building Opportunity and Choices for All ("BOCA"); and

WHEREAS, BOCA established a work plan involving extensive public notice and participation, modifications to the City's Comprehensive Plan and Spokane Municipal Code to more clearly call for a greater variety of housing types, lot sizes, and living arrangements across all parts of Spokane; and

WHEREAS, following the City Council's adoption of BOCA, the Washington Legislature enacted Engrossed Second Substitute House Bill , Chapter 332, Laws of 2023 ("HB 1110") requiring Spokane to incorporate into its development and zoning regulations authorization to develop at least four residential dwelling units per lot on all lots in the City zoned predominantly for residential use and at least six units per lot on all lots zoned predominantly for residential use located within one-quarter mile walking distance of a major transit stop; and

WHEREAS, on July 31, 2023, the City Council adopted Ordinance No. C36414 amending Chapter 3 (Land Use) of the City's Comprehensive Plan to align policy language in the Comprehensive Plan with the foregoing developments and to further implement the middle housing options that are now required under State law; and

WHEREAS, this ordinance which is commonly referred to as "Building Opportunity for Housing, Phase 2 Code Amendments" permanently implements changes consistent with the July 31, 2023 amendments to the Comprehensive Plan, including certain provisions of BOCA as modified from community and stakeholder feedback, as well as implements the requirements of Section 3 of HB 1110; and

WHEREAS, this Ordinance and the housing it will allow are compatible with the City's residential neighborhoods and is consistent with and implements the City's Comprehensive Plan as updated by Ordinance C36414, which envisions a variety of housing types in the City's residential neighborhoods; and

WHEREAS, many areas in the City have failed to develop and/or have developed well below the densities envisioned and planned for in the City's Comprehensive Plan; and

WHEREAS, the City's existing housing regulations have not facilitated the development and densities envisioned and planned for in the Comprehensive Plan and needed in order to accommodate the City's projected growth; and

WHEREAS, the Ordinance will help the City achieve the residential densities envisioned and planned for in the Comprehensive Plan; and

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

WHEREAS, the Spokane Comprehensive Plan includes a Capital Improvement Plan, last updated in 2022 by Ordinance C36309, that anticipates the infrastructure needed to accommodate new growth and development; and

WHEREAS, pursuant to Chapter 17D.010 (Concurrency Certification), all development permit applications, with limited exceptions, are subject to a concurrency test to ensure that adequate available and planned facilities for water, sewer, transportation, and police and fire protection are available and/or planned to provide services to the new development consistent with the levels of service adopted in the Spokane Comprehensive Plan; and

WHEREAS, on August 21, 2013, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, a State Environmental Protection Act (SEPA) Determination of Nonsignificance and Checklist were issued by Planning Services on September 18, 2023 and the comment period ended on October 2, 2023; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance on June 28, July 12, July 26, August 23, September 13, and September 27 of this year; and

WHEREAS, on October 4, 2023, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on October 11, 2023, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed October 13, 2023; and

WHEREAS, prior to the City Council public hearing, a legal notice of public hearing was published in the *Spokesman-Review* on October 30, 2023 and the notice of the proposed amendment was distributed to the City's agency/interested party list; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance, and further adopts and incorporates the following for the same purpose: the Staff Report, the Plan Commission Findings and Recommendation, and the entire record relating to the adoption of BOCA.

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)) structure(s), on a ((single-family)) residential 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. Affordable Housing.

Affordable housing means residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income for a single person, family, or unrelated persons living together whose adjusted incomes meet the following income brackets:

1. Extremely low-income (RCW 36.70A.030(11)) – 30% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
2. Very low-income (RCW 36.70A.030(30)) – 50% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
3. Low-income (RCW 36.70A.030(16)) – 80% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
4. Moderate-income (RCW 36.70A.030(18)) – 120% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

N. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

O. 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.

P. 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.

Q. 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.

R. 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.

S. 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.

T. Alley.

See "Public Way" ([SMC 17A.020.160](#)).

U. 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.

V. 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](#).

W. 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.

X. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

Y. [Deleted]

Z. [Deleted]

AA. [Deleted]

BB. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

CC. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

DD. 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).

EE. 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.

FF. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC ((~~17G.060.090~~) 17G.061.120).

GG. 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.

HH. Aquatic Life.

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

II. 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.

JJ. 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](#).

KK. 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.

LL. 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.

MM. 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.

NN. 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.

OO. 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.

PP. 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.

QQ. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

RR. 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.

SS. 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.

TT. Attached Housing.

Two or more dwelling units that are ~~((single-family))~~ single-unit residences on individual lots attached by a common wall at a shared property line. Attached housing is also known as townhouses, townhomes, or row houses. ~~((These include:~~

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

UU. 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.

VV. Available Capacity.

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

WW. 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.

XX. 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.

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.”

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

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.

L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

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.

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.

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.

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.

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.

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.

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.

U. Board.

The board of county commissioners of Spokane County.

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.

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.

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.

Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

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.

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.

BB. 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.

CC. Building Envelope.

The area of a lot that delineates where a building may be placed.

DD. 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

EE. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

FF. 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.

GG. 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.020.030 SMC is amended to read as follows:

17A.020.030 “C” Definitions

A. Candidate Species.

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

B. Carport.

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

C. Cellular Telecommunications Facility.

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

D. Central Business District.

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

E. Certificate of Appropriateness.

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

F. Certificate of Capacity.

A document issued by the planning and economic development services department indicating the quantity of capacity for each concurrency facility that has

been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

G. Certified Erosion and Sediment Control Lead (CESCL).

An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

- a. site conditions and construction activities that could impact the quality of stormwater, and
- b. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- c. The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.

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

I. Channel Migration Zone (CMZ).

A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

J. Channelization.

The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

K. City.

The City of Spokane, Washington.

L. City Engineer.

- a. The Director of the Engineering Services department, or their designee for approval authority.

M. Clear Street Width.

The width of a street from curb to curb minus the width of on-street parking lanes.

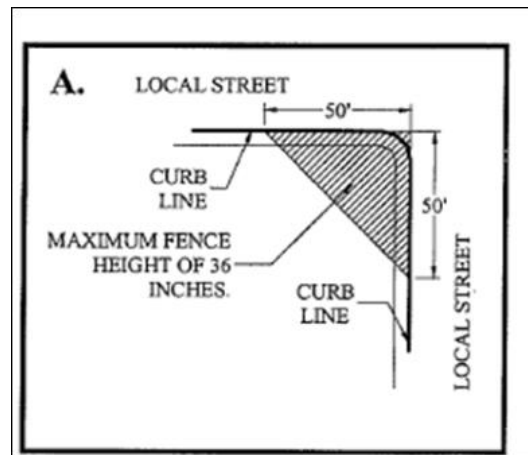
N. Clear Pedestrian Zone.

Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

O. Clear View Triangle.

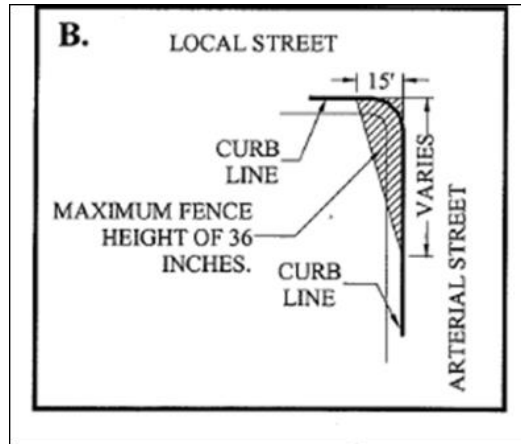
A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

- a. Intersection of two local streets: A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street.



i.

- b. Intersection of local and arterial: A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet, or when the arterial speed limit is 40 mph or greater the dimensions of the triangle shall be determined by Street Department staff using AASHTO's A Policy on Geometric Design as a reference.

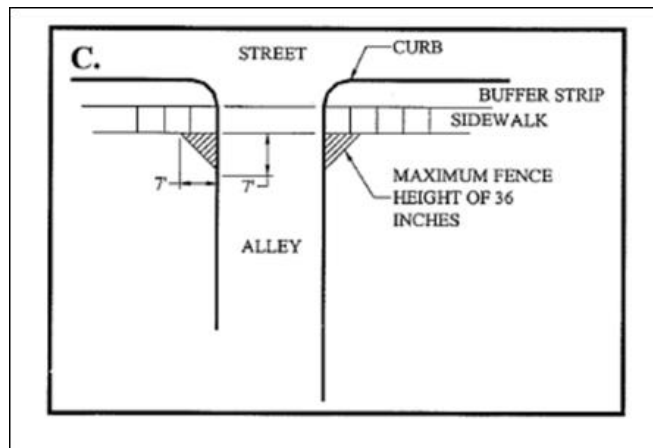


i.

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

i. the inside line of the sidewalk; or

ii. if there is no sidewalk, a line seven feet inside the curb line.



P. Clear Zone.

The roadside area free of obstacles, starting at the edge of the traveled way.

Q. Clearing.

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

R. Cliffs.

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

S. Closed Record Appeal Hearing.

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

T. Collector Arterial.

- a. Collector arterials (consisting of Major and Minor Collectors) collect and distribute traffic from local streets to principal and minor arterials. They serve both land access and traffic circulation.

U. Co-location.

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

V. Colony.

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

W. Commercial Driveway.

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

X. Commercial Vehicle.

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

Y. Commission – Historic Landmarks.

The City/County historic landmarks commission.

Z. Community Banner.
See [SMC 17C.240.015](#).

AA. Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

- a. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
- b. A community meeting does not constitute an open record hearing.
- c. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

BB. Compensatory Mitigation.

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

- a. Restoration.
 - i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
- b. Re-establishment.
 - i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in

wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

c. Rehabilitation.

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

d. Creation (Establishment).

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

e. Enhancement.

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

f. Protection/Maintenance (Preservation).

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

a gain in functions, and will be used only in exceptional circumstances.

CC. Comprehensive Plan.

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

DD. Conceptual Landscape Plan.

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

- a. The type of landscaping, L1, L2, or L3, is required to be labeled.
- b. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

EE. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.

FF. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

- a. transportation,
- b. public water,
- c. fire protection,
- d. police protection,
- e. parks and recreation,
- f. libraries,
- g. solid waste disposal and recycling,
- h. schools, and

- i. public wastewater (sewer and stormwater).

GG. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).

HH. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

II. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

JJ. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

KK. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

LL. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

MM. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

NN. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

OO. Contributing Resource

Contributing resource is any building, object, structure, or site which adds to the historical integrity, architectural quality, or historical significance of the local or federal historic district within which the contributing resource is located.

PP. Conveyance.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

QQ. Conveyance System.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

RR. Copy.

[See SMC 17C.240.015.](#)

SS. Cottage Housing.

1. A grouping of (~~individual structures where each structure contains one or two dwelling units.~~) residential units with a common open space.
2. (~~The land underneath the structures may or may not be divided into separate lots.~~)
3. (~~A cottage housing development may contain detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.~~)

4. ((The types of units allowed in cottage housing development are detached cottages, attached unit homes and carriage units. For the purposes of [SMC 17C.110.350](#), the definitions of these types are:))

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



[NOTE: Delete graphic above]

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



[NOTE: Delete graphic above]

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



[NOTE: Delete graphic above]

TT. Council.

The city council of the City of Spokane.

UU. County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

VV. Courtyard apartments.

Three or more attached dwelling units arranged on two or three sides of a yard or court.

WW. Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

XX. Creep.

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

YY. Critical Amount.

The quantity component of the definition of critical material.

ZZ. Critical Aquifer Recharge Areas (CARA).

Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.

AAA. Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under [chapter 17E.010 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), and [chapter 17E.070.SMC](#).

BBB. Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

- a. schools;
- b. nursing homes;
- c. hospitals;
- d. police;
- e. fire;
- f. emergency response installations; and
- g. installations which produce, use, or store hazardous materials or hazardous waste.

CCC. Critical Material.

- a. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - i. domestic and industrial water supply,
 - ii. agricultural irrigation,
 - iii. stock water, and
 - iv. fish propagation.
- v. Used herein, the designation is distinguished from state or other designation.

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

DDD. Critical Material Activity.

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

EEE. Critical Materials Handbook.

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

- a. The handbook is based on the original prepared by the Spokane water quality management program (“208”) coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
- b. The handbook, as approved and modified by the division director of public works and utilities, contains:
 - i. a critical materials list,
 - ii. a critical materials activities list, and
 - iii. other technical specifications and information.
- c. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

FFF. Critical Review.

- a. The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

GGG. Critical Review Action.

- a. An action by a municipal official or body upon an application as follows:

- i. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
- ii. Application for a shoreline substantial development permit (~~SMC 17G.060.070(B)(1))~~) ([SMC 17G.061.070\(B\)\(1\)](#)).
- iii. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
- iv. Application for a variance or a certificate of compliance (~~SMC 17G.060.070(A) or SMC 17G.060.070(B)(1))~~) [SMC 17G.061.110](#).
- v. Application for rezoning (~~SMC 17G.060.070(A))~~) [SMC 17G.061.110](#).
- vi. Application for conditional permit (~~SMC 17G.060.070(A))~~) [SMC 17G.061.110](#).
- vii. Application for a business license ([SMC 8.01.120](#)).
- viii. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
- ix. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
- x. Application for connection to the City sewer or water system.
- xi. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).
- xii. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#), and [SMC 13.03.0324](#)).
- xiii. Application involving a project identified in [SMC 17E.010.120](#).
- xiv. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
- xv. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and

xvi. Application for permit to install or retrofit aboveground storage tank(s) ([SMC 17E.010.060\(A\)](#) and [SMC 17E.010.400\(D\)](#)).

b. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

HHH. Critical Review Applicant.

a. A person or entity seeking a critical review action.

III. Critical Review Officer – Authority.

The building official or other official designated by the director of public works and utilities.

For matters relating to the fire code, the critical review officer is the fire official.

The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.

The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.

The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

JJJ. Critical Review Statement.

a. A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

KKK. Cumulative Impacts.

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

LLL. Curb Ramp.

- a. A ramp constructed in the sidewalk to provide an accessible route from the sidewalk to the street.

MMM. Cutbank.

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

Section 4. 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 – 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.

BB. Directional Sign.

See [SMC 17C.240.015](#).

CC. 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~~)) Building Official, the City Engineer, and the Planning Director.

DD. Director, Planning.

The Director of the Planning and Economic Development department.

EE. 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.

FF. 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.

GG. 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.

HH. 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.

II. 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.

JJ. 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.

KK. 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.

LL. 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.

MM. 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.

NN. Dredge Spoil.

The material removed by dredging.

OO. 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.

PP. 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.

QQ. Driveway.

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

RR. Driveway Approach.

The edge of a driveway where it abuts a public right-of-way.

SS. Duplex.

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

TT.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. A dwelling unit shall not contain more than one kitchen. 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 5. 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. Fiveplex.

A building that contains five dwelling units on the same lot that share a common wall or common floor/ceiling.

N. Flag.

See [SMC 17C.240.015](#).

O. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

P. 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.

Q. 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.

R. 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; ((ø€))
 - 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.

S. 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).

T. 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).

U. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

V. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

W. Floodway.

1. 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."

X. 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).

Y. 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.

Z. 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.

AA. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

BB. Fourplex.

A building that contains four dwelling units on the same lot that share a common wall or common floor/ceiling.

CC. 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.

DD. Freestanding Sign.

See [SMC 17C.240.015](#).

EE. 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.

FF. 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 6. That Section 17A.020.120 SMC is amended to read as follows:

17A.020.120 “L” Definitions

A. Land Surveyor.

An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

B. Land Use Codes.

Those provisions of this code that relate to:

1. zoning,
2. subdivision,
3. shorelines management,
4. stormwater control,
5. flood zones,

6. critical areas,
7. signs,
8. skywalks, and

include chapter 17D.020 SMC, chapter 17D.050A SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, and chapter 17G.080 SMC.

C. Landscape Plan.

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways, and other pedestrian areas.
5. Location, height, and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

E. Latah Formation.

Sedimentary layer of claystone to fine-grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.

F. Launch Ramp.

An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

- G. "Ldn" means a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a twenty-four hour time period, with a ten decibel penalty applied to nighttime (ten p.m. to seven a.m.) sound levels.

- H. Leak Detection.

A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.

- I. Levee.

A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

- J. Level of Service Standard.

The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.

- K. Lighting Methods.

- 1. Direct.

- Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.

- 2. Indirect.

- The light source is separate from the sign face or cabinet and is directed to shine onto the sign.

- 3. Internal.

- The light source is concealed within the sign.

- L. Lighting Plan.

A general site plan that includes:

1. location of all lighting fixtures on the site;
2. manufacturer's model identification of each lighting fixture;
3. manufacturer's performance specifications of each fixture;
4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

M. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

N. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

O. Littoral Drift.

The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents.

P. Living groundcover (or "living ground cover").

Living plant species which reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground. Areas that meet Spokanescape guidelines with drought tolerant plants covering at least half of the project area at maturity and bark or rock mulch covering all exposed soil are considered to meet this definition.

Q. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

R. Lot.

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or
 - b. a building site designated as such on an approved planned development plan; or
 - c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.
2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
3. A "corner lot" is a lot bounded on two adjacent sides by intersecting public streets.
4. An "inside lot" is a lot other than a corner lot.
5. A "through lot" is a lot bounded on opposite sides by parallel or approximately parallel public streets.

S. Lot Depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

T. Lot Lines.

The property lines along the edge of a lot or site.

1. "Front lot line" means a lot line, or segment of a lot line, that abuts a street.

- a. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
 - b. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.
2. "Rear lot line" means a lot line that is opposite a front lot line.
- a. A triangular lot has two side lot lines but no rear lot line.
 - b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
3. "Side lot line" means a lot line that is neither a front nor rear lot line.
- a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.
4. "Side street lot line" means a lot line that is both a side lot line and a street lot line.
5. "Street lot line" means a lot line, or segment of a lot line, that abuts a street.
- a. "Street lot line" does not include lot lines that abut an alley.
 - b. On a corner lot, there are two (or more) street lot lines.
 - c. Street lot lines can include front lot lines and side lot lines.

U. Lot Width.

The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

V. Low Impact Development (LID).

- 1. LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

W. Low Visual Impact Facility.

For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an

existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

X. Lowest Floor.

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.

Section 7. 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. Major Transit Stop.

1. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
3. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

D. 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.

E. Manufactured Home Park.

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

F. Marquee Sign.

See [SMC 17C.240.015](#).

G. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrohytic plants. Shallow water usually stands on a marsh at least during part of the year.

H. 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.

I. 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.

J. Middle Housing.

A residential development that contains two or more attached, stacked, or clustered dwelling units. Middle housing is compatible in scale, form, and characteristics with individual detached single-unit houses and may include any combination of the housing types listed below. (A middle housing development could meet more than one building type definition – e.g., it could be both a stacked flat and a triplex.)

1. Single-Unit Residential Building

2. Duplex

3. Triplex
4. Fourplex
5. Fiveplex
6. Sixplex
7. Attached housing
8. Cottage housing
9. Accessory Dwelling Unit
10. Stacked flat
11. Courtyard apartments

K. Mining.

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

L. 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.

M. Mitigation – Mitigate.

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

N. 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.

O. 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.

P. 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.

Q. 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.

R. 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.

S. 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.

T. 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.

U. Monument.

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

V. Monument Sign.

[See SMC 17C.240.015.](#)

W. ~~((Multi-family))~~ Multi Unit Residential Building (or "Multi-unit Residential").

A common wall dwelling or apartment house that consists of three or more dwelling units on the same lot.

X. 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.

Y. 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.

Z. MUTCD.

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

Section 8. That Section 17A.020.180 SMC is amended to read as follows:

17A.020.180 “R” Definitions

A. RCW.

The Revised Code of Washington, as amended.

B. Reasonable Cause.

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.

C. Reconsideration – Request For.

A request to the appeal body to consider again or reverse the decision on the permit application.

D. Recreational Vehicle.

A vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

E. Recycling Drop-off Center.

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.
5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

F. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted, or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

G. Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

H. Regional Shopping Mall – Enclosed.

A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

I. Registered Neighborhood Organization.

A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. Represents a specifically designated geographic area;
2. Is governed by bylaws and has elected officers; and
3. Has registered as such with the City and is on the current list of registered neighborhood organizations.

J. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

K. Regulated Substance.

A critical material as referred to in 42 U.S.C. 6991(2).

L. Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

M. Religious Organization (or "Faith Based Organization")

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (see RCW 36.01.290).

N. Repair (see also "Maintenance").

An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

O. Reservoir.

A body of water collected and stored in an artificial pool that is intended for future use.

P. Residential Zone.

Those zones from RA through RHD.

Q. Responsible Party.

A person who is either:

1. The property owner or person authorized to act on the owner's behalf; or
2. Any person causing or contributing to a violation of this chapter.

R. Restoration.

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

S. Revetment.

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

T. Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:
 - a. freeways,
 - b. streets,
 - c. bike paths,
 - d. alleys, and
 - e. walkways.
2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

U. Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

V. Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

W. Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

X. Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

Y. River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Z. Riverine.

Situated alongside or associated with a river.

AA. Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as “streets.” Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as “roads.”
2. Within the context of this code, “roadway” refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter [17D.050A SMC](#).

BB. Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

CC. Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

DD. Rockfall.

The falling of rocks from near vertical cliffs.

EE. Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

FF. Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

GG. Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

HH. Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 9. 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.

BB. 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.

CC. 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

DD. 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.

EE. 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.

FF. 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.

GG. 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.

HH. 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.

II. 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.

JJ. 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)).

KK. Sign.

[See SMC 17C.240.015.](#)

LL. Sign – Animated Sign.

[See SMC 17C.240.015.](#)

MM. Sign – Electronic Message Center Sign.

[See SMC 17C.240.015.](#)

NN. Sign Face.

[See SMC 17C.240.015.](#)

OO. Sign – Flashing Sign.

[See SMC 17C.240.015.](#)

PP. Sign Maintenance.

[See SMC 17C.240.015.](#)

QQ. Sign – Off-premises.

[See SMC 17C.240.015.](#)

RR. Sign Repair.

See SMC 17C.240.015.

SS. Sign Structure.

See SMC 17C.240.015.

TT. 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.

UU. (~~Single-family~~) Single Unit Residential Building (or “Single-unit Residential”).

A dwelling containing only one dwelling unit.

VV. 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.

WW. Site.

Any parcel of land recognized by the Spokane County assessor’s office for taxing purposes. A parcel may contain multiple lots.

XX. 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.

YY. 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)~~).

ZZ. Sixplex.

A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

AAA. Slump.

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

BBB. SMC.

The Spokane Municipal Code, as amended.

CCC. Soil.

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

DDD. 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.

EEE. Sound Transmission Class (STC).

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

FFF. 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](#).

GGG. Special Event Sign.

See [SMC 17C.240.015](#).

HHH. 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.

III. 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.

JJJ. 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.

KKK. Spokane Regional Stormwater Manual (SRSM).

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.

LLL. Spokane Register of Historic Places.

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

MMM. 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.

NNN. 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.

OOO. Stacked flat.

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

PPP. Standard Plans.

Refers to the City of Spokane's standard plans.

QQQ. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

RRR. 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.

SSS. State Candidate Species.

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

TTT. 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.

UUU. State Register.

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

VVV. 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.

WWW. 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.

XXX. 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.

YYY. Stewardship.

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

ZZZ. 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.

AAAA. 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.

BBBB. 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.

CCCC. 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)).

DDDD. Street.

See "Public Way" ([SMC 17A.020.160](#)).

EEEE. 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.

FFFF. Street Frontage.

The lot line abutting a street.

GGGG. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

HHHH. Structural Alteration.

See [SMC 17C.240.015](#).

IIII. 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.

JJJJ. 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.

KKKK. 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).

LLLL. Subject Property.

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

MMMM. Sublevel Construction Controls.

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

NNNN. 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.

OOOO. 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 market value of the structure before the damage occurred.

PPPP. 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.

QQQQ. 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” provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

RRRR. Suffix.

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

Section 10. That Section 17A.020.200 SMC is amended to read as follows:

17A.020.200 “T” Definitions

A. Temporary Erosion and Sediment Control Measures.

Erosion and sediment control devices used to provide temporary stabilization of a site, usually during construction or ground disturbing activities, before permanent devices are installed.

B. Temporary Sign.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).

C. Temporary Structure.

A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.

D. Tenant Space.

Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

E. Through Pedestrian Zone.

The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

F. Tideland.

Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

G. Total Maximum Daily Load (TMDL).

A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for reasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that

use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

H. [Deleted].

I. [Deleted].

J. [Deleted].

K. Tracking.

The deposition of sediment onto paved surfaces from the wheels of vehicles.

L. Tract.

A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through conditions, covenants and restrictions (CC&Rs).

M. Traveled Way.

The area of street which is intended to carry vehicular traffic, excluding any shoulders.

N. Triplex.

A building that contains three dwelling units on the same lot that share a common wall or common floor/ceiling.

O. Type I Application.

An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#), and does not require a public hearing. Type I applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061](#) SMC. These applications may include, but are not limited to, building permits and grading permits.

P. Type II Application.

An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and does not require a public hearing. The Type II applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061](#) SMC. These applications may include, but are not limited to, short plats, binding site

plans, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.

Q. Type III Application.

An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#) and requires a public hearing. Type III applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter [\(\(17G.060\)\) 17G.061](#) SMC. These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats, or shoreline conditional use permits.

Section 11. That Section 17A.040.020 SMC is amended to read as follows:

17A.040.020 Establishment of Map and Text

To accomplish the intent and purpose outlined in SMC 17A.010.002, this development code includes both a map, by which the City of Spokane is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. The map and text are found to provide proper zoning for the City and to meet all criteria of this development code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled zoning map of the City of Spokane, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the City, and as amended, is hereinafter referred to as the ~~((zoning map))~~ Zoning Map or Official Zoning Map.

Section 12. That Section 17A.040.030 SMC is amended to read as follows:

17A.040.030 Maintenance of the Map

The original signed copy of the zoning map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk and a duplicate shall be filed in the ~~((planning services))~~ Planning and Economic Development Services department to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the ~~((planning services))~~ Planning and Economic Development Services department.

Section 13. That Section 17A.040.040 SMC is amended to read as follows:

17A.040.040 Amendments to Map and Text

A. Amendments.

Amendments may be proposed by the city council on its own motion or may be proposed by the plan commission on its own motion, or the amendment may be proposed by an applicant or City staff pursuant to chapter ~~((17G.060))~~ 17G.061 SMC. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the ~~((planning services))~~ Planning and Economic Development Services department.

B. Timing and Responsibility for Updating Official Zoning Map.

All amendments hereafter made to the zoning map by ordinance shall be shown on the map(s). It shall be the responsibility of the planning services director to keep the maps up to date at all times. Any amendments to the zoning map shall be made in accordance with the comprehensive plan land use map, as amended.

Section 14. That Section 17A.040.050 SMC is amended to read as follows:

17A.040.050 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the ~~((planning and economic development services director))~~ Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to chapter 17A.050 SMC. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under SMC ~~((17G.060.210))~~ 17G.061.340. The director, in interpreting the zoning map or the hearings examiner in deciding any appeal, shall apply the following standards:

A. General Rules for Drawing Boundaries.

Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the centerline of alleys, streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the zoning map. Boundaries indicated as approximately following river, stream and/or drainage channels shall be construed as following river, stream and/or drainage channels. If a zoning district boundary divides a lot into two or more zoning districts, the location of the boundary, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

B. When Rights-of-way Are Vacated.

When zoning districts are separated by a public street, alley or other public way, the boundary between the districts shall be construed as being the centerline of the right-of-way. Whenever any street, alley, or other public way is vacated in the manner

authorized by law, the zoning district adjoining each side of the street, alley, or public way shall extend to the center of the former street, alley, or public way.

Section 15. That Chapter 17C.110 SMC is repealed.

Section 16. That there is adopted Chapter 17C.111 SMC to read as follows:

Chapter 17C.111 Residential Zones

17C.111.010 Purpose

The residential zones implement the residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the permitted uses, the housing types, and intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired form for the residential area. The standards are intended to provide certainty to property owners, developers, and neighbors of what is allowed in the various categories.

A. Use Standards.

The use standards are intended to create and maintain residential neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood form and function.

B. Development Standards.

The development standards preserve the characteristics of neighborhoods by providing six different zones with different intensities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. The site development standards allow for flexibility of development while ensuring new development complements existing development and maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

17C.111.015 Design Standards Administration

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the Planning Director

following an administrative design review process. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

1. Requirements are objective standards that involve no discretion by the reviewer, using language such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.
2. Design departures from Requirements.
 - a. An applicant may seek a deviation from certain Requirements through the design departure process, chapter 17G.030 SMC, Design Departures.
 - b. A design departure to a Requirement may only be approved if the proposed design is found to be an improvement over the non-discretionary standards – so long as the purpose of the Requirement is satisfied.
 - c. Design departures for Requirements are typically reviewed by the City's Urban Design staff. At the discretion of the applicant, a request to deviate from a Requirement may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases of involving projects of unusual complexity and/or situations where it is not clear whether or not the proposal satisfies the intent of the design standards, City staff may refer the project application to the Design Review Board.

B. Presumptions (P).

1. Presumptions are objective standards that involve no discretion by the reviewer but may include some flexibility for how the standards may be met. For example, some Presumptions offer a list or menu of options for meeting the standard. Presumptions must be satisfied by any plan prior to building permit approval. Presumptions are listed with an (P) after the standard.
2. Design departures and waivers from Presumptions.

An applicant may seek a waiver of a Presumption, as provided in subsections (a) and (b), or may request a design departure pursuant to subsection (c) and chapter 17G.030 SMC, Design Departures.

a. Waiving a Presumption.

A Presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate that there is a good reason why the Presumption is inappropriate. An alternative may be approved that achieves the intent of the Presumption.

b. Appropriate reasons for waiving a Presumption include:

- i. demonstrating that in this instance the underlying design principles will not be furthered by the application of the Presumption;
- ii. showing that another design principle is enhanced by not applying the Presumption;
- iii. demonstrating an alternative method for achieving the intent of the Presumption;
- iv. explaining the unique site factors that make the Presumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development and/or compliance with applicable standards generally will not be an acceptable reason to waive a Presumption or determine that a Presumption is inappropriate.

- c. A design departure to a Presumption may only be approved if the proposed design is found to be either equal to or better than the non-discretionary standards – so long as the purpose of the Presumption is satisfied.
- d. Waivers and design departures for Presumptions are typically reviewed by the Planning Director through an administrative review. At the discretion of the applicant, a request to waive or deviate from a Presumption may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases involving projects of unusual complexity and/or situations where it is not clear to the Planning Director whether or not the proposal satisfies the intent of the Presumption, the Director may also refer the project application to the design review board.

C. Considerations (C).

Design standards listed as Considerations are features and concepts that an applicant should consider in preparing a plan. Considerations are only reviewed as part of the

design departure process, pursuant to chapter 17G.030 SMC. In reviewing a design departure request, the Design Review Board, Urban Design staff, or Planning Director (as applicable) will review an applicant's response to a consideration, which may assist in gaining acceptance for a plan. Outside of a design departure, Considerations are encouraged, but not required or enforceable. Considerations are listed with an (C) after the standard.

17C.111.020 List of the Residential Zones

The full names, short names and map symbols of the residential zones are listed below. When this chapter refers to the low-intensity residential zones, it is referring to the RA, R1, and R2 zones listed herein. When this chapter refers to the residential zones, it is referring to the low-intensity residential and higher-intensity residential zones in this chapter.

Full Name	Short Name/Map Symbol
Residential Agricultural	RA
Residential 1	R1
Residential 2	R2
Residential Multifamily	RMF
Residential High Density	RHD

17C.111.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).

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

B. Residential 1 (R1).

The R1 zone is a low-intensity residential zone. The zone allows a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and middle housing types.

C. Residential 2 (R2).

The R2 zone is a low-intensity residential zone. It allows a range of housing choices built at the general scale and height of detached houses—including both detached and attached homes and middle housing types—but at a slightly larger development intensity than the R1 zone.

D. Residential Multifamily (RMF).

The RMF zone is a medium-intensity residential zone. Allowed housing includes larger multi-unit structures while also including a mix of lower intensity middle housing and detached housing. The RMF zone allows higher development intensity as compared to the R2 zone.

E. Residential High Density (RHD).

The RHD is a high-intensity residential zone that allows the highest intensity and scale of housing in the residential zones. The allowed housing developments including those found in the RMF zone but also including taller and more intense apartment complexes.

17C.111.040 Other Zoning Standards

The standards in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, neighborhood plans, plan districts or designated historical landmarks are subject to additional standards. The official zoning maps indicate which sites are subject to these additional standards. Specific uses or development types may also be subject to standards in Part 3, Special Use Standards, of this division.

17C.111.100 Residential Zone Primary Uses

A. Permitted Uses (P).

Uses permitted in the residential zones are listed in Table 17C.111.100-1 with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L).

Uses permitted that are subject to limitations are listed in Table 17C.111.100-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in SMC 17C.320.080, Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.111.100-1.

C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.111.100-1 with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in SMC 17C.320.080, Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in SMC 17C.320, Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.111.105-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards chapter 17C.210 SMC, Nonconforming Situations.

**TABLE 17C.111.100-1
RESIDENTIAL ZONE PRIMARY USES**
(Click here to view PDF)

Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	R1	R2	RMF	RHD
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P

Daycare [5]	L	L	L	P	P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Notes: * The use categories are described in chapter 17C.190 SMC. * Standards that correspond to the bracketed numbers [] are stated in SMC 17C.111.110. * Specific uses and development may be subject to the standards in SMC 17C.320.080.					

17C.111.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.111.100-1.

A. Group Living.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [1]. Group living uses are also subject to the standards of ((SMC)) chapter 17C.330 SMC, Group Living.

1. General Standards.

All group living uses in RA, R1, R2, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of ((SMC)) chapter 17C.330 SMC, Group Living, including the maximum residential density provisions of Table 17C.330-1.

- b. Group living uses for more than six residents are a conditional use in the RA and R1 zones, subject to the standards of ((SMC)) chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- c. Group living uses for more than twelve residents are a conditional use in the R2 and RMF zones, subject to the standards of ((SMC)) chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of ((SMC)) chapter 17C.320 SMC, Conditional Uses. They are also subject to the standards of ((SMC)) chapter 17C.330 SMC, Group Living.

B. Office.

- 1. This regulation applies to all parts of Table 17C.111.100-1 that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of ((SMC)) chapter 17C.320 SMC, Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, R1, and R2 zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a

conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [4]. In the RA, R1, and R2 zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [5]. Daycare uses are allowed by right if locating within a building or residence and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, R1, and R2 zones. However, in the R1 zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution, or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [6]. In the RA, R1, and R2 zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in SMC 17G.061.110 prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the Table 17C.111.100-1 that have a note [7]. In the RA, R1, and R2 zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to

the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in SMC 17G.061.110 prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See ((SMC)) chapter 17C.310 SMC, Animal Keeping, for specific standards.

17C.111.115 Housing Types Allowed

A. Purpose.

Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.111.030. The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including large multifamily buildings, are allowed in the higher intensity zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in Table 17C.111.115-1.

TABLE 17C.111.115-1					
RESIDENTIAL ZONE HOUSING TYPES ALLOWED					
(Click here to view PDF)					
P – Permitted N – Not Permitted CU – Conditional Use review required	RA	R1	R2	RMF	RHD
Single-Unit Residential Building	P	P	P	P	P
Middle housing [1]	N	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multi-Unit Residential Building [1]	N	P	P	P	P

Short Term Rentals [4]	P/CU	P/CU	P/CU	P/CU	P/CU
<p>Notes:</p> <p>[1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building.</p> <p>[2] See ((SMC)) <u>chapter</u> 17C.300 <u>SMC</u>, Accessory Dwelling Units.</p> <p>[3] See ((SMC)) <u>chapter</u> 17C.345 <u>SMC</u>, Manufactured Homes and Mobile Home Parks.</p> <p>[4] See ((SMC)) <u>chapter</u> 17C.316 <u>SMC</u>, Short Term Rentals.</p>					

17C.111.120 Accessory Uses

Accessory uses to a primary use are allowed if they comply with specific standards for the accessory uses and all development standards. See chapter 17C.190 SMC, Use Category Descriptions. Accessory buildings such as garages are included in SMC 17C.111.240. Accessory dwelling units, bed and breakfast facilities, short-term rentals, and home occupations have specific standards in chapter 17C.300 SMC, chapter 17C.315 SMC, chapter 17C.316 SMC, and chapter 17C.340 SMC, respectively.

17C.111.125 Nuisance-related Impacts

A. Off-site Impacts

All institutional uses including their accessory uses must comply with the standards of chapter 17C.220 SMC, Off-site Impacts.

B. Other Nuisances.

The Spokane Municipal Code under Title 10 SMC, Regulation of Activities, and Title 17 SMC, Unified Development Code, regulates other nuisances.

C. Agricultural Activities.

1. Agricultural activities are an important part of the character of the Latah Creek valley and the City as a whole. The conduct of agricultural activities in an urbanizing area may lead to zoning and nuisance complaints and force the premature removal of lands from agricultural use. It is the intent of the City to protect agricultural activities in this area from zoning and nuisance complaints.
2. Agricultural activities, when conducted consistent with good agricultural practices, are a permitted activity within the RA zone, and are not to be found to constitute a nuisance unless the activity has a substantial adverse effect upon the public health and safety. Agricultural activities undertaken in conformity with all applicable laws

and rules are presumed to be good agricultural practices not adversely affecting the public health and safety. An agricultural activity conducted in conformity with all applicable rules and laws is not restricted as to the hours of the day or day(s) of the week during which it may be conducted.

3. Any property offered for sale within the agricultural overlay zone will include notice on subdivisions, development permits and building permits within three hundred feet of lands designated as agriculture that agricultural activities may be conducted and that such activities are legal and permitted by zoning regulations. Failure to do so does not negate the right to engage in agricultural activities on any property located within the agricultural overlay zone.

17C.111.200 Lot Size and Dimensions

A. Purpose.

The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

The lot dimension standards further ensure that:

- a. Each lot has enough room for a reasonably-sized house;
- b. Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- c. Housing units have access to private or shared open space;
- d. Lots don't narrow to an unbuildable width close to the street;
- e. Lots have access from public rights-of-way;
- f. Each lot has access for utilities and services;
- g. Lots are an appropriate size and shape so that development can be oriented toward the street;
- h. Housing goals for the City are met; and
- i. To avoid having the garage door as the dominant feature of the front of a house on narrow lots.

B. Existing Lot Size.

1. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage, or area per dwelling unit is less than that required by this chapter, except as follows:
 - a. Through a Planned Unit Development as described in chapter 17G.070 SMC.
 - b. Through a unit lot subdivision pursuant to SMC 17G.080.065.
2. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.111.205-1.
2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and R1 zones pursuant to SMC 17G.070.030(C)(1).

D. Ownership of Multiple Lots.

Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under ((SMC)) chapter 17G.080 SMC, Subdivisions.
2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).

E. New Development on Standard Lots.

New development on lots that comply with the lot size standards in this section are allowed subject to the development standards and density requirements of the base zone as required in Table 17C.111.205-2.

F. Lot Frontage.

All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.111.205-1 except as follows:

1. For lots created through unit lot subdivisions approved under SMC 17G.080.065.
2. For lots approved in a planned unit development approved under chapter 17G.070 SMC.
3. For lots in a manufactured home park approved under SMC 17H.010.090.

17C.111.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.111.205-1 through 17C.111.205-3.

TABLE 17C.111.205-1 LOT DEVELOPMENT STANDARDS [1]					
	RA	R1	R2	RMF	RHD
DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A
Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					

Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
<p>Notes:</p> <p>[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.</p> <p>[2] See SMC 17C.111.210 for applicability of minimum and maximum density standards in the residential zones.</p> <p>[3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.</p> <p>[4] Lots with vehicle access only from an alley are not considered to have a "driveway approach" for the purposes of this standard.</p> <p>[5] Lot and building coverage calculation includes all primary and accessory structures.</p> <p>[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.</p> <p>[7] Developments meeting certain criteria relating to transit, Centers & Corridors, or housing affordability are given a bonus for building coverage. See SMC 17C.111.225 for detailed eligibility criteria.</p> <p>[8] Projects may exceed impervious coverage requirements by including an engineer's drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. "ADC" means Area of Drainage Concern.</p>					

TABLE 17C.111.205-2 BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A

Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum Setbacks					
Front [3]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line - lot width 40 ft or less [4]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line - lot width more than 40 ft [4]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit - lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit - lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side lot line setbacks [4] [5]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley [5]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					
Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Minimum side lot line setbacks [4] [5] [6]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley [5]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE					

Minimum outdoor area per unit [7]	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area - first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	150 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area - all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	100 sq. ft.	48 sq. ft.

Notes:

[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.

[2] Base zone height may be modified according to SMC 17C.111.230, Height.

[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks.

[4] There is an additional angled setback from the interior side lot line. Refer to SMC 17C.111.230(C) and 17C.111.235(E) for more detail.

[5] Setbacks for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner as specified in SMC 17C.111.240(C).

[6] Accessory structures may be subject to an additional side setback adjacent to streets as specified in 17C.111.240(C)(5).

[7] Common outdoor area may be substituted for private outdoor area according to SMC 17C.111.310.

TABLE 17C.111.205-3 DEVELOPMENT STANDARDS FOR PROPERTIES QUALIFYING FOR DEVELOPMENT BONUS [1] [2]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes:					
[1] Standards not addressed in this table are consistent with the general standards in Tables 17C.111.205-1 and 17C.111.205-2.					
[2] Criteria to qualify for Development Bonuses is outlined in SMC 17C.111.225.					

17C.111.210 Density

A. Purpose.

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. The use of density minimums ensures that in areas with the highest level of public services, that the service capacity is not wasted and that the City's housing goals are met.

B. Calculating Density.

The calculation of density for a subdivision or residential development is net area and is based on the total area of the subject property, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities. Land within a critical area (see definitions under chapter 17A.020 SMC) may be subtracted from the calculation of density. When the calculation of density results in a fraction, the density allowed is rounded up to the next whole number. For example, a calculation in which lot area, divided by minimum unit area equals 4.35 units, the number is rounded up to five units.

C. Maximum Density Applicability and Calculation.

1. The maximum density standards in Table 17C.111.205-1 shall be met only when the development site exceeds 2 acres in area. In such cases, the following apply:

- a. If a land division is proposed, the applicant must demonstrate how the proposed lots can meet maximum density once construction is completed.
- b. If no land division is proposed, maximum density must be met at the time of development.
- c. Maximum density is based on the zone and size of the site. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from Table 17C.111.205-1;

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded up to the next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

2. If the development site is 2 acres or less in area, the maximum density standards do not apply.

3. The number of units allowed on a site is based on the presumption that all site development standards will be met.

D. Minimum Density Applicability and Calculation.

1. The minimum density standards in Table 17C.111.205-1 shall be met under the following circumstances:
 - a. A land division is proposed.
 - b. In such cases, the applicant must demonstrate how the proposed lots can meet minimum density once construction is completed.
 - c. Minimum density standards can be modified by a PUD under SMC 17G.070.030(B)(2).
 - d. Development is proposed in the RMF or RHD zones. In such cases, minimum density must be met at the time of development.
2. Except as provided in subsection (3), when development is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density standards do not apply.
3. A site with pre-existing development may not move out of conformance or further out of conformance with the minimum density standard, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).
4. Minimum density is based on the zone and size of the site, and whether there are critical areas (see definitions under chapter 17A.020 SMC). Land within a critical area may be subtracted from the calculation of density. The following formula is used to determine the minimum number of lots required on the site.

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density from Table 17C.111.205-1;

Equals minimum number of units required.

E. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of chapter 17G.070 SMC, Planned Unit Developments.

17C.111.220 Building Coverage and Impervious Coverage

A. Purpose.

The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. The standards also help define the form of the different zones by limiting the amount of building area allowed on a site. Additionally, the impervious coverage standards ensure that there is adequate space on a site for stormwater infiltration.

B. Building Coverage and Impervious Coverage Standards.

The maximum combined building coverage allowed on a site for all covered structures is stated in Table 17C.111.205-1.

1. "Impervious surface" is defined in SMC 17A.020.090.
2. For development applications that submit an engineer's stormwater drainage plan pursuant to SMC 17C.060.140, total impervious coverage on a lot is not limited by this chapter, and the building coverage standards control.
3. For development applications that do not submit an engineer's stormwater drainage plan, the maximum impervious coverage standards in Table 17C.111.205-1 must be met. The impervious coverage standards vary depending on whether or not the subject site is located in an Area of Drainage Concern pursuant to SMC 17D.060.135.

C. How to Use FAR with Building Coverage.

The FAR determines the total amount of living space within a residential structure while the maximum building site coverage determines the maximum building footprint for all structures, including garages and the primary residence(s). The FAR is defined under chapter 17A.020 SMC, Definitions. FAR does not apply to Residentially zoned areas.

17C.111.225 Development Bonuses

A. Purpose.

This section implements development bonuses on property that meets certain criteria. The provisions for Religious Organizations are given to meet the requirements of RCW 36.70A.545 for bonuses on property owned by a Religious Organization.

B. Bonus.

For lots qualifying for the standards of this section, development standards listed in Table 17C.111.205-3 shall apply.

C. Requirements.

Any one of the following conditions shall qualify a property for the bonuses in this section:

1. Transit.

The property is within one half mile of a major transit stop, as defined in SMC 17A.020.130.

2. Center & Corridor.

The property is within one half mile of a Center & Corridor Zone.

3. Religious Organization.

The property is owned by a Religious Organization as defined in SMC 17A.020.180 and the property meets the affordability requirements in subsection (D) of this section.

4. Affordable Units.

The property meets the affordability requirements in subsection (D) of this section.

D. Affordability.

A development shall satisfy the affordability standards of this section if it meets the requirements of one of the following programs for affordable housing:

1. State or Federal Funding.

A development receiving funding through state or federal programs for affordable housing shall meet the affordability standards of this section.

2. Multiple-Family Housing Property Tax Exemption.

A development that qualifies for the twenty (20) year exemption under the Multiple-Family Housing Property Tax Exemption pursuant to SMC 08.15.090 shall meet the affordability standards of this section.

3. Sales and Use Tax Deferral Program for Affordable Housing.

A development that qualifies for the Sales and Use Tax Deferral Program for Affordable Housing under SMC 08.07D shall meet the affordability standards of this section.

4. Other Affordability Programs.

A development that doesn't match the above programs shall satisfy the affordability standards of this section if it includes the following characteristics:

a. Percentage of Affordable Units.

At least 25 percent of the units shall be dedicated as affordable for low-income households, as defined in SMC 17A.020.010. When the calculation results in a fraction the number of units shall be rounded up to the next whole number.

b. Rental.

Designated affordable units made available for rent shall be rented at a rate that is affordable to low-income households.

c. Sale.

The initial sale of an affordable unit upon completion of construction shall not exceed a purchase price that is affordable to a low-income household. Upon completion of an affordable unit and prior to the initial sale, the property owner shall file with the City a report indicating the unit will be purchased by a qualifying low-income household. The Planning Director shall establish a standard form for this purpose and include such information as is deemed necessary or useful.

d. Deed Restriction.

The applicant must record a covenant or deed restriction with the county auditor's office identifying the units subject to these affordability requirements. The deed restriction shall include a definition for low-income household consistent with the definition in SMC 17A.020.010. The deed restriction shall make provision for the following:

- I. These affordability requirements shall be in effect for at least forty (40) years from the time of filing; and
- II. Rental rates for affordable units shall not exceed levels that are affordable to a low-income household; and
- III. The initial sale of units from a developer to an owner-occupant shall not exceed a purchase price that is affordable to a low-income household. Subsequent purchases are not subject to a price restriction.

e. Size.

The units dedicated as affordable shall be no smaller in size than the smallest market rate unit in the development.

f. Number of Bedrooms.

The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.

g. Distribution.

The affordable units shall be distributed throughout the development.

h. Functionality.

The affordable units shall have the same functionality as the other units in the development.

17C.111.230 Height

A. Purpose.

The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.

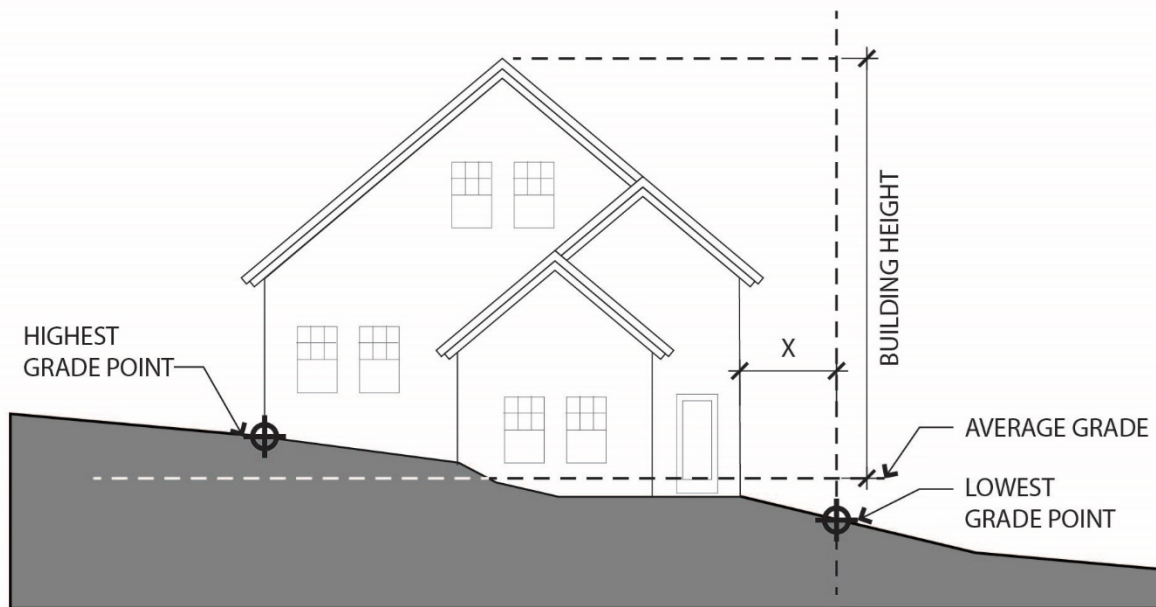
B. Height Standards.

The maximum height standards for all structures are stated in Table 17C.111.205-2. The building height shall be measured using the following method (see Figure 17C.111.230-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.111.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.

5. Depressions such as window wells, stairwells for exits required by other codes, “barrier free” ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

Figure 17C.111.230-A Height Measurement



X = THE DISTANCE TO THE LOT LINE, OR 6 FEET, WHICHEVER IS LESS

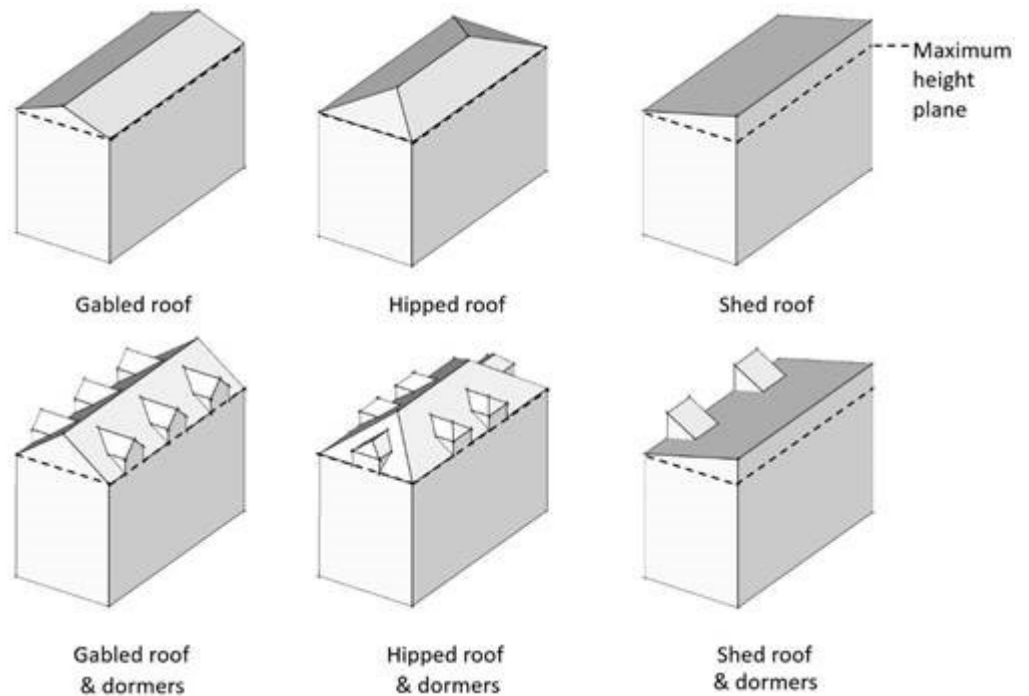
6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
- “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).
 - “Fill” means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - “Finished grade” means the grade upon completion of the fill or excavation.
 - “Excavation” means the mechanical removal of earth material.

- e. “Existing grade” means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

C. Exceptions to the maximum height standard are stated below:

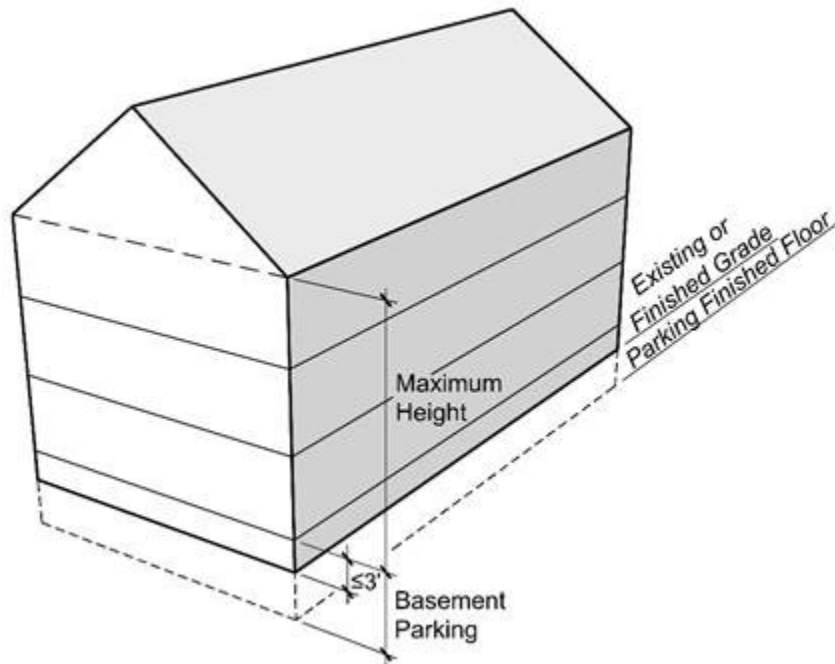
- 1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.
- 2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.111.205-2, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.111.230-B for eligible examples); and
 - c. establishes sense of “top” per SMC 17C.111.455.

Figure 17C.111.230-B: Roof Type Examples for Height Exception



3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure 17C.111.230-C.

Figure 17C.111.230-C: Basement Parking Excluded from Height

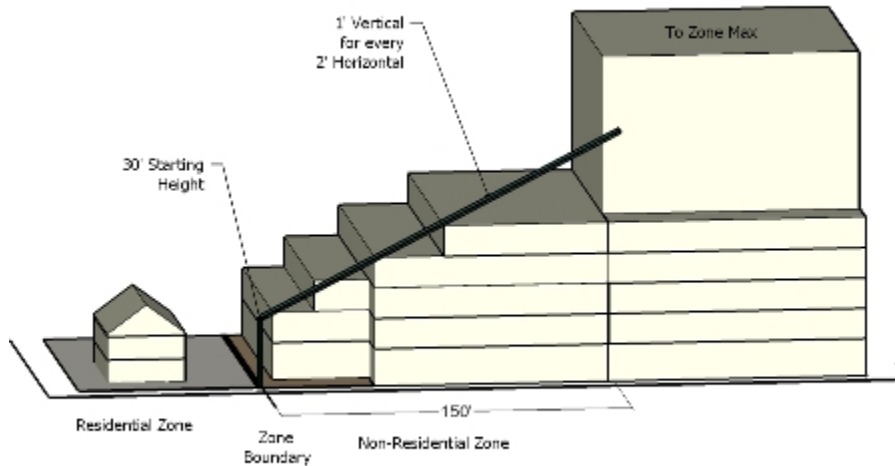


4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in chapter 17C.250 SMC, Tall Building Standards
5. Adjacent to R1 and R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:

- a. For all development within one hundred fifty feet of any R1 or R2 residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or

two-family residential zone). The building height transition requirement ends one hundred fifty feet from the R1 or R2 residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.
7. Projections Allowed.

Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.

8. In addition to the projections allowed under subsection (7) above, in the RMF and RHD zones, the following projections above the roof height are allowed:
 - a. Parapets and rooftop railings may extend four feet above the height limit.
 - b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.

- c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.

9. Farm Buildings.

Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

- 10. Utility power poles and public safety facilities are exempt from the height limit.
- 11. Radio and television antennas are subject to the height limit of the applicable zoning category.
- 12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.
- 13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.

D. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See chapter 17C.170 SMC, Special Height Overlay Districts.

E. Accessory Structures.

The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-five (25) feet in height.

17C.111.235 Setbacks

A. Purpose.

The setback standards for primary and accessory structures serve several purposes. They maintain light, air, separation for fire protection, and access for fire fighting. They reflect the general building scale and placement of houses in the City's neighborhoods. They promote options for privacy for neighboring properties. They provide adequate flexibility to site a building so that it may be complementary to the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Applicability.

1. Setbacks are applied to all primary and accessory structures, including Accessory Dwelling Units. Setbacks for structures are applied relative to property lines. Separation between multiple structures on a lot is governed by the requirements of Title 17F SMC. Child lots created via Unit Lot Subdivision under Section 17G.080.065 SMC are only subject to the standards of this section inasmuch as they are applied to the parent lot.
2. Additional setback requirements may be applied through other sections of Title 17C SMC, including but not limited to:
 - a. Parking areas under Chapter 17C.230 SMC
 - b. Fences under Section 17C.111.230 SMC
 - c. Signs under Chapter 17C.240 SMC

C. Front, Side, and Rear Setbacks.

The required Front, Side, and Rear Setbacks for primary and accessory structures are stated in Table 17C.111.205-2. Angled setback standards are described in SMC 17C.111.235(E) and listed in Table 17C.111.235-1.

1. Extensions into Front, Side, and Rear Building Setbacks.
 - a. Minor features of a structure such as eaves, awnings, chimneys, fire escapes, bay windows and uncovered balconies may extend into a Front, Side, Rear Setback up to twenty-four (24) inches.

- b. Bays, bay windows, and uncovered balconies may extend into the Front, Side, and Rear Setback up to twenty-four (24) inches, subject to the following requirements:
 - i. Each bay, bay window, and uncovered balcony may be up to twelve (12) feet long.
 - ii. The total area of all bays and bay windows on a building facade shall not be more than thirty percent (30%) of the area of the facade.
 - iii. Bays and bay windows that project into the setback must cantilever beyond the foundation of the building; and
 - iv. The bay shall not include any doors.

D. Exceptions to the Front, Side, and Rear Setbacks.

- 1. The rear yard of a lot established as of May 27, 1929, may be reduced to provide a building depth of thirty (30) feet.

E. Angled Setbacks.

- 1. Purpose.

To help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties.

- 2. Applicability.

Angled setbacks apply in the R1 and R2 zones.

- 3. Angled Setback Implementation.

Buildings are subject to an angled setback plane as follows:

- a. Starting at a height of 25 feet, the setback plane increases along a slope of 2:1 (a rate of 2 feet vertically for every 1 foot horizontally) away from the interior side setback, up to the maximum building height in Table 17C.111.205-2. The minimum setbacks that are paired with each height measurement are provided in Table 17C.111.235-1. See Figure 17C.111.235-A for examples.
- b. No portion of the building shall project beyond the Angled Setback plane described in this subsection, except as follows:
 - i. Minor extensions allowed by SMC 17C.111.235(C)(1) may project into the Angled Setback.

- ii. Elements of the roof structure such as joists, rafters, flashing, and shingles may project into the Angled Setback.
- iii. Dormer windows may project into the Angled Setback if the cumulative length of dormer windows is no more than fifty percent (50%) of the length of the roof line.

Figure 17C.111.235-A. Angled Setback Plane Examples

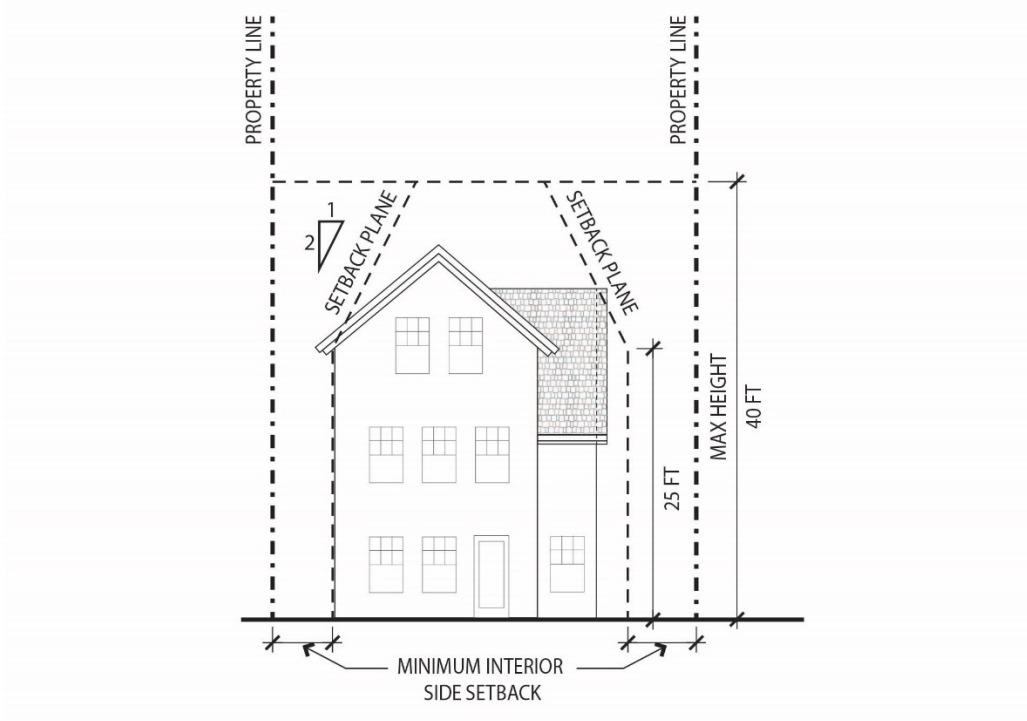


TABLE 17C.111.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 ft.	8 ft.
33 ft.	9 ft.
35 ft.	10 ft.
40 ft.	12.5 ft.

17C.111.240 Accessory Structures

A. Purpose.

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks. This section does not apply to accessory dwelling units (ADUs).

B. General Standards.

1. Accessory structures are allowed on a lot only in conjunction with a primary building and may not exist on a lot prior to the construction of the primary structure, except as allowed by subsection (B)(2) of this section.
2. An accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has submitted a financial guarantee to the City for the cost of demolition and removal of the structure. The financial guarantee will be used by the City if the owner has not removed

the accessory structure if, within one year of final plat approval or boundary line adjustment (BLA), a primary structure has not been built and received final inspection. The financial guarantee must be accepted by the City prior to approval of the final plat or boundary line adjustment.

3. An accessory structure shall not contain a kitchen or space for living, sleeping, eating, or cooking unless it is approved as an accessory dwelling unit under chapter 17C.300 SMC.

C. Setbacks.

1. Mechanical Structures.

Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.

a. Front Setback Standard.

Mechanical structures are not allowed in required front building setbacks.

b. Side and Rear Setback Standard.

Mechanical structures are allowed inside and rear building setbacks if the structure is no more than forty-eight inches high.

2. Vertical Structures.

Vertical structures are items such as flagpoles, trellises and other garden structures, radio antennas, satellite receiving dishes and lampposts. Fences are addressed in SMC 17C.111.230. Sign standards are in chapter 17C.240 SMC, Signs.

a. Setback Standard.

Vertical structures are allowed in required side and rear building setbacks if they are no larger than four feet in width, depth or diameter and no taller than seven feet. If they are larger or taller, they are not allowed in required building setbacks. Trellises and other gate features are allowed in front yard if they are no larger than four feet in width, depth or diameter and no taller than seven feet and do not conflict with the clear view triangle provisions under SMC 17C.111.230, Fences.

3. Uncovered Horizontal Structures.

Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

Setback Standard.

a. Projection Allowed.

The following structures are allowed in required building setbacks, as follows:

- i. Structures that are no more than two and one-half feet above the ground are allowed in side and rear building setbacks. Handrails required by the IBC/IRC are not included in the maximum height.
- ii. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than two and one-half feet above the average sidewalk elevation are allowed in all building setbacks; and
- iii. Stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed in street setbacks.

4. Covered Accessory Structures.

Covered accessory structures are items such as greenhouses, storage buildings (not used to cover motor vehicles), sheds, covered decks, covered porches, gazebos, and covered recreational structures.

a. Setback Standard.

i. Front Setback.

Covered accessory structures are not allowed in the required front building setbacks.

ii. Side Setback.

Covered detached accessory structures are not allowed in the required side building setback without a signed waiver from the neighboring property owner.

Covered attached accessory structures are not allowed in the required side building setback.

5. Detached Accessory Structures.

Detached accessory structures are garages, carports, and other structures utilized to cover motorized vehicles.

a. Setback Standard.

A detached accessory structure is not allowed in the front building setback. A detached accessory structure is not allowed in the required side building setback without a signed waiver from the neighboring property owner. A detached accessory structure that has an entrance facing a street side lot line shall be set back twenty (20) feet from the sidewalk. In the event there is no sidewalk, the setback shall be twenty-seven (27) feet from the back of curb.

b. Detached accessory structures may be built to the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

6. Attached Accessory Structures.

Accessory structures are garages, carports or other structures utilized to cover motorized vehicles that are connected by a common wall to the primary structure.

a. Setback Standard.

An attached accessory structure is not allowed in the front building setback. An attached accessory structure that has an entrance facing a street side lot line shall be set back twenty (20) feet from the sidewalk. In the event there is no sidewalk, the setback shall be twenty-seven (27) feet from the back of curb.

b. Attached accessory structures may be built to within five feet of the rear property line, unless parking in front of the structure is proposed, then

the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

D. Building Coverage.

1. Except as provided in subsection (2) of this subsection (D), the combined building coverage of all detached accessory structures and covered accessory structures may not exceed fifteen percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.
2. On lots smaller than five thousand five hundred square feet with an accessory dwelling unit, combined building coverage of all detached accessory structures and covered accessory structures may not exceed twenty percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.

E. Building Height.

The building height of detached accessory structures and covered accessory structures is listed in Table 17C.111.205-2. Accessory structures, which contain an ADU over a garage, are subject to the height limitations in chapter 17C.300 SMC, Accessory Dwelling Units.

17C.111.245 Fences

A. Purpose.

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

B. Types of Fences.

The standards apply to walls, fences, trellises, arbors, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location.

1. Front Lot Line.

Fences up to forty-two inches high are allowed in required front lot line setbacks.

2. Sides and Rear Lot Line.

Fences up to six feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be either:

- a. forty-two inches high or less, or
- b. right isosceles triangle having sides of seven feet measured along the right-of-way line of a side yard and the front property line.

3. Other.

The height for fences that are not in required building setbacks is the same as the height limits of the zone for detached accessory structures in Table 17C.111.205-2.

4. Alleys.

Fences shall not obstruct the clear width required in SMC 17H.010.130(G).

D. Reference to Other Standards.

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

E. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, concertina, or razor wire in the R1, R2, RMF, or RHD zones. In the

RA zone, up to three strands of barbed wire are allowed for agricultural, farming or animal uses.

2. No person may construct or maintain a fence or barrier charged with electricity in the R1, R2, RMF, or RHD zones. In the RA zone, the use is permitted for the containment of livestock only.
3. A fence, wall, or other structure shall not be placed within the public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. Fence Setbacks.
 - a. Arterial Street.
No fence may be closer than twelve feet to the curb of an arterial street.
 - b. Local Access Street.

No fence may be closer than the back of the sidewalk on a local access street. If there is no sidewalk, the fence shall be setback seven feet behind the face of the curb of a local access street.

F. Enclosures for Pools, Hot Tubs, and Impoundments of Water.

1. To protect against potential drowning and near drowning by restricting access to pools, spas, and other impoundments of water, a person maintaining a swimming pool, hot tub, or other impoundment of water exceeding eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence or other barrier as described in the currently adopted edition of the International Swimming Pool and Spa Code.
2. When a fence is elected as the preferred barrier, the following applies:
 - a. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
 - b. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.

- c. No opening, except a door or gate, may exceed four inches in any dimension.
- d. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Visibility at Intersections.

A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

- 1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level

17C.111.250 Exterior Storage – Residential Zones

A. Purpose.

It is the intent and purpose of the City to regulate exterior storage of materials on residential land in a manner to promote the health, safety and general welfare of the community including regulating the type and location of materials. The negative effects of unregulated exterior storage can endanger the health, safety and welfare of the community.

B. Regulated Materials.

- 1. The following list of items shall not be stored outside of structures. Exterior storage means the physical presence of items not fully enclosed within a structure. Exterior storage means and includes, but shall not be limited to, the following:
 - a. vehicle parts including but not limited to, alternators, engines, transmissions, wheels, tires, body panels, auto glass, interior panels, front and/or rear seats, taillights, head lights, and other vehicle parts thereof;

- b. household furniture including, but not limited to, mattresses, couches, recliners, tables, desks, bed frames, chairs, other furniture items, and parts thereof;
 - c. appliances including but not limited to dishwashers, stoves, televisions, computers, kitchen accessories, electronic equipment and parts thereof;
 - d. construction materials including but not limited to plaster, lumber, sheetrock, carpet, shelving, cement, bathtubs, toilets, pipe, and other such items that are not exempted under SMC 17C.111.250(B)(2);
 - e. metal including but not limited to iron, steel, aluminum, and other such metals; and
 - f. any other items similar in nature.
2. Materials that may be stored outside of structures include:
- a. construction materials that are maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and that are designated for projects on the parcel for which a building permit has been issued through the City of Spokane;
 - i. Construction materials used for a public works project may be temporarily stored on residential zones up to one year after construction begins.
 - b. construction equipment including ladders, scaffolding, and other such items may be stored outside of structures as long as the equipment is maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and
 - c. items that are manufactured for exterior usage and are being maintained including but not limited to: lawn/patio furniture and décor, benches, play equipment; sandboxes, barbecues, and bicycles.
3. Any items that are considered to be “litter” as according to SMC 10.08.010 including refuse, rubbish, garbage, discarded items and all waste

material of every kind and description shall be regulated under Chapter 10.08 Offense Against Public Health.

C. Location.

1. Exterior storage of any of the items listed in SMC 17C.111.250(B)(2)(a) and SMC 17C.111.250(B)(2)(b) shall take place from the rear of the main dwelling unit to the rear of the property line,
 - a. except permitted construction materials which may be stored up to thirty days in either side or front yard areas and are exempt from the fencing and screening requirements designated in subsection (C)(2) below.
2. Exterior storage areas shall be screened from view of the public right-of-way as defined in SMC 17A.020.180(R) through the use of sight-obscuring fencing that meets height requirements set in SMC 17C.111.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1)

D. Violation—Enforcement and Penalty

Violation of SMC 17C.111.250 shall constitute a class 2 civil infraction per SMC 1.05.160.

17C.111.255 Parking, Demolitions, Signs, and Other Applicable Standards

The following additional standards also apply to development in residential zones:

A. Demolitions.

The demolition of historic structures is regulated by chapter 17D.040 SMC, Landmarks Commission.

B. Nonconforming Situations.

Existing developments that do not conform to the development standards of this chapter are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

C. Parking and Loading.

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.

D. Signs.

The sign standards are stated in SMC 17C.240, Signs.

E. Landscaping and Screening.

The landscaping and screening standards are stated in chapter 17C.200 SMC, Landscaping and Screening.

17C.111.300 Single-Unit Residential and Middle Housing Design Standards

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to SMC 17C.111.015, Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section.

17C.111.305 Landscaping

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments. Landscaping improves the residential characteristics of the area, breaks up large expanses of paved areas and structures, provides privacy for residents, and provides separation from streets. Landscaped areas also reduce stormwater run-off by providing a pervious surface.

B. Landscaping Implementation.

1. Fifty percent of the area between the front lot line and the front building line must be planted with living ground cover or landscaped to the L3 standard, per SMC 17C.200.030 and 17C.200.040. A patio or porch may be included in the calculation of ground cover area. (R)
2. The front landscaped area may be counted towards required outdoor areas, pursuant to Section 17C.111.310. (R)
3. Landscaping is encouraged to follow the Spokanescape guidelines for design, soil and compost, drip irrigation, planting & mulch, raised beds, maintenance, and plant list. (C)

4. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (C)

17C.111.310 Outdoor Areas

A. Purpose.

To create usable areas through the use of engaging outdoor spaces for the enjoyment and health of the residents.

B. Outdoor Areas Implementation.

1. Developments shall provide outdoor areas in the quantity required by Table 17C.111.205-2. (R)
2. The outdoor area may be configured as either:
 - a. A private outdoor area, such as a balcony or patio directly accessible from the unit;
 - b. A common outdoor area accessible by all units in the building.
3. If a common outdoor area is provided, it shall meet the following:
 - a. Connected to each unit by pedestrian paths. (R)
 - b. At least 50 percent of units shall have windows or doors that face the common outdoor area. (R)
 - c. Common outdoor areas shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities may include, but are not limited to: (P)
 - i. Site furnishings (benches, tables, bike racks when not required for the development type, etc.);
 - ii. Picnic areas;
 - iii. Patios, plazas or courtyards;
 - iv. Shaded playgrounds;
 - v. Rooftop gardens, planter boxes, or garden plots; or
 - vi. Fenced pet area.

4. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service, areas or other incompatible uses that are known to cause smell or noise nuisances. (P)

17C.111.315 Entrances

A. Purpose.

To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

B. Applicability.

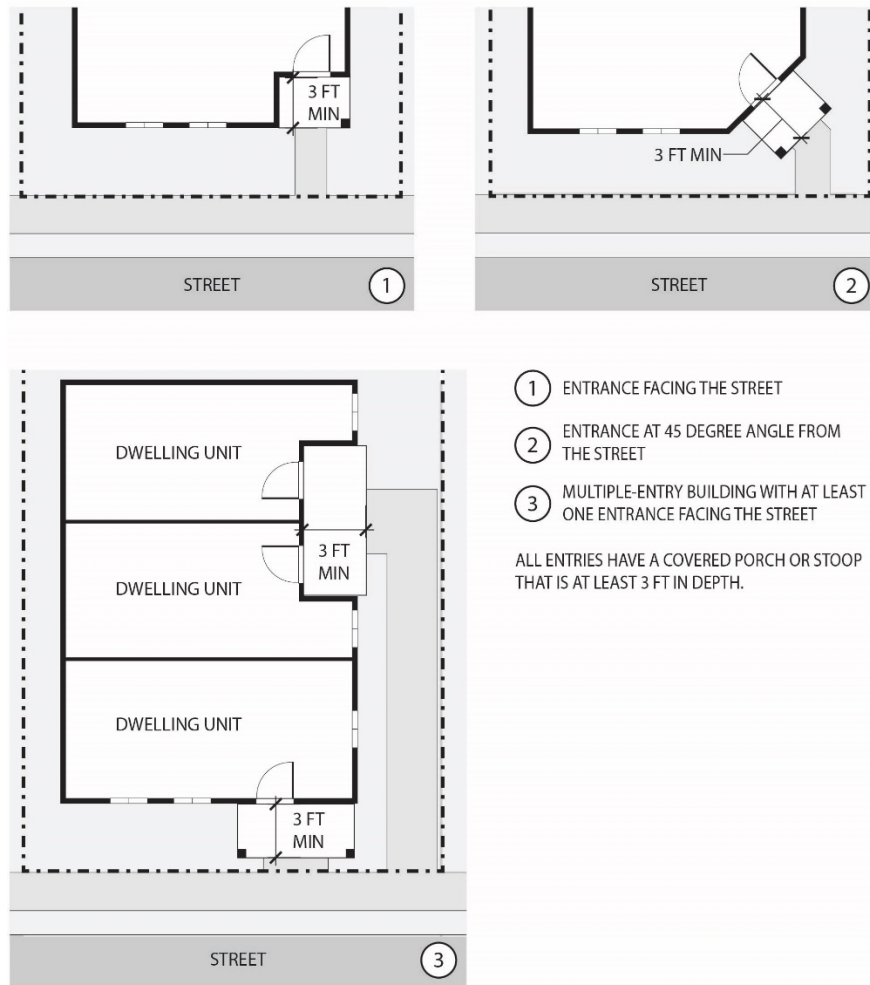
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Entrances Implementation.

See Figure 17C.111.315-A.

1. Each residential structure fronting a public or private street must have at least one address and main entrance facing or within a 45 degree angle of a street frontage. Buildings with multiple units may have shared entries. (R)
2. Each unit with individual ground-floor entry and all shared entries must have a porch or stoop cover that is at least 3-feet deep. (P)
3. On corner lots, buildings with multiple units must have at least one entrance facing or within a 45 degree angle on each street frontage. (C)

Figure 17C.111.315-A. Building Entrances



17C.111.320 Windows

A. Purpose.

To maintain a lively and active street face while increasing safety and general visibility to the public realm.

B. Applicability.

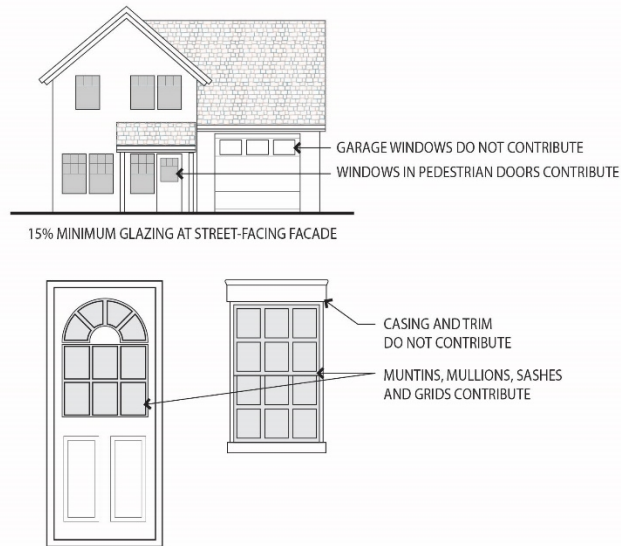
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Windows Implementation.

See Figure 17C.111.320-A.

1. Windows shall be provided in façades facing public or private streets, comprising at least fifteen percent of the façade area (R).
2. Window area is considered the entire area within, but not including, the window casing, including any interior window grid.
3. Windows in pedestrian doors may be counted toward this standard. Windows in garage doors may not be counted toward this standard.
4. At least one of the following decorative window features must be included on all of the windows on street facing facades: (P)
 - a. Arched or transom windows.
 - b. Mullions.
 - c. Awnings or bracketed overhangs.
 - d. Flower boxes.
 - e. Shutters.
 - f. Window trim with a minimum width of three inches.
 - g. Pop-outs or recesses greater than three inches.
 - h. Bay windows.
 - i. Dormers.

Figure 17C.111.320-A. Window Coverage



17C.111.325 Building Articulation

A. Purpose.

To ensure that buildings along any public or private street display the greatest amount of visual interest and reinforce the residential scale of the streetscape and neighborhood.

B. Applicability.

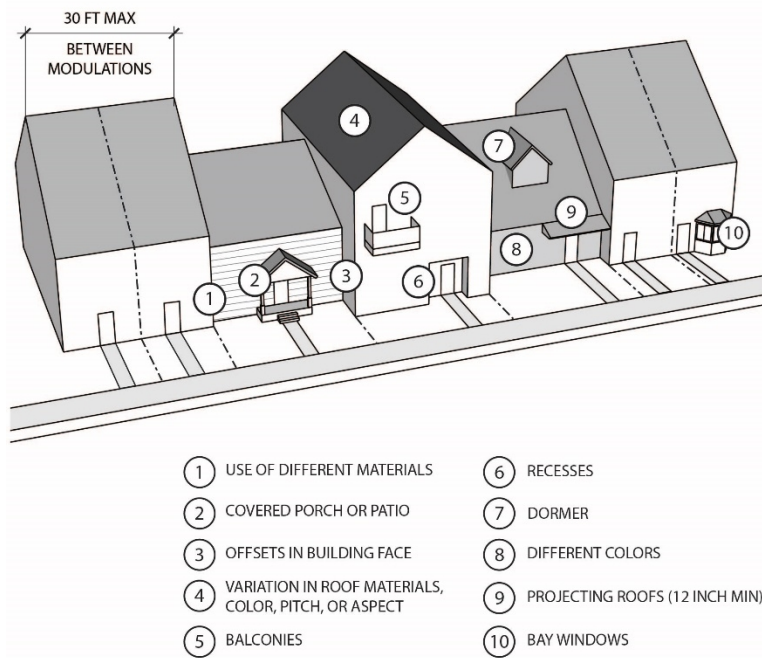
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

C. Building Articulation Implementation.

1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.111.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal delineation as expressed by bays, belt lines, doors, or windows. (P)

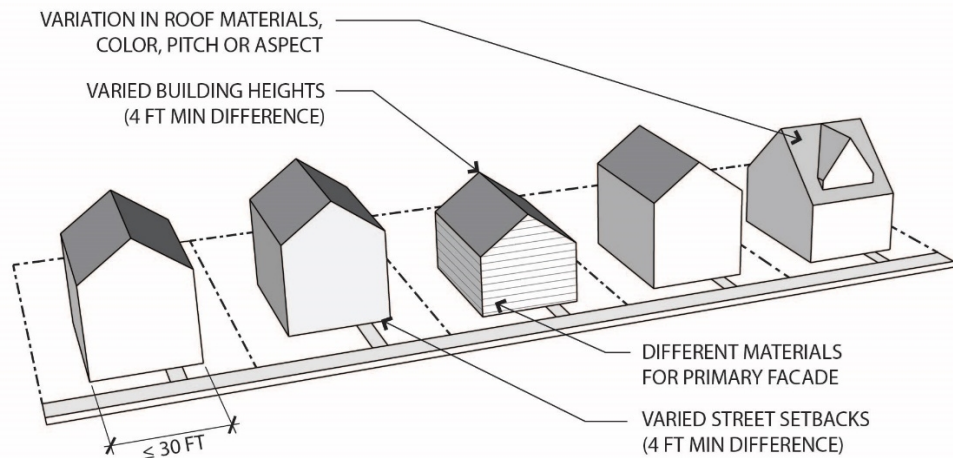
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - e. Projecting roofs (minimum of twelve inches).
 - f. Recesses.
 - g. Bay windows.
 - h. Variation in roof materials, color, pitch, or aspect.
 - i. Balconies
 - j. Covered porch or patio.
 - k. Dormers

Figure 17C.111.325-A. Building Articulation for Long Facades



4. The following standard applies when detached housing units or individual units of attached housing have street-facing facades that are thirty feet or less in width. Each such unit shall provide variation from adjacent units by using one or more of the following design features (see Figure 17C.111.325-B):
 - a. Street setbacks that differ by at least four feet.
 - b. Building heights that differ by at least four feet.
 - c. Use of different materials for the primary façade.
 - d. Variation in roof materials, color, pitch, or aspect.

Figure 17C.111.325-B. Building Variation for Narrow Facades



5. Development should reduce the potential impact of new housing on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (C)

17C.111.330 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of residential areas, such as garbage and recycling areas, mechanical equipment, and exterior storage.

B. Screening shall comply with the clear view triangle requirements defined in SMC 17C.111.245(G).

C. Screening Implementation.

1. Except as provided below, fire escapes, or exterior stairs that provide access to an upper level shall be located behind the front façade of the building and screened or enclosed so that they are not visible from a public or private street. (R)
 - a. Exception: The initial half flight of stairs on the ground floor is not required to be screened from view of a street provided it is under the roof of the building and located behind the front façade.

2. Garbage and Recycling Areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. (R)
3. Exterior storage shall take place from the rear of the main dwelling unit to the rear of the property line and meet the standards of SMC 17C.111.250. (R)
4. Screening must comply with at least one of the following criteria: (R)
 - a. L1 Visual Screen meeting SMC 17C.200.030(A).
 - b. A sight-obscuring fence that meets height requirements set forth in SMC 17C.111.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1).
 - c. Be located inside a storage shed or garage that meets all applicable setback standards and provides full sight obstruction.
5. Storage areas are not allowed within fifteen feet of a street lot line. (R)
6. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation that is at least as tall as the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining residentially zoned properties. (R)

17C.111.335 Parking Facilities

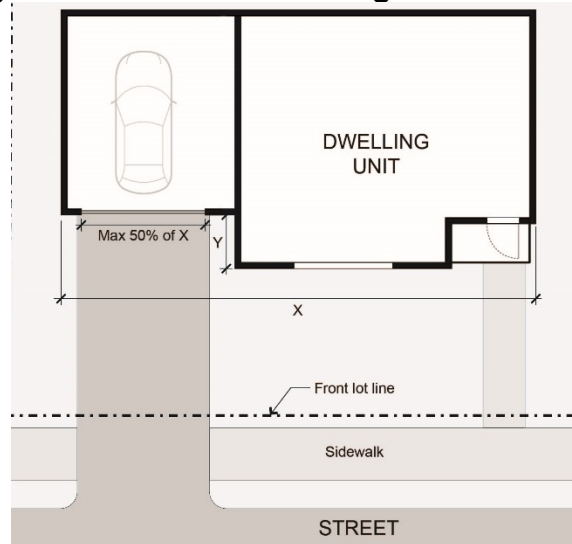
A. Purpose.

To integrate parking facilities with the building and surrounding residential context, promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities.

B. Parking Facilities Implementation.

1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply to the street-facing façade of each individual building. See Figure 17C.111.335-A. (R)

Figure 17C.111.335-A. Garage Door Standard

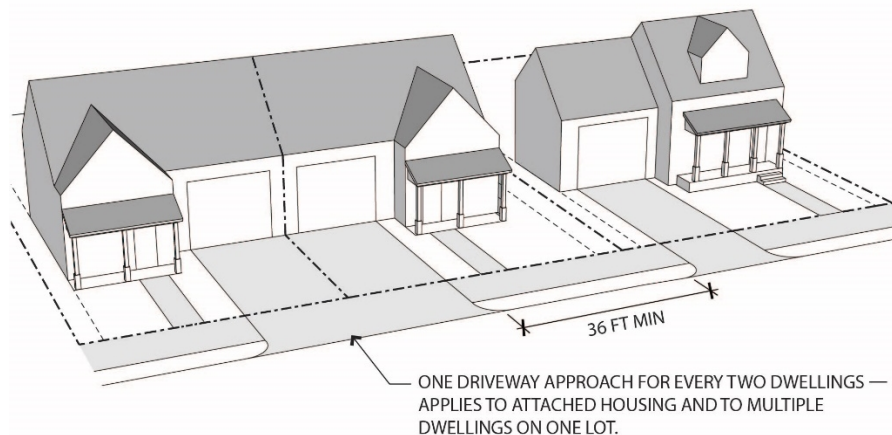


X = Length of street-facing building façade
Y = 2 ft minimum setback from primary street-facing building façade

2. Street-facing garage walls must be set back at least two feet from the primary street-facing building façade. (R)
3. Access to Parking.
 - a. Vehicular access to parking from an alley, improved street, or easement is required if parking is required pursuant to chapter 17C.230 SMC Parking and Loading. (R)
 - b. If the lot abuts a public alley, then vehicle access shall be from the alley unless the applicant requests a waiver of the requirement and the Planning Director determines that one of the following conditions exists: (R)
 - i. Existing topography does not permit alley access; or
 - ii. A portion of the alley abuts a nonresidential zone; or
 - iii. The alley is used for loading or unloading by an existing nonresidential use; or
 - iv. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

- c. For lots with vehicle access through an alley, garages shall not be accessed from the street. (R)
 - d. Where off-street parking is provided for attached housing or for two or more units on one lot, only one driveway approach and sidewalk crossing for each two dwellings may be permitted. See Figure 17C.111.335-B. (R)
 - e. Driveway approaches shall be separated by a minimum distance of 36 feet. The Planning Director will grant an exception to this standard if the 36-foot separation from existing driveways on adjacent lots would preclude vehicular access to the subject lot. See Figure 17C.111.335-B. (R)
4. Parking structures, garages, carports, and parking areas other than driveways shall not be located between the principal structure and streets. (P)

Figure 17C.111.335-B. Paired Driveways and Minimum Spacing



17C.111.340 Pedestrian Connectivity

A. Purpose.

To ensure that all buildings within a development have adequate access to public rights of way and municipal services.

B. Applicability.

The following standards apply to all buildings within a development.

C. Pedestrian Connectivity Implementation.

1. Public Right-of-Way Access.

At least one walking connection is required between each building and the sidewalk. For each ground-floor unit with a separate entry, separate walking connections are required for each ground-floor unit. Driveways may be used to meet this requirement. (R)

2. Garbage and Recycling Areas.

At least one walking connection is required between each unit and its designated garbage and recycling area. Driveways and parking access aisles may be used to meet this requirement. (R)

17C.111.400 Multi-Unit Design Standards

A. Purpose.

Multi-unit housing at intensities above Middle Housing types is often more intensive than single-unit or Middle Housing development and can have different design considerations. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in complementing surrounding development. These standards may also be used to make higher density housing more livable communities.

B. Applicability.

These standards apply to multi-unit development in the RMF and RHD zones where permitted unless otherwise noted.

17C.111.405 Design Standards Implementation

The design standards and guidelines found in this article follow the design standards administration section of SMC 17C.111.015. All projects must address the pertinent design standards and guidelines. Design standards are in the form of requirements (R), presumptions (P), and considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek relief through the chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

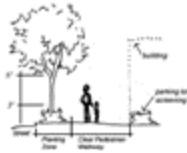
17C.111.410 Sidewalks

A. Purpose.

To provide continuous, safe, and consistent pedestrian system with connectivity to the street right-of-way and the neighborhood.

B. Sidewalk Implementation.

1. Sidewalks shall have the minimum dimension of five feet, even if part of the width is located on private property. This dimension shall be applied to the clear, unobstructed pathway between the planting zone for street trees per SMC 17C.200.050 and building facades or parking lot screening. (R)

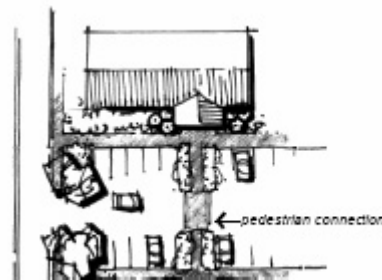


2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way shall be concrete, two-foot grid, standard sidewalk color and float finish. (R)
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

17C.111.415 Pedestrian Connections

A. Purpose.

To create a network of safe, consistent, and convenient linkages for pedestrians, including locating building entrances adjacent to public sidewalks.



Planting reinforces pedestrian connection through parking lot

B. Pedestrian Connections Implementation.

1. A comprehensive system of pedestrian walkways shall link all site entrances, building entries, parking facilities, and common outdoors spaces with the public sidewalk. (P)

2. Clearly defined pedestrian connections shall be provided between public sidewalks and building entrances when buildings are not located directly adjacent to the sidewalk. (R)



3. Clearly defined pedestrian connections between public sidewalks and internal pedestrian systems shall occur at intervals of one hundred fifty feet or less (P).
4. Pedestrian connections shall be reinforced with pedestrian scale lighting, bollard lighting, landscaping, accent lighting, signage or a combination thereof to aid in pedestrian way finding. (P)
5. The type and nature of all materials used for pedestrian walkways shall be consistent within a development. (P)
6. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a clear and direct connection from the main building entrances to the transit stop. (R)
7. Pedestrian connections shall occur between adjacent developments where feasible. (P)



8. Pedestrian walkways within parking areas may be included as part of the minimum requirements for interior parking lot landscaping, if landscaping is provided on one side. (C)

9. For parking lots that contain greater than fifteen parking spaces, pedestrian connections through the parking lot shall be clearly defined in a combination of two or more of the following ways (except as walkways cross vehicular travel lanes): (P)
 - a. A raised walkway.
 - b. Special railing, bollards and/or other architectural features to accent the walkway between parking bays.
 - c. Special paving, such as concrete or unit pavers in an asphalt area.
 - d. A continuous landscape area, a minimum of three feet wide along at least one side of the walkway.



- C. Pedestrian walkways within parking areas shall have a minimum of five feet in width of clear, unobstructed passage. (R)
- D. Chain link fencing may not be used to separate pedestrians from vehicular traffic. (C)

17C.111.420 Outdoor Spaces

A. Purpose.

To create pedestrian friendly, usable areas through the use of plazas, courtyards and other outdoors spaces for the enjoyment and health of the residents.

B. Outdoor Spaces Implementation.

1. Each multifamily development shall set provide a minimum of forty-eight square feet of outdoor open space area for each living unit in the complex, including those units occupied by the owner or building management personnel. Private outdoor spaces can count towards this outdoor common space provision. (R)



Trellis and special landscape defines private courtyard area

2. Ground Level Units.

The outdoor area for ground level units is a type of private outdoor space and must be directly accessible from the unit. The area must be surfaced with lawn, pavers, decking or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. (R)

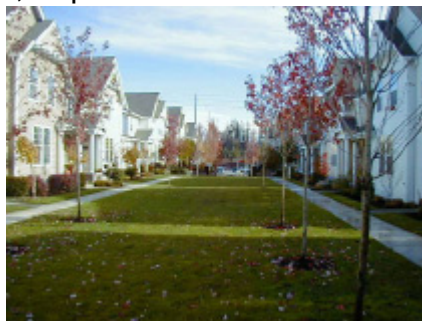


3. Upper Level Units.

Upper level units are a type of private outdoor space. For upper level units, the required outdoor area may be provided individually, such as by balconies, or combined into a larger area. If combined into a larger area, it must comply with the following requirements.(R)

- a. The total amount of required outdoor area for upper level units is the cumulative amount of the required area per dwelling unit for individual areas, minus any upper level units that provide individual outdoor areas (if provided). However, a combined required outdoor area must comply with the minimum area and dimension requirements for combined outdoor areas.

- b. The combined outdoor area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts and open recreational facilities. The area must be surfaced with lawn, pavers, decking or sport court paving, which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.
4. Common outdoor spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)
- a. Site furnishings (benches, tables, bike racks).
 - b. Picnic areas.
 - c. Patios, plazas or courtyards.
 - d. Tot lots.
 - e. Gardens.
 - f. Open lawn.
 - g. Play fields.
 - h. Sports courts, such as tennis or basketball courts (no more than fifty percent of required outdoor common space), equipped interior fitness areas, or pools.





Basketball court provided in common outdoor area

5. Common outdoor spaces shall be easily visible and accessible to multifamily residents. (P)
6. Berms, low walls, fences, hedges and/or landscaping shall be used to define private outdoor spaces such as yards, decks, terraces and patios from each other and from the street right-of-way. (P)
7. Walls, hedges and fences shall be used to define and ensure a sense of privacy in outdoor private spaces. The material or plantings should be a maximum of four feet (high and visually permeable, such as open rails, ironwork or trellis treatment to encourage interaction between neighbors.) (P)
8. Lighting shall be provided within outdoor spaces to provide visual interest, as well as an additional security function. Lighting should not cause off-site glare. (R)
9. If outdoor spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (C)



Screening by wall and planting

10. Common outdoor spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R)

11. Outdoor spaces should not be located adjacent to dumpster enclosures, loading/service areas or other incompatible uses. (C)

17C.111.425 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of multi-dwelling residential areas.



B. Garbage and Recycling Collection Areas.

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the standards of chapter 17C.200 SMC, Landscaping and Screening. (R)

C. Mechanical Equipment.

Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining R-zoned lands. (R)



D. Other Screening Requirements.

The screening requirements for parking, exterior storage, and exterior display areas are stated with the standards for those types of development. (R)

17C.111.430 Landscaped Areas

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. It also helps in reducing stormwater run-off by providing a pervious surface.

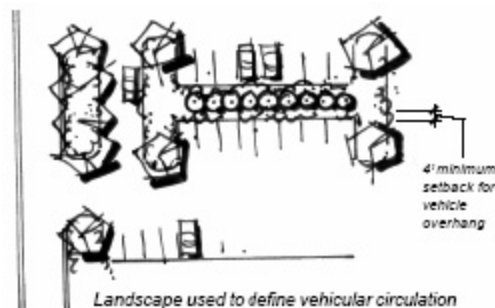
B. Landscaping Standards.

1. Building Setbacks.

The required building setbacks must be landscaped to at least the L3 standard of [chapter 17C.200 SMC](#), Landscaping and Screening. Parking, access, maneuvering areas, detached accessory structures and other allowed developments are exempt from this standard. Sites developed with a detached house, attached house or duplex are also exempt from this standard. (R)

2. Parking Areas.

Perimeter and internal parking area landscaping standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening. (R)



17C.111.435 Street Trees

See chapter 17C.200 SMC, Landscaping and Screening.

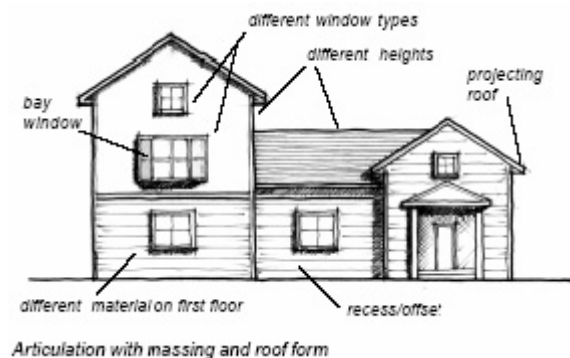
17C.111.440 Articulation and Details

A. Purpose.

To avoid massive building forms that seem bulky and institutional.

B. Articulation and Details Implementation.

1. Buildings shall include articulation along the facades that face streets. Flat blank walls are not permitted. (R)
2. Horizontal facades longer than thirty feet shall be articulated into smaller units, reminiscent of the residential scale of the neighborhood. At least four of the following methods should be used: (P)
 - a. Varied building heights.
 - b. Different materials used on first floor.
 - c. Different window types.
 - d. Different colors.
 - e. Offsets.
 - f. Projecting roofs (minimum of twelve inches).
 - g. Recesses.
 - h. Bay windows.
 - i. Varied roof forms or orientation.





Articulation with varied roof forms, recesses and stoops

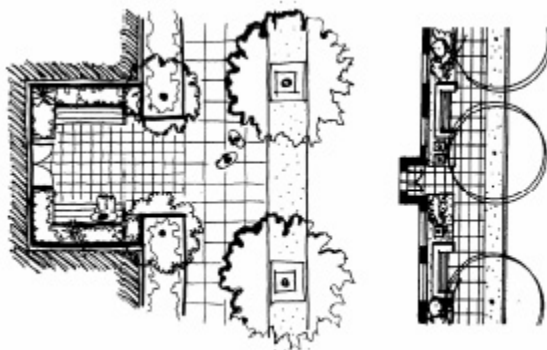


Building units with different color and building heights

17C.111.445 Front Yards and Entrances

A. Purpose.

To provide separation between buildings and the public pedestrian realm where the front yard functions as usable outdoor space and provides a clear, welcoming and safe entry for pedestrians from the sidewalk into the building.



Multi-family buildings utilizing enhancements to define main entries

B. Front Yards/Entrances Implementation.

1. Primary building entries shall be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes to building entries. (R)

2. Four or more of the following elements shall be used to highlight the main entrance to multifamily buildings: (P)
 - a. Open space, plaza or courtyard.
 - b. Special paving.
 - c. Ornamental gate and/or fence.
 - d. Seating.
 - e. Water features.
 - f. Planter boxes or pots.
 - g. Functional, accent lighting.
 - h. Art work near the entry.
 - i. Porches.



3. Front yards shall include an entrance sequence between the sidewalk and the building including elements such as trellises, site furnishings, low

hedges, landscaped borders and special paving. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility boxes, outdoor storage areas and dumpsters. (P)

- 4. Pedestrian scale lighting and/or bollards shall be provided to create a safe and defensible walkway to the entry. (R)
- 5. Signage identifying building address shall be visible from the street and public pedestrian walkway. (P)
- 6. Landscape planting should consider the use of native shrubs and groundcovers. (C)
- 7. Accent lighting should be used to highlight special focal points, building/site entrances, public art and special landscape features. (C)



Pathway lighting

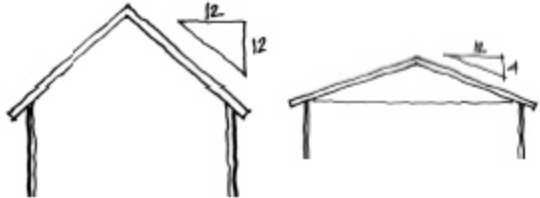
17C.111.450 Pitched Roofs

A. Purpose.

To maintain the residential scale and character of neighborhoods in transition from single-family to multifamily residences.

B. Pitched Roof Forms Implementation.

- 1. For the first sixty feet adjoining a single-family use, structures shall incorporate pitched roof forms having slopes between 4:12 and 12:12. (R)



maximum minimum
Sloped roof

2. Gables facing the street are encouraged. (C)
3. Dormers should be used to break up long lengths of roof. (C)



17C.111.455 Base, Middle, Top Standards

A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top.”



B. Base/Middle/Top.

1. Buildings should have a distinct “base” at the ground level, using articulation and materials such as stone, masonry or decorative concrete. (P)
2. The “top” of the building should be treated with a distinct outline with elements such as a projecting parapet, cornice or projection. (P)



Different material at ground level to define a "base"



17C.111.460 Windows

A. Purpose.

To maintain a lively and active street face.

B. Windows Implementation.

1. Windows shall be provided in facades facing streets, comprising at least fifteen percent of the facade area. (R)



2. Windows shall have visually prominent trim. (C)
3. Other decorative window features are encouraged. For example: (P)
 - a. Arched window.
 - b. Mullions.
 - c. Awnings.
 - d. Flower box.
 - e. Bracketed overhang.



Examples of decorative window features:



Bracketed overhangs



Multiple panes, half-round windows, flower box

17C.111.465 Parking Structures

A. Purpose.

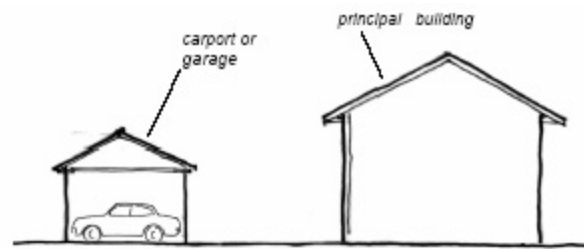
To integrate parking structure with the building and with surrounding character.

B. Parking Structures Implementation.

1. Carports and detached garages shall incorporate roofs of a design similar to the principal structure on the site. (R)
2. Ground level parking structures should be screened from view by one or more of the following: (R)
 - a. Walls containing architectural details, such as banding.
 - b. Trees and shrubs.
 - c. Grillwork incorporating decorative metal artwork or panels.
3. Parking structures, garages and carports shall not be located between primary use and public streets. (P)



Parking structure at ground level with architectural banding and shrubs



Parking structure consistent with the main building

17C.111.500 Institutional Design Standards

A. Purpose.

The base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses that may be allowed in residential zones. The intent is to maintain compatibility with, and limit the negative impacts on, surrounding residential areas.

B. Use Categories to Which These Standards Apply.

The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, building or parking additions, exterior alterations and conversions to institutional uses.

17C.111.510 Design Standards Implementation

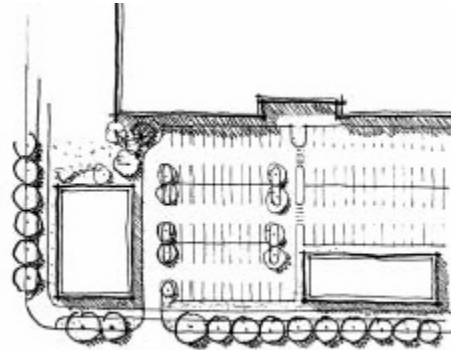
The design standards and guidelines found in this article follow the design standards administration section of SMC 17C.111.015. All projects must address the pertinent design standards and guidelines. Design standards are in the form of requirements (R), presumptions (P) and considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek relief through chapter

17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

17C.111.515 Buildings Along the Street

A. Purpose.

To ensure that some part of the development of a site contributes to the liveliness of sidewalks.



smaller buildings placed along the sidewalk

B. Design Standards.

1. New development shall not have only parking between buildings and the street. (P)
2. Buildings placed along sidewalks shall have windows and doors facing the street and shall incorporate other architectural features (see "Treatment of Blank Walls"). (P)
3. Gardens, plazas or other open space shall meet the L3 landscape standards of [chapter 17C.200 SMC](#), Landscaping and Screening.

17C.111.520 Lighting

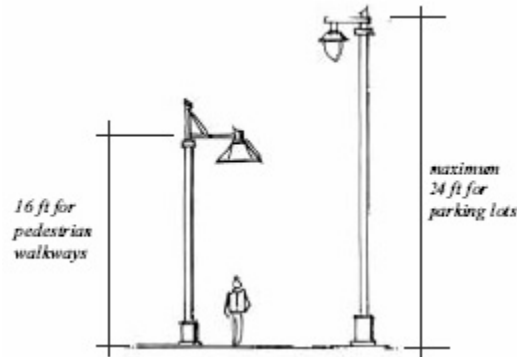
A. Purpose.

To ensure that site lighting contributes to the character of the site and does not disturb adjacent development.

B. Design Standards.

1. Lighting shall be provided within parking lots, along pedestrian walkways and accessible routes of travel. (R)

2. Lighting fixtures shall be limited to heights of twenty-four feet for parking lots and sixteen feet for pedestrian walkways. (P)
3. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, so that the direction of light is downward. (R)



17C.111.525 Landscaped Areas

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of institutional uses in residential zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents and provides separation from streets. It also helps in reducing stormwater runoff by providing a pervious surface.



lot lighting

B. Landscaping Standards.

1. Building Setbacks.

The required building setbacks must be landscaped to at least the L3 standard of [chapter 17C.200 SMC](#), Landscaping and Screening. Parking,

access, and maneuvering areas, plazas, detached accessory structures and other allowed development are exempt from this standard. Sites developed with a detached house, attached house or duplex are also exempt from this standard. (R)



variety of plant materials

2. Parking Areas.

Perimeter and internal parking area landscaping standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening. (R)

3. Utility Substations.

The entire perimeter, including the street lot line (except for the access point), must be landscaped to the L2 standards of [chapter 17C.200 SMC](#), Landscaping and Screening. This landscaping must be planted on the outside of any security fence. Utility substations that are in a fully enclosed building are exempt from this requirement. (R)



plant materials to enhance corners and intersections

17C.111.530 Street Trees

See chapter 17C.200 SMC, Landscaping and Screening.

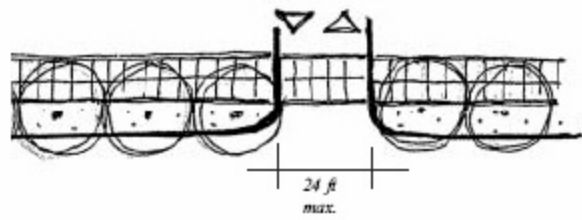
17C.111.535 Curb Cut Limitations

A. Purpose.

To provide safe, convenient vehicular access without diminishing pedestrian safety.

B. Design Standards.

1. A curb cut for a nonresidential use shall not exceed thirty feet for combined entry/exits. Driveway width where the sidewalk crosses the driveway shall not exceed twenty-four feet in width. (R)



2. The sidewalk pattern shall carry across the driveway. (R)

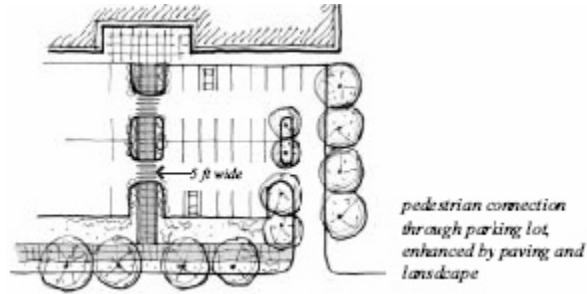


3. Adjacent developments shall share driveways, to the greatest extent possible. (P)
4. Vehicular access shall be designated so that traffic is not directed through an adjoining residential zone. (P)

17C.111.540 Pedestrian Connections in Parking Lots

A. Purpose.

To create a network of safe and attractive linkages for pedestrians.



B. Design Standards.

1. Within parking lots containing more than thirty stalls, clearly defined pedestrian connections shall be provided: (R)
 - a. between a public right-of-way and building entrances;
 - b. between parking lots and building entrances pedestrian connections can be counted toward the amount of required landscaping.
2. Pedestrian connections shall not be less than five feet wide. (R)
3. Pedestrian connections shall be clearly defined by at least two of the following: (R)
 - a. Six-inch vertical curb.
 - b. Textured paving, including across vehicular lanes.
 - c. A continuous landscape area at a minimum of three feet wide on at least one side of the walkway.



6 inch vertical curb defines pedestrian connection



textured paving reinforces pedestrian connection

17C.111.545 Transition Between Institutional and Residential Development

A. Purpose.

To ensure compatibility between the more intensive uses in and lower intensity uses of adjacent residential zones.

B. Design Standards.

Code provisions require lower heights for portions of buildings that are close to single-family residential zones. In addition, any side of the building visible from the ground level of an adjacent single-family residential zone shall be given architectural treatment using two or more of the following: (P)

1. Architectural details such as:
 - a. projecting sills;
 - b. canopies;
 - c. plinths;
 - d. containers for season plantings;
 - e. tilework;
 - f. medallions.
2. Pitched roof form.
3. Windows.
4. Balconies.



17C.111.550 Treatment of Blank Walls

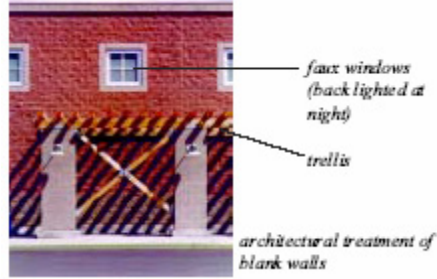
A. Purpose.

To ensure that buildings do not display blank, unattractive walls to the adjacent street or residential areas.

B. Design Standards.

Walls or portions of walls where windows are not provided shall have architectural treatment wherever they face adjacent streets or adjacent residential areas. At least four of the following elements shall be incorporated into these walls: (P)

1. Masonry (but not flat concrete block).
2. Concrete or masonry plinth at the base of the wall.
3. Belt courses of a different texture and color.
4. Projecting cornice.
5. Projecting metal canopy.
6. Decorative tilework.
7. Trellis containing planting.
8. Medallions.
9. Opaque or translucent glass.
10. Artwork.
11. Vertical articulation.
12. Lighting fixtures.
13. An architectural element not listed above, as approved, that meets the intent.



17C.111.555 Prominent Entrances

A. Purpose.

To ensure that building entrances are easily identifiable and clearly visible from streets and sidewalks.



B. Design Standards.

1. The principal entry to a store/building shall be marked by: (P)
 - a. ornamentation around the door; and
 - b. at least one of the following:
 - i. Recessed entrance (recessed at least three feet).
 - ii. Protruding entrance (protruding at least three feet) .
 - iii. Canopy (extending at least five feet).
 - iv. Portico (extending at least five feet).
 - v. Overhang (extending at least five feet).



entrance with portico and ornamental treatments

17C.111.560 Massing

A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top.”



B. Design Standards.

1. Buildings shall have a distinct “base” at the ground level, using articulation and materials such as stone, masonry or decorative concrete. (P)
2. The “top” of the building shall be treated with a distinct outline with elements such as a projecting parapet, cornice, or projection. (P)

17C.111.565 Roof Form

A. Purpose.

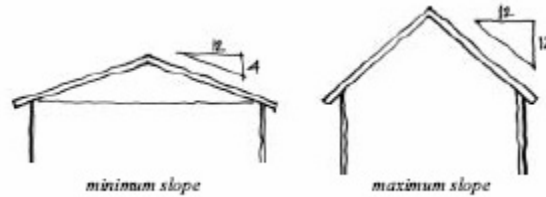
To ensure that rooflines present a distinct profile and appearance for the building and expresses the neighborhood character.

B. Design Standards.

Buildings shall incorporate one of the following roof forms: (P)

1. Pitched roofs with a minimum slope of 4:12 and maximum slope of 12:12, especially to highlight major entrances.

2. Projecting cornices to create a prominent edge when viewed against the sky.
3. Terraced roof forms that complement adjoining development.



17C.111.570 Historic Context Considerations

A. Purpose.

To ensure that infill and rehabilitation, when it is adjacent to existing buildings having historic architectural character, is compatible with the historic context.



B. Design Standards.

1. The new development of public structures shall incorporate historic architectural elements that reinforce the established character of a center or corridor. New semi-public structures should consider this design standard. The following elements constitute potential existing features that could be reflected in new buildings: (P)
 - a. Materials.
 - b. Window proportions.
 - c. Cornice or canopy lines.
 - d. Roof treatment.
 - e. Colors.

2. When rehabilitating existing historic buildings, property owners are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation. (P)
 - a. If original details and ornamentation are intact, they shall be retained and preserved.
 - b. If original details are presently covered, they shall be exposed or repaired.
 - c. If original details are missing, missing parts shall be replaced to match the original in appearance. Remaining pieces or old photos shall be used as a guide.



3. If a proposed building is not adjacent to other buildings having a desirable architectural character, it may be necessary to look at contextual elements found elsewhere within the area. (C)

17C.111.575 Screening

- A. Purpose.

The screening standards address specific unsightly features that detract from the appearance of multi-dwelling residential areas.

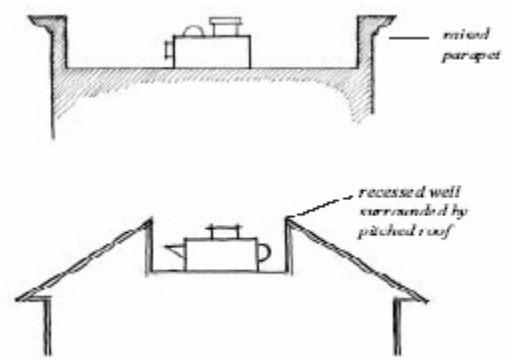


B. Garbage and Recycling Collection Areas.

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the standards of [chapter 17C.200 SMC](#), Landscaping and Screening. (R)

C. Mechanical Equipment.

Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators must be screened from the street and any adjoining residential zones by walls, fences or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining R-zoned lands. (P)



D. Cell Phone Transmission Equipment.

Cell phone equipment should be blended in with the design of the roofs, rather than being merely attached to the roof-deck. (C)

E. Other Screening Requirements.

The screening requirements for parking, exterior storage, and exterior display areas are stated with the standards for those types of development.

17C.111.600 Residential Visitability Standards

A. Purpose.

The purpose of the following section is to encourage the development of housing units for people with disabilities by providing allowances for accessible design and design considerations.

B. Applicability.

The provisions of this section apply to residential development in all zones where permitted. These guidelines encourage residential developments to incorporate visitable designs into at least a portion of the provided units. Any development seeking a reasonable deviation pursuant to 17C.111.600(C) must comply with all standards of 17C.111.600(D) for the unit(s) intended to benefit from the accessibility features requiring the deviation, and clearly note on submitted plans how the project meets each visitable design element. Director may waive full compliance with 17C.111.600(D) in cases of retrofits, commensurate with the significance of changes being made.

C. To encourage the development of housing units for people with disabilities, the Planning Director may allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Such facilities shall be in conformance with the city adopted Building Code.

D. Visitable designs are encouraged for residential development, whether or not such accessible design considerations are required by the city adopted Building Code due to unit count. Elements of a visitable dwelling design include:

1. Visitable entrance. At least one entrance that is accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route does not exceed 1:8 (one foot in height for every 8 feet in length).
2. Visitable bathroom. At least one bathroom with a sink and toilet is designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. The visitable bathroom is on the same floor as the visitable entrance or is accessible from the visitable entrance via a ramp, elevator, or lift.
3. Visitable living area. There is at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area is accessible from the visitable entrance via a ramp, elevator, or lift.

4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom is at least 34 inches wide.
5. Visitable light switches and environmental controls. The first floor contains light switches and environmental controls that are no higher than 48 inches above the interior floor level and outlets.

Section 17. That Section 17C.120.500 SMC is amended to read as follows:

17C.120.500 Design Standards and Implementation

- A. The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. ((A#)) Except as provided in subsection (B) of this section, all projects must address the pertinent design standards and guidelines. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. An applicant may seek relief through ((SMC)) chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.
- B. Residential development in Commercial Zones is subject to the residential design standards of SMC 17C.111.300-.465 that are applicable to the proposed housing type.

Section 18. That Section 17C.122.060 SMC is amended to read as follows:

17C.122.060 Design Standards and Guidelines for Centers and Corridors

- A. The document titled “Design Standards and Guidelines for Centers and Corridors” is adopted by reference as a part of the land use code for centers and corridors and incorporated as Attachment “A” to the land use code for centers and corridors. ((A#)) Except as provided in subsection (C) of this section, all projects must address these standards and guidelines. The applicant assumes the burden of proof to demonstrate how a proposed design addresses these standards and guidelines. For design standards and guidelines in “Attachment A” that are designated Requirement (R), an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.

- B. The design standards and guidelines for all centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone. In addition, the design standards and guidelines for Type 1 centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone.
- C. Residential development in Centers and Corridor Zones is subject to the residential design standards of SMC 17C.111.300-.465 that are applicable to the proposed housing type.

Section 19. That Section 17C.200.020 SMC is amended to read as follows:

17C.200.020 Plan Submittal Requirements

Landscape plans are ~~((not))~~ required for ~~((a house, an attached houses or a duplex on a lot. For all other types of development on sites, including planned unit developments,))~~ all development of more than seven thousand square feet of lot area ~~((, landscape plans shall:))~~.

- A. ~~((be prepared and stamped by a licensed landscape architect, registered in the state of Washington;))~~ For all development types, landscape plans shall:
 - 1. be submitted at the time of application for a development permit; and
 - 2. include the following elements:
 - a. The footprint of all structures.
 - b. ~~((The final site grading.))~~
 - c. All parking areas and driveways.
 - d. All sidewalks, pedestrian walkways and other pedestrian areas.
 - e. The location, height and materials for all fences and walls.
 - f. The common and scientific names of all plant materials used, along with their size at time of planting.
 - g. The location of all existing and proposed plant materials on the site~~((:))~~ ; and
 - h. A proposed irrigation plan ~~((; and))~~.
 - i. ~~((Location of all overhead utility and communication lines, location of all driveways and street signs.))~~

B. In addition, for development except residential construction of six or fewer dwelling units on a lot, landscape plane shall:

1. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
2. include the following elements:
 - a. the final site grading;
 - b. location of all overhead utility and community lines; and
 - c. location of all driveways and street signs.

Section 20. That Section 17C.200.040 SMC is amended to read as follows:

17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - b. along all downtown, CC1, CC2, CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or outdoor display area that is across from a residential zone: a six-foot wide planting

area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.

- d. in industrial zones, all uses in the commercial categories (see chapter [17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
 - e. along all RA, ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF, and RHD zones: six feet of L3 open area landscaping and street trees as prescribed in [SMC 17C.200.050](#) are required, except that for ~~((single-family residences and duplexes))~~ single-unit residential and middle housing development, only street trees are required in addition to the landscape design standards of SMC 17C.111.305. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.
2. Within the clear view triangle (defined at [SMC 17A.020.030](#)) at street intersections on corner lots and at driveway entries to public streets, plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches. The City Engineer may further limit the height of plantings, landscaping structures, and other site development features within a particular clear view triangle or may expand the size of the clear view triangle as conditions warrant in a particular case.



B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. In CC zoned properties, the planting strip shall be eight feet in width to enhance the screening between CC and Residential zoned properties. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting and the planting width. The owners of adjacent properties

may agree to consolidate their perimeter plantings along shared boundaries. For example, instead of each property providing a five-foot wide planting strip, adjacent property owners could provide a single, shared five-foot wide planting strip, so long as the required planting type, as indicated in the matrix below, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

SUBJECT PROPERTY ZONE (vertical)	ADJACENT PROPERTY ZONE (horizontal)												
	RA	((RSF)) <u>R1</u>	((RTF)) <u>R2</u>	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, FBC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
((RSF)) <u>R1</u>	--	--	--	--	--	--	--	--	--	--	--	--	--
((RTF)) <u>R2</u>	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC, <u>FBC</u>	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [3]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [3]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--

Notes:

[1] In the industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if

they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see [SMC 17C.200.080](#)).

E. Parking Lot Landscaping Design.

1. Purpose.

To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.

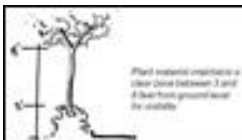


2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of [SMC 17C.120.015](#), Design Standards Administration.

3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)

4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level. (R)



5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be

integrated into the design and complement the architecture or character of other site features. (P)

6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)

F. Parking, Outdoor Sales, and Outdoor Display Areas.

1. In residential, commercial, center and corridor, and FBC zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in [SMC 17C.200.050](#), Street Tree Requirements.
2. In residential, commercial, center and corridor, and FBC zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping. All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.
3. In residential, commercial, center and corridor, and FBC zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:

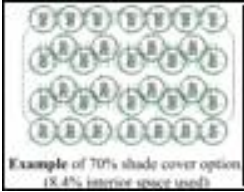
- a. Option 1.

Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.

- b. Option 2.

Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size, and in addition to the required trees, shall be planted with a living groundcover. See the "Landscape Plants for the Inland Northwest" issued by the Washington

State University cooperative extension and the U.S. department of agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



- 4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
- 5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.
- 6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.



- 7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.
- 8. In industrial zones, all uses in the commercial categories (see chapter [17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zones.
- 9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.

a. Surface Parking Lot Liner Walls in the Downtown Zones.

Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking liner walls with plantings contribute to an interesting pedestrian environment. The parking liner wall and screen pictured above is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.

- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).
- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with [SMC 17C.200.050](#) then this landscaping strip may be omitted.
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:

- i. Monument Features or Artistic Elements along the Street Edge between the Outdoor Display Area and the Sidewalk.

These shall be integrated with display area lighting and pedestrian amenities.

- ii. Additional Streetscape Features in the Sidewalk Environment.

Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of un-compacted soils, and engineered soils to support larger and healthier trees.

Section 21. That Section 17C.200.100 SMC is amended to read as follows:

17C.200.100 Irrigation Requirements

The owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition. For development of ~~((new single family and duplex homes on individual))~~ six or fewer dwelling units on an infill ((lots)) lot and modification of non-conforming development that fall below thresholds found in 17C.210.090, the Planning ~~((and Economic Development Services))~~ Director, in consultation with the Urban Forester, may approve the use of species-specific alternative methods of irrigation. For all other forms of new construction and modification of non-confirming development that meet thresholds found in 17C.210.090 the installation and maintenance of an automatic irrigation system is required.

Section 22. That Section 17C.230.110 SMC is amended to read as follows:

17C.230.120 Minimum Required Parking Spaces

A. Purpose.

Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking it is accessory to. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.

B. Maximum Number of Parking Spaces Allowed.

Standards in a plan district or overlay zone may supersede the standards in this subsection.

1. Surface Parking.

The maximum number of parking spaces allowed is stated in Table 17C.230-1 and Table 17C.230-2, except as specified in subsection (B)(2) of this section.

2. Structure Parking.

Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed

TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, ((RSF)) R1, ((RTF)) R2, RMF, RHD O, OR, NR, NMU, CB, GC, Industrial	All Land Uses	Minimum and maximum standards are shown in Table 17C.230-2 .
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.

FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 .
[1] Standards in a plan district or overlay zone may supersede the standards of this table.		
[2] See exceptions in SMC 17C.230.130 , CC and Downtown Zone Parking Exceptions.		

Section 23. That Section 17C.230.130 SMC is amended to read as follows:

17C.230.130 Parking Exceptions

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building’s floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The ~~((director))~~ Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the ~~((director))~~ Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the ~~((character))~~ form of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the ~~((director))~~ Planning Director may reduce or waive parking requirements.

E. ~~((Except in the residential single-family and residential two-family zones, existing))~~
Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.

G. Parking is not required for residential development on sites located within one-half mile of a transit stop.

**TABLE 17C.230-2
 PARKING SPACES BY USE [1]
 (Refer to Table 17C.230-1 for Parking Space Standards by Zone)
 CU = Conditional Use**

RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents 1 per unit plus 1 per bedroom after 3 bedrooms [3];	None
Residential Household Living [2]		((1 per)) Accessory Dwelling Unit (ADU) = see Note [4]; Single Resident Occupancy (SRO) are exempt	None
COMMERCIAL CATEGORIES			

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area

	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area

INDUSTRIAL CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review

INSTITUTIONAL CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas

Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	1 per classroom	2.5 per classroom
	High School	7 per classroom	10.5 per classroom

OTHER CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None

[1] The ((director)) Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.

[2] Parking is not required for residential development on sites located within one-half mile of a transit stop.

[3] For middle housing developed in the R1 and R2 zones, the following standards apply:

- On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.
- On lots 6,000 square feet or larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.

[4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).

Section 24. That Section 17C.300.010 SMC is amended to read as follows:

17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create

new housing units (~~((while respecting the look and scale of single dwelling development))~~ that complement the principal dwellings on the properties on which they are located. They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section 25. That Section 17C.300.100 SMC is amended to read as follows:

17C.300.100 General Regulations

A. Where the Regulations Apply.

Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

One accessory dwelling unit is allowed per lot in the RA, ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF, and RHD zones subject to the development standards of the underlying zoning district.

C. ADU versus principal dwelling.

Section 17C.300.130(A)(1) establishes the methods by which an ADU may be created. In cases where a proposed dwelling unit meets the definition and criteria of both an ADU and an additional principal dwelling (e.g., the second unit of a duplex or a second single-unit residential building on a lot), applicants may choose whether the proposed dwelling unit is permitted as an ADU or a principal dwelling.

Section 26. That Section 17C.300.110 SMC is amended to read as follows:

17C.300.110 Criteria

A. Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

- a. The internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be not more than eight hundred square feet, excluding any related garage area.
- b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area for an internal ADU specified in subsection (1)(a) of this subsection.

2. Detached ADU.

- a. The maximum detached ADU size is subject to building coverage per SMC 17C.300.130(B)(3) and floor area ratio per subsection (3) of this subsection (A); and
- b. A detached ADU shall not exceed seventy-five percent of the floor area of the principal structure, or nine hundred seventy-five square feet of floor area, whichever is greater.
- c. The maximum detached ADU size is subject to the maximum building footprint standards for ADUs in Table 17C.111.205-2.

~~3. ((FAR.~~

- ~~a. The floor area of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR).~~
- ~~b. To offer greater flexibility in integrating an ADU on smaller lots, the maximum allowable FAR may be increased to 0.6 on lots smaller than seven thousand two hundred square feet in area, with an ADU, and to 0.7 on lots smaller than five thousand square feet in area with an ADU.))~~

B. Occupancy for Short-Term Rentals.

Where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, one of the dwelling units on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

- 1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this

requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;

2. re-occupy the structure; or
3. remove the accessory dwelling unit.

Section 27. That Section 17C.300.130 SMC is amended to read as follows:

17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing ~~((house, attached house, duplex, or manufactured home))~~ residential use.
- d. Constructing a ~~((new house, attached house or manufactured home))~~ residential use with an internal or detached accessory dwelling unit.
- e. In the ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in ~~((both))~~ all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.
- b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

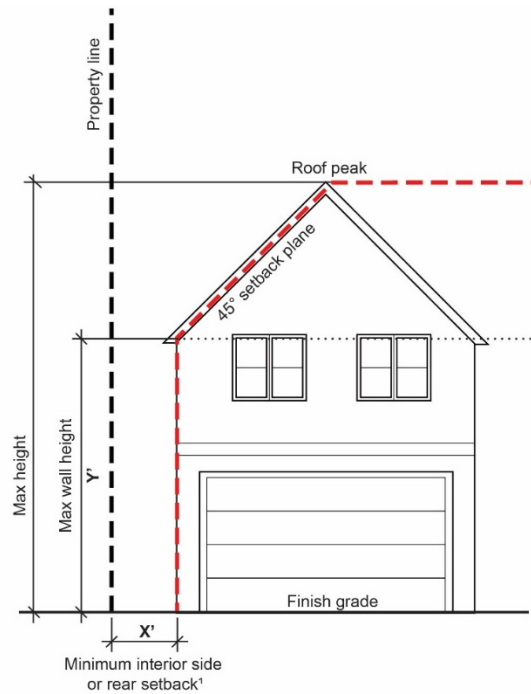
Except for conversion of existing accessory structures, the accessory dwelling unit must be:

- a. as specified for setbacks in [Table 17C.111-3](#) for accessory structures and
- b. ~~((in conformance with the forty-five degree setback plane:~~
 - i. ~~The forty-five degree setback plane is measured at the maximum wall height listed in Table 17C.300-1, from the interior side lot line setback, or rear setback without an alley, as listed in Table 17C.110-3 for accessory structures. The setback plane does not apply on side or rear setbacks measured from alley or street lot lines.~~
 - ii. ~~The setback plane increases at a forty-five degree angle away from the interior side and rear lot lines without an alley, up to~~

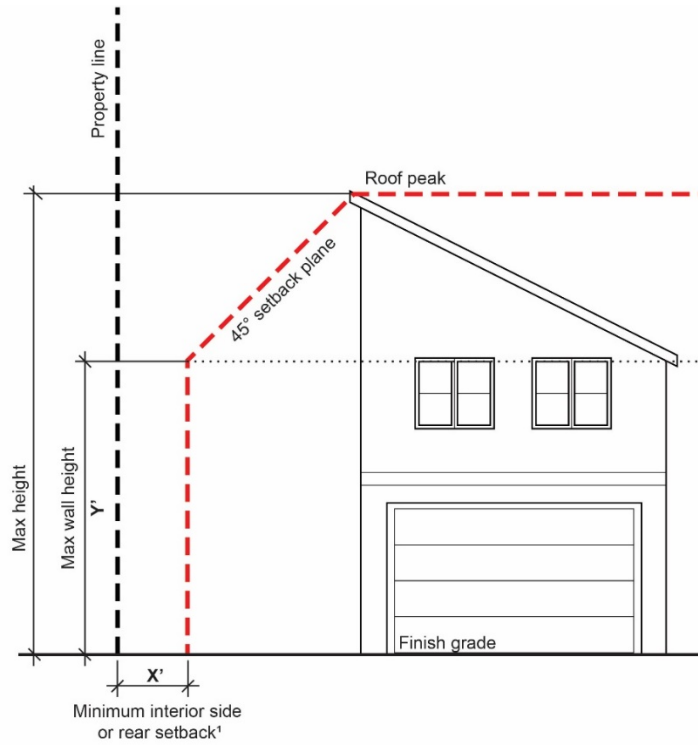
the maximum roof height in Table 17C.300-1. See Figure 17C.300-A for examples.

- iii. No portion of the accessory dwelling unit may project beyond the forty-five degree setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1).
- iv. The setback may be reduced to zero feet with a signed waiver from the neighboring property owner. In that case, the forty-five degree setback plane would be measured from the maximum wall height and the property line.))

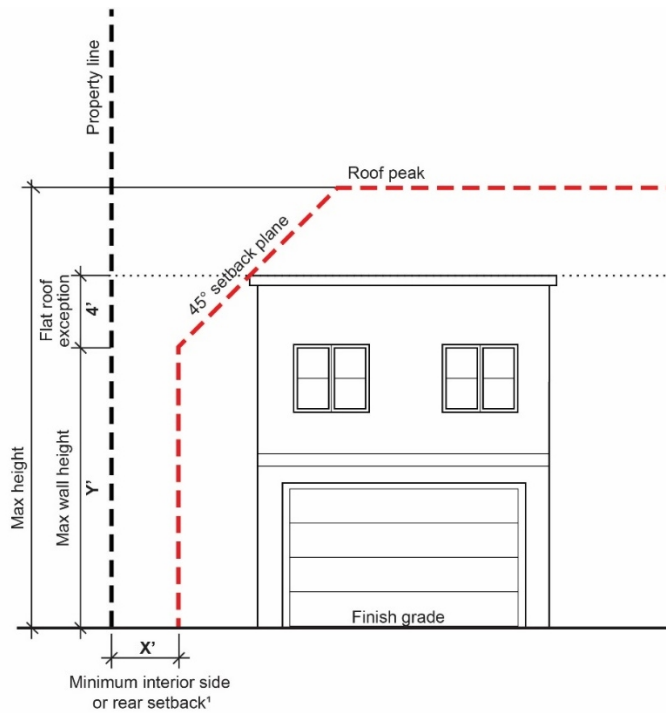
~~((Figure 17C.300-A. Setback Plane [1]))~~



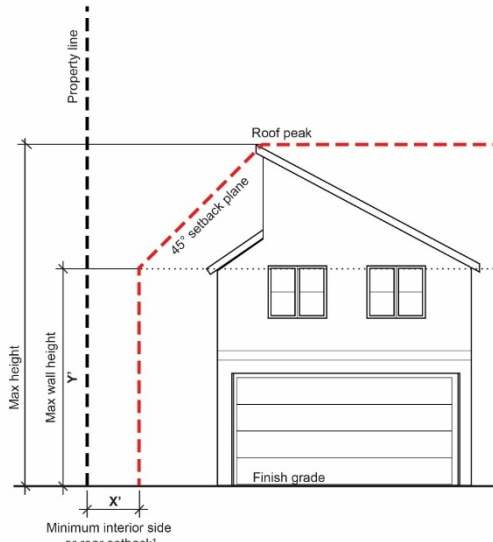
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2. Height.

The maximum height allowed for a detached accessory dwelling unit is ((shown)) provided in Table ((17C.300-1)) 17C.111.205-2. ((A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the forty-five degree setback plane in subsection (B)(1)(b) of this section may be granted a wall height exception up to four feet.))

**((TABLE 17C.300-1
MAXIMUM ROOF AND WALL HEIGHT**

	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	17 ft.	17 ft.
Maximum Roof Height [3]	25 ft.	25 ft.

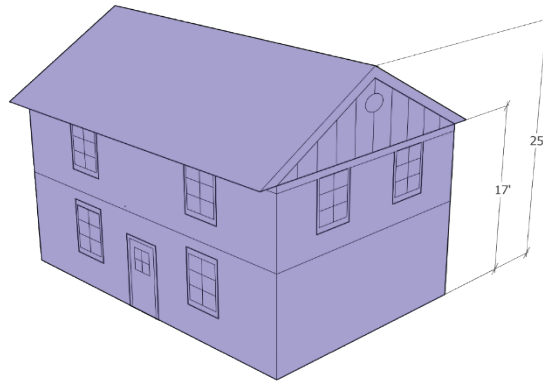
[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six-foot eight-inches or greater.

[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.

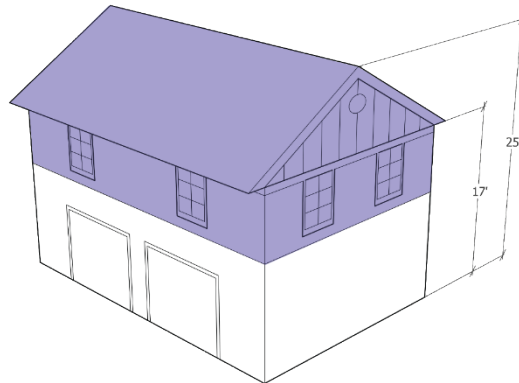
[3] The height of the ridge of the roof.

See “Figure 17C.300-B” below.)

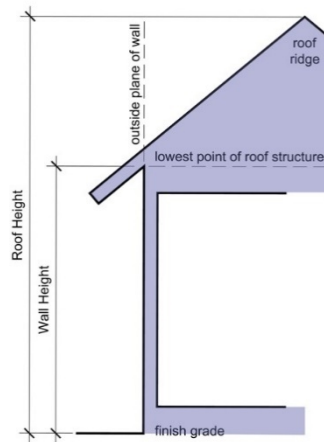
((Figure 17C.300-B))



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3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

- a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.
- b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

- a. ~~((In RA through RTF zones, conversion))~~ Conversion of an existing detached accessory structure that is in a front building setback required by ~~((Table 17C.110-3))~~ Table 17C.111.205-2 is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by SMC ~~((17C.110.220))~~ 17C.111.235, Setbacks, and SMC ~~((17C.110.225))~~ 17C.111.240, Accessory Structures.
- b. ~~((In RMF through RHD zones, conversion of an existing detached accessory structure that is in a front building setback required by Table 17C.110-3 is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by SMC 17C.110.220, Setbacks, and SMC 17C.110.225, Accessory Structures.))~~
- c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- d. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.

C. Utilities and Addressing.

The ADU must utilize those municipal utilities and address established for the principal dwelling unit.

D. Code Compliance.

The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

Section 28. That there is adopted a new Section 17D.060.135 to Chapter 17D.060 SMC to read as follows:

17D.060.135 Areas of Drainage Concern

A. Purpose.

Areas of Drainage Concern are identified due to special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events. These impacts may include flooding, direct drainage to waterways, or capacity limitations in the combined sewer overflow system.

B. Identification, Designation, and Mapping of Areas of Drainage Concern.

Data sources are available from the City of Spokane that are used in identifying Areas of Drainage Concern. Public mapping related to Areas of Drainage Concern is not guaranteed to pinpoint a drainage issue that may require submittal of an engineer's drainage plan. Use of maps of Areas of Drainage Concern shall be for informational purposes only. In the event of a conflict between the map and the criteria set forth in this section, the criteria shall prevail.

C. Characteristics.

Areas of Drainage Concern generally have at least one of the following characteristics:

1. Poorly draining soils;
2. Historic overflows of the wastewater system during rainfall events;
3. Direct drainage to waterways;
4. Topography

D. The City Engineer shall determine whether a lot is considered an Area of Drainage Concern and whether an engineer's drainage plan is required.

Section 29. That Section 17G.020 SMC is amended to read as follows:

17G.020.060 Comprehensive Plan Amendment Procedure

A. Threshold Review

1. Pre-application Conference.

A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

2. Map Amendments.

In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

3. Threshold Review Application Deadline.

Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.

4. Determination of Completeness.

Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Final Review.

1. Final Review Application. An application shall not move ahead for final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning ~~((and Economic Development Services))~~ Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the ~~((planning and economic development services director))~~ Planning Director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

4. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

5. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding

each amendment proposal, the plan commission and staff will also review public comment correspondence during this time.

6. SEPA Determination.

Following the end of the public comment period, staff will complete the SEPA threshold determination pursuant to ((SMC)) chapter 17E.050 SMC and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a ((planning and economic development services director's)) Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

8. Staff Report.

Prior to the Plan Commission hearing, staff prepares its final report, which address SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are provided to the applicant as well as plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620.

9. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

10. Plan Commission Recommendation.

The plan commission bases its recommendation on the guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

- a. Approval based on support for the proposal and recognition that it is consistent with the comprehensive plan applicable guiding principles, and amendment review criteria.
 - i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.
- b. Denial for the following reason(s):
 - i. The proposal is not consistent with applicable guiding principles and/or amendment review criteria.
 - ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
 - iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

11. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments

in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified.

12. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 30. That Section 17G.025.010 SMC is amended to read as follows:

17G.025.010 Text Amendments to the Unified Development Code

A. Purpose.

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

B. Definitions.

1. Construction Standards.

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. Chapter 17F.040 SMC (International Building Code, International Residential Code, International Energy Conservation Code);
- b. Chapter 17F.050 SMC (National Electrical Code);
- c. Chapter 17F.080 SMC (International Fire Code)
- d. Chapter 17F.090 SMC (International Mechanical Code)
- e. Chapter 17F.100 SMC (Uniform Plumbing Code)

C. Applicability.

The requirements of this section apply to all proposed modifications to Title 17 SMC.

D. Amendments to Construction Standards.

1. Adoption Process.

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to Title 17 SMC, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

2. Application of State Code.

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

a. RCW 43.21C, if any;

b. RCW 19.27.040; and

c. RCW 19.27.060.

3. State Building Code Council.

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

E. Initiation.

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;

2. Any citizen, agency, neighborhood council, or other party; or

3. A ((city)) City department, the ((plan-commission)) Plan Commission, or the ((city council)) City Council.

F. ~~((Applications. Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.))~~

G. ~~((Application Submittal for Amendment))~~ Proposals Initiated by Persons or Entities other than ((the)) a City department, the Plan Commission, or the City Council.

1. Applications.

Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specific in chapter 8.02 SMC.

2. Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in ((chapter)) SMC 17G.020.025 ((SMC)), using the following criteria:

- a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
- f. State law required, or a decision of a court or administrative agency has directed such a change.

3. If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist

are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

E. Notice of Public Hearing.

Amendments to Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC ((17G.060.120)) 17G.061.210 Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the

proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;

2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in ~~((subsection (E)))~~ (1) or (2) of this ~~((section))~~ subsection, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

H. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington ~~((department of commerce (“commerce”)))~~ Department of Commerce (“Commerce”) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~((commerce))~~ Commerce.

J. ~~((Inapplicability to certain chapters.~~

~~This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the “construction standards”). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council’s regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).))~~

Section 31. That Section 17G.030.010 SMC is amended to read as follows:

17G.030.010 Purpose

The purpose of this chapter is to coordinate the design review and the land use permit review process for projects seeking a design departure. Whenever a design departure is sought from the design standards of the land use code, the following review procedures are to be followed. Design departures are sought in order to modify or waive a design Requirement (R) or waive a design Presumption (P) contained within the design standards.

Section 32. That Section 17G.030.030 SMC is amended to read as follows:

17G.030.030 Review Process

Procedures for the review of design departures vary with the type of proposal being reviewed.

A. Type III Procedure.

The following proposals are processed through a Type III procedure:

1. A permit for a development seeking a design departure, which also requires a discretionary decision of the hearing examiner after a public hearing such as a

conditional use permit, zone change, or a variance shall follow the Type III application process.

2. Role of Design Review Board.

The design review board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the discretionary decision permit application.

4. Hearings and Decision.

The hearing examiner considers the recommendation of the design review board regarding the design departure during the public hearing on the permit application. A decision is made on the design departure as a part of the decision on the Type III application. The decision criteria for design departures are provided in SMC 17G.030.040, Decision Criteria.

5. Appeals.

Follows appeal process of the underlying permit application.

B. Type II Procedure.

The following proposals are processed through a Type II procedure:

1. A permit for a development seeking a design departure, which does not require a discretionary decision of the hearing examiner, shall follow the Type II application process.

2. Role of Design Review Board.

The design review board reviews the application and makes a recommendation to the ~~((planning and economic development services director))~~ Planning Director. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Role of Staff.

In instances of minimal complexity and cumulative impact, the urban design or planning staff can review and make recommendations on requests for design departures on behalf of the (~~design review board~~) Design Review Board. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review board.

4. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the Type II permit application.

5. Hearings and Decisions.

No hearing is required. A decision is made on the design departure as a part of the decision on the Type II application. The decision criteria for a design departure are provided in SMC 17G.030.040.

6. Appeals.

Follows appeal process of the permit application. The decision on a Type II application may be appealed to the hearing examiner.

Section 33. That Section 17G.030.040 SMC is amended to read as follows:

17G.030.040 Decision Criteria

The decision criteria for a design departure are provided below.

- A. Has the applicant's design team thoroughly examined how the Requirement (R) and/or Presumption (P) could be applied as written?
- B. Does the proposal meet the intent and the general direction set forth by the Requirement (R) and/or Presumption (P) as written?
- C. ~~((Is))~~ For a Requirement (R), is the specific change superior in design quality to that potentially achieved by the Requirement ~~((R) and/or Presumption (P))~~ as written?
- D. For a Presumption (P) is the specific change equal to or superior in design quality to that potentially achieved by the Presumption as written?
- E. Is the departure necessary to better address aspects of the site or its surroundings?

- F. Is the proposed departure part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
- G. Has the applicant responded to the optional Considerations (C), if any, found within the design guideline? Including Considerations may assist in gaining acceptance for the plan.

Section 34. That Chapter 17G.060 SMC is repealed.

Section 35. That Chapter 17G.060T SMC is repealed.

Section 36. That there is adopted Chapter 17G.061 SMC to read as follows:

17G.061 Land Use Application Procedures

17G.061.000 Purpose and Administration

A. Purpose.

The purpose of this chapter is to establish standard procedures for the review and processing of land use applications through the establishment of complete application standards, review procedures, notice requirements, hearing processes, decision criteria and appeal procedures for all applications.

B. Administration.

1. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below.
 - a. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
 - b. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
 - c. The Planning Director or his designee is responsible for Title 17B SMC and Title 17C SMC and chapter 17D.010 SMC, chapter 17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC,

chapter 17G.040 SMC, chapter 17G.061 SMC, chapter 17G.070 SMC, and chapter 17G.080 SMC.

2. The procedures for requesting interpretations of the land use codes and development codes shall be made by the department and may be contained under the specific codes.

C. Exclusions per RCW 36.70B.140.

1. The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures:
 - a. Landmark designations;
 - b. street vacations;
 - c. approvals related to the use of public areas or facilities;
 - d. project permits that, by ordinance or resolution, have been determined to present special circumstances warranting a review process different from that provided in this chapter.
 - e. Lot line or boundary adjustments;
 - f. final short subdivisions;
 - g. final binding site plans;
 - h. final plats; and
 - i. building or other construction permits, or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application.
2. Applications for interior alterations are excluded, provided they do not result in the following:
 - a. Additional sleeping quarters or bedrooms;
 - b. Nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

D. Conflicting Ordinances.

If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected.

E. Severability.

To the extent there is a conflict between this chapter and other ordinances or resolutions for the City of Spokane regulating project permits, this chapter shall govern.

17G.061.010 Summary of Land Use Application Procedures

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17G.061.010-1 SUMMARY OF APPLICATION TYPES AND REQUIREMENTS								
	Applicati on Type	Notice of Community Meeting	Notice of Applicati on	Notice of Hearing	Notice Conte nt	Review Official	City Council Review	Expi ratio n of Per mit
BUILDING AND CODE ENFORCEMENT								
Building Permit without SEPA	Type I	-	-	-	-	Building Official	-	180 day s
Building Permit with SEPA (Commerci al/Industria l/Other)	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 day s
Demolition Permit without SEPA	Type I	-	- [2]	- [1]	-	Building Official	-	180 day s
Demolition Permit with SEPA [2]	Type I	-	Sign Posted Legal	- [1]	-	Building Official	-	180 day s

			Newspaper					
Fence Permit	Excluded	-	-	-	-	Building Official	-	180 days
Grading Permit without SEPA	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Grading Permit with SEPA	Type I	-	-	-	-	Building Official	-	180 days
Manufactured Home Permit	Excluded	-	-	-	-	Building Official	-	180 days
Sign Permit	Excluded	-	-	-	-	Building Official	-	180 days
Residential Building Permit	Excluded	-	-	-	-	Building Official	-	180 days
Remodel Permit	Excluded	-	-	-	-	Building Official	-	180 days
ENGINEERING SERVICES								
Address Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Approach Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Design Deviation – Street Design	Excluded	-	-	-	-	Engineering Director	-	180 days
Encroachment Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
LID Formation	Excluded	-	-	-	-	Engineering Director	-	180 days
Obstruction Permit	Excluded	-	-	-	-	Engineering Director	-	180 days

Road Closure	Excluded	-	-	-	-	Engineering Director	-	180 days
Sidewalk Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Stormwater Design Acceptance	Excluded	-	-	-	-	Engineering Director	-	180 days
Street Vacation	Excluded	-	-	-	-	Engineering Director	-	180 days
PLANNING AND ECONOMIC DEVELOPMENT SERVICES								
Accessory Dwelling Unit (ADU)	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Exemptions	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Interpretations/Determinations	Excluded	-	-	-	-	Planning Director	-	180 days
Binding Site Plan (BSP) – Preliminary	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Binding Site Plan (BSP) – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Boundary Line Adjustment (BLA)	Excluded	-	-	-	-	Planning Director	-	N/A

Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	N/A
Certificate of Compliance (CC) – Planning Director	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	3 years
Floodplain Development with SEPA	Type I	Individual Sign Posted	Individual Sign Posted	-	Proposed use	Planning Director	-	180 days
Floodplain Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Home Occupation	Excluded	-	-	-	-	Planning Director	-	N/A
Long Plat – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted Newspaper	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years

Long Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Planned Unit Development (PUD) – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years [5]
Planned Unit Development (PUD) – Final	Excluded	-	-	-	-	Planning Director	Yes	N/A
Shoreline Exemption/ Determination/ Interpretation	Excluded	-	-	-	-	Planning Director	-	Must comply with WA C 173-27-90
Shoreline Substantial Development Permit (SDP)	Type II	Individual Sign Posted	-	-	Project name Proposed use	Planning Director	-	Must comply with WA C 173-27-90
Shoreline Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WA C 173-

								27-90
Shoreline Conditional Use Permit (CUP)	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WA C 173-27-90
Short Plat – Preliminary with Standard Review and SEPA	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Standard Review and No SEPA	Type II	-	Individual Sign [4] Posted [4]	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Minor Review	Type II	-	-	-	-	Planning Director	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Skywalk	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	-	Hearing Examiner	Yes	Up to 25 year agree

								ement
Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed standard	Hearing Examiner	-	3 years
Rezone	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed zone	Hearing Examiner	-	3 years

Footnotes

- [1] Public Hearing is required if the structure is on the National Historic Register.
- [2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten-day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.
- [3] Conditional Use Permits required under SMC 17C.111.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.
- [4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)
- [5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

17G.061.100 Application Types

A. Purpose.

Applications are consolidated into application types to simplify the permitting process for applicants and ensure appropriate opportunity for public comment on proposals.

B. Excluded Application.

Excluded applications are not subject to the requirements of this chapter. Exclusions are listed in SMC 17G.061.000(C).

C. Type I Application.

1. A Type I application is subject to administrative approval.
2. A Type I application must be categorically exempt from environmental review under RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type I applications do not require a public hearing.

D. Type II Application.

1. A Type II application is subject to administrative approval by a department director.
2. A Type II application may or may not be categorically exempt from RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type II applications do not require a public hearing.

E. Type III Application.

1. A Type III application is subject to a quasi-judicial decision of the Hearing Examiner.
2. A Type III application may or may not be categorically exempt from RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type III applications require a public hearing before the Hearing Examiner.

17G.061.110 Application Requirements

A. Predevelopment Meeting.

1. Purpose.

Predevelopment meetings are not intended to be an exhaustive review of all regulations or potential issues for a given application. Predevelopment meetings have two purposes:

- a. acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations, design guidelines and design review processes, and policies impacting the proposal; and
 - b. acquaint the applicant with the applicable provisions of these procedures, minimum submission requirements and other plans or regulations which may impact the proposal.
2. The City may, when applicable, apply additional relevant laws to the application subsequent to a predevelopment meeting.
3. Predevelopment meetings are required for any development proposal in the central business district. The Planning Director or Building Official, as appropriate, may waive this requirement.
4. Predevelopment meetings are recommended for Type II and III applications, and Type I project permit applications in the centers and corridors (CC) zones.

B. Community Meeting.

All Type III applications and Type II applications where indicated in Table 17G.061.010-1 are required to hold a community meeting regarding the proposed application. The applicant or their representative shall conduct the community meeting.

1. Timing.

The meeting shall occur no more than one hundred twenty days prior to application and before the application is accepted by the City.

2. Notice.

Notice for the community meeting shall be posted fourteen days prior to the meeting. Public notice of a community meeting shall be provided as required in SMC 17G.061.210.

3. Combining with Traffic Study.

When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting.

4. Meeting Summary.

The applicant shall provide a summary of the meeting at the time of submission of the application. Other attendees of the community meeting may also submit a summary of the meeting issues to the decision-maker. The meeting summary shall consist of the following:

- a. A digital recording of the meeting proceedings; and
- b. List of attendees; and
- c. A copy of the notice of community meeting; and
- d. Affidavits of posting/mailing the notice.

C. General Requirements.

Applications shall include the following:

- 1. Predevelopment meeting summary, if required under subsection (A).
- 2. Filing fees as required under chapter 8.02 SMC.
- 3. Application documents supplied by the City, including but not limited to:
 - a. General application form;
 - j. Supplemental application form;
 - c. Environmental checklist, if required under chapter 17E.050 SMC;
- 2. A site plan drawn to scale showing:
 - a. Property dimensions;
 - b. location and dimensions of all existing and proposed physical improvements;
 - c. location and type of landscaping;
 - d. walkways and pedestrian areas;
 - e. off-street parking areas and access drives;
 - f. refuse facilities; and

- g. significant natural features, such as slopes, trees, rock outcrops, and critical areas.
- 3. Required copies of documents, plans, or maps (as set forth in the application checklist).
- 4. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested.
- 5. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application.
- 6. Additional application information as requested by the permitting department, which may include, but is not limited to, the following:
 - a. geotechnical studies;
 - b. hydrologic studies;
 - c. critical area studies;
 - d. noise studies;
 - e. air quality studies;
 - f. visual analysis; and
 - g. transportation impact studies.

D. Additional Requirements.

The following Type II and III applications shall meet these requirements in addition to the provisions of subsection (B) of this section:

- 1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant.
The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. Name, address, and phone number of the applicant's representative if other than the applicant.

- c. Name, address, and phone number of the property owner, if other than the applicant.
- d. Location of the property.
This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
- e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
- f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
- g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
- h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
- i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. the boundary of the parcels(s) of land upon which the development is proposed;
 - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;

- iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
- iv. a delineation of all wetland areas that will be altered or used as a part of the development;
- v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
- vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
- vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
- ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
- x. quantity, composition and destination of any excavated or dredged material;
- xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
- xii. where applicable, a depiction of the impacts to views from existing residential uses;
- xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the

property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.
 - a. Site plan is to be prepared by a licensed surveyor; and
 - b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.
3. Plans-in-lieu of Compliance.
 - a. Alternative development plan designed in conformance with the applicable development regulations; and
 - b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.
4. Preliminary Plat, Short Plat, and Binding Site Plan.

As provided in chapter 17G.080 SMC.
5. PUD.
 - a. Profiles of any structures more than one story, shown in relation to finished grade.
 - b. Location, dimension, and boundary of proposed open space.
 - c. Site plan demonstrating compliance with Title 17C SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.
6. Skywalk.
 - a. A legal description of airspace to be occupied.
 - b. Architectural and engineering plans.
 - c. Artist's rendering of the proposed skywalk; and
 - d. Written narrative of the access for the public from the street, other buildings, and other skywalks.
 - e. Acceptance of the final design review recommendations.

f. Location and design of all wayfinding signage to be placed to ensure public access.

7. Floodplain – Floodplain Development Permit and Variance.

As provided in chapter 17E.030 SMC.

17G.061.120 Determination of a Complete Application

A. Determination of Completeness.

Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070).

B. Procedures for Determination of Completeness.

The following steps outline the process for the department to determine that an application is complete.

1. Counter Complete.

The department shall conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.061.110. If the department determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.

2. Component Screening.

If the application appears to contain required documents, the department shall accept the application and within seven days, conduct a detailed review and determine if any additional information is necessary to process the application. If the department determines the application is missing required components, or is inadequate in other ways, the application including any fees shall be returned to the applicant.

3. Review by Interested Agencies.

If the application, after the detailed review, is found to contain the required components and supporting documents, the application and supporting documents shall be forwarded to (i) interested City departments, (ii) agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application, and (iii) the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located and to any

neighborhood council whose geographic boundaries are located within a 600-foot radius of the project, at the address for such departments, agencies, and neighborhood council designee(s) on file with the department, for review to ensure compliance with state laws, ordinances and concurrency requirements. Interested departments, agencies, and the neighborhood council shall be given fourteen days to provide comments on a permit application. All written comments will be forwarded to the applicant at the end of the fourteen day comment period. Comments submitted after the fourteen day comment period will be forwarded to the applicant, subject to RCW 36.70B.070.

- a. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.
- b. Required information must be provided within sixty days from the notification by the department. The applicant may submit a written request for additional time to the director; any time extensions shall be in writing. If the information is not received within the sixty days (or as otherwise agreed to), the application and a portion of the fees shall be returned to the applicant, pursuant to chapter 8.02 SMC.
- c. Within fourteen days of the submission of the additional information identified by the review agency, the department shall notify the applicant whether the studies are adequate or what additional information is necessary.
- d. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson, with copy to the applicant, no later than the date on which the application is certified complete pursuant to paragraph D herein below.

4. Application Certified Complete.

Within seven days of the expiration of the interested agency comment period, if no additional information was required, or the information required under subsection (3) is acceptable, the department shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.

5. Notice of Application.

Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except that notice of application is not required for short subdivision applications involving minor engineering review as defined in SMC 17G.080.040(C)(2). The notice of application shall follow the public notice requirements contained in SMC 17G.061.210. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).

6. Vesting.
Applications shall be considered vested at the time the application is certified complete, the vesting date shall be the date of application submission. If the application is not complete when filed or information is not timely provided as set forth in subsection (2) or (3), the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

17G.061.130 Application Time Limits

- A. A decision on permit applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in SMC 17G.061.130.
- B. The following shall be excluded when calculating this time period:
 1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.
 2. Any period during which an environmental impact statement is being prepared.
 3. Any period for administrative appeals of land use permits.
 4. Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).
 5. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, or a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

17G.061.140 Expiration of Application

- A. Any application which has been determined to be counter complete, and for which the applicant fails to complete the next application step for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after the City of Spokane has requested additional information or studies, will expire by limitation and become null and void. The department may grant a one-hundred-eighty-day extension on a one-time basis per application. In no event shall an application be pending for more than three hundred sixty days from the date the application is deemed counter complete; provided, once an applicant provides notice of application pursuant to SMC 17G.061.120, the application shall no longer be considered pending for purposes of this time limitation. For purposes of this section, all time during which the City is

reviewing materials submitted by an applicant will be excluded. This subsection shall apply to applications regardless whether the applications were submitted prior to the effective date of this section, as amended.

- B. Applications which have been certified complete by the effective date of the ordinance codified in this title shall have one hundred twenty days to complete the project review, receive a decision, and complete any appeal provisions of this chapter. The department will notify any applicants in writing that are subject to this provision within thirty days of the effective date of the ordinance codified in this title.

17G.061.150 Modification of Applications and Permits

A. Modification of Complete Application.

- 1. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 - a. Modifications proposed by the department to an application shall not be considered a new application.
 - b. If the applicant proposes substantial modifications to an application, as determined by the department, the application may be considered a new application. The new application shall conform to the requirements of all statutes and ordinances in effect at the time the new application is submitted. A substantial modification may include but is not limited to the following:
 - i. change in use;
 - ii. increase in density;
 - iii. increase in site area; or
 - iv. changes that increase or significantly modify the traffic pattern for the proposed development.

B. Limitations on Refiling of Application.

- 1. Applications for a land use permit pursuant to Title 17 SMC on a specific site shall not be accepted if a similar permit has been denied on the site within the twelve months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed or the date of the original decision if no appeal was filed.
- 2. The twelve-month time period may be waived or modified if the director finds that special circumstances warrant earlier reapplication. The director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:
 - a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision.

- b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
- c. An application for a variance, exception, or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision. In every instance, the burden of proving that an application is not similar shall be upon the applicant.

C. Modifications or Revisions to Shoreline Permits.

- 1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
- 2. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
- 3. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
- 4. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
- 5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are “within the scope and intent of the original permit,” the director shall require that the applicant apply for a new permit.
7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
8. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology’s receipt of the submittal from the director. The director shall notify parties of record of the department of ecology’s final decision.
9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology’s final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

D. Modification to a Building Permit Subject to a Type II or III Approval.

In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the Planning Director , permit minor adjustments of the location and/or dimensions of buildings, parking areas, and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any perimeter setbacks, or exceed the density authorized in the permit. No

modification of an approved application may be considered approved unless specifically provided in writing.

1. The Planning Director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.
 - b. The total site coverage or total area covered by buildings will not increase.
 - c. The use will continue to comply with all conditions of approval imposed by the original decision.
 - d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
2. Any modification of an approved site plan not consistent with the standards of subsection (B)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.

E. Modification of Shoreline Permit.

1. Recision and Remanding of Shoreline Permit.
 - a. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
 - b. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.
2. Other Modification of Shoreline Permit.
 - a. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
 - b. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director

shall request from the applicant detailed plans and text describing the proposed changes in the permit.

- c. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
- d. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
- e. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- f. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are “within the scope and intent of the original permit,” the director shall require that the applicant apply for a new permit.
- g. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
- h. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology’s receipt of the submittal from the director. The director shall notify parties of record of the department of ecology’s final decision.

- i. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
- j. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

17G.061.210 Public Notice

A. Purpose.

Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.

B. General.

- 1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
- 2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.

C. Types of Notice.

1. Individual Notice.

Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:

- a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of

the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;

- b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
- c. Any agency with jurisdiction identified by the director.
- d. The individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council designee(s) that is on file with the City's department of neighborhood services.

2. Sign Notice.

Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

- a. The notice sign must meet the following specifications:
 - i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
 - ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - iii. It is white with red lettering.

3. Posted Notice.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

- a. The main City public library and the branch library within or nearest to the area subject to the pending action;

- b. The space in City Hall officially designated for posting notices; and
- c. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

4. Newspaper Notice.

Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.

5. Other Notice.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

D. Contents of Notice.

1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

- a. All application types:
 - i. Location of the property sufficient to clearly locate the site.
 - ii. Description of the proposed action and required permits.
 - iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.

- vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and
 - x. Date of the application and date of the notice of complete application.
- b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.
 - c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.

2. Sign Notice.

Sign notices must contain the following information:

- a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
- b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
- c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."
- d. The subsequent line(s) of text, in three-inch letters, contain additional details as indicated for the project type in Table 17G.061.010-1.
- e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."

- g. The following figures illustrate posted notice signs:

<p>Example "A"</p> <p>NOTICE OF PUBLIC HEARING PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M. LOCATED: COUNCIL BRIEFING RM., CITY HALL Proposed Zone: C1 Proposed Use: Warehouse Applicant/Agent: John Doe, Phone (509) 999-0001 SEPA: DNS, appeal deadline 12/24/03 FOR INFORMATION: (509) 625-6300 https://my.spokanecity.org/projects/example/</p>
<p>Example "B"</p> <p>NOTICE OF SEPA/APPLICATION BUILDING PERMIT, FILE #B0300001 PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M. LOCATED: COUNCIL BRIEFING RM., CITY HALL Proposed Use: Commercial Applicant/Agent: John Doe, Phone (509) 999-0001 SEPA: DNS, appeal deadline 12/24/03 FOR INFORMATION: (509) 625-6300 https://my.spokanecity.org/projects/example/</p>

- E. Removal of Public Notice.
1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
 2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

17G.061.220 Public Comment Period

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications with minor engineering review as provided in SMC 17G.080.040(C)(2) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. In case of conflicting time periods, the longest public comment period shall prevail.

17G.061.230 Public Hearing

A. Notice of Public Hearing.

1. A notice of public hearing is required for Type III applications. At the close of the public comment period initiated by the notice of application, the director consults with the hearing examiner regarding a date and time for the public hearing. No less than fifteen days prior to the public hearing, the director causes the notice of public hearing to be provided, unless notice of public hearing has been provided with the notice of application pursuant to SMC 17G.061.120(B)(5). The notice shall contain the information required under SMC 17G.061.210 and Table 17G.061.010-1.
2. The director makes a written report regarding the application to the hearing examiner. The report of the director is filed with the hearing examiner ten days prior to the scheduled public hearing and copies are mailed to the applicant and applicant's representative. Copies of the report are made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, the hearing examiner may reschedule or continue the hearing, or make a decision without regard to any report.
3. The written report of the director contains a description of the proposal, a summary of the comprehensive plan policies and provisions, a summary of the applicable provisions of the land use codes, the environmental threshold determination, findings and conclusions relating to the proposal to the prescribed decision criteria and a recommendation.

17G.061.240 SEPA Threshold Determination

All permit applications are subject to environmental review pursuant to SMC 17E.050.070 and 17E.050.230. An environmental checklist, along with any supplemental documents needed to fully disclose potential environmental impacts and measures to mitigate those impacts, is submitted as part of the application, if applicable. Review of those environmental documents is conducted concurrent with the other application material.

A. DNS Process for Type I, II and III Permit Applications.

1. The administrative official makes a SEPA threshold decision within ten days of the end of the public comment period initiated by the notice of application.
2. For Type I and II permit applications, the administrative official may issue the permit decision and the SEPA threshold determination simultaneously. However, the department shall not issue a decision on the permit application for fourteen days after the issuance of a determination of nonsignificance (DNS) if the proposal involves:

- a. another agency with jurisdiction;
 - b. demolition of any structure or facility not exempted by SMC 17E.050.070;
 - c. issuance of clearing or grading permits not exempted by SMC 17E.050.070; or
 - d. a mitigated DNS or determination of significance (DS).
3. The public notice of the DNS shall be integrated with the notice requirements of the underlying project permit application, as prescribed in SMC 17G.061.210.
 4. The issuance of a DNS shall follow the process under WAC 197-11-340 and for a mitigated DNS under WAC 197-11-350.
- B. Optional DNS process for Type I, II or III permit applications may be used with the following requirements if the administrative official has a reasonable basis for determining that significant adverse impacts are unlikely as a result of the project:
1. A single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal may be used. The time limits of this subsection (B) do not apply when the optional DNS process is utilized for SEPA.
 2. Provide notice of application as prescribed in SMC 17G.061.210 as set forth for the underlying project permit application. The notice shall include the following:
 - a. The notice of application shall state that the responsible official expects to issue a DNS for the proposal, and that:
 - i. the optional DNS process is being used;
 - ii. this may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - iv. a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
 3. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
 4. Send the notice of application and environmental checklist to:
 - a. agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

- b. anyone requesting a copy of the environmental checklist for the specific proposal.

17G.061.310 Decision Criteria

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications, with the exception of plats, short plats, and binding site plans, which have separate decision criteria provided in 17G.080.025:
 - 1. The proposal is allowed under the provisions of the land use codes.
 - 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 - 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 - 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.
 - 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 effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection I of this section:
 - 1. Shoreline Substantial Development Permit.

- a. Consistency with the map, goals, and policies of the shoreline master program; and
- b. Consistency with RCW 90.58 (Shoreline Management Act) and WAC 173-27 (Permits for Development on Shorelines of the State).

2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

- a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
- b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.

- c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
- d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.

3. Shoreline Variance Permit.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
- b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.

- iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - iv. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.

All of the following criteria are met:

- a. Compliance with All Applicable Standards.

The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).

b. Architectural and Site Design.

The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.

c. Transportation System Capacity.

There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

d. Availability of Public Services.

There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

e. Protection of Designated Resources.

City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.

f. Compatibility with Adjacent Uses.

The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.

g. Mitigation of Off-site Impacts.

All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

- E. The following Type II and III applications are not subject to subsections I and (D) of this section; they shall comply with the following decision criteria:
1. Variance.
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
 - b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.

2. Certificate of Compliance.
 - a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
3. Skywalk Permit and Air Rights Use Permit.
 - a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed air rights use conforms to the standards contained in chapter 12.02 SMC Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

17G.061.320 Notice of Decision

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the

decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.

B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:

1. Written notice of decision is provided by the decision-maker concurrent to the decision.
2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.
 - f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.
 - i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.

- k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.
- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The Planning Director shall provide notification within seven days of the department of ecology's final decision to those interested persons having requested notification.

17G.061.330 Decision – When Final

A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to SMC 17G.061.340.

17G.061.340 Appeals

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes.
- B. Appeal of a director's decision on a project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of a hearing examiner's decisions is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, appeals or requests for reconsideration from decisions shall be filed within fourteen calendar days of the date of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is issued.
- G. An appeal or request for reconsideration shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:

1. file number of the decision;
2. the names of the appellant(s) and an indication of facts that establish the appellant's right to the relief requested;
3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
4. the requested relief from the decision being appealed or reconsidered;
5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

H. The appeal or request for reconsideration is rejected if:

1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
3. it is not timely filed;
4. the appeal fees have not been paid; or
5. it is not filed in accordance with the procedures of this chapter.

I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.

J. Notice of Appeal.

Notice of a hearing by the hearing examiner is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:

1. Location of the property including a map sufficient to clearly locate the site.
2. Description of the proposed action.

3. Name of the applicant.
4. Application name and number.
5. Decision made on the application, including the environmental threshold determination.
6. Name of the appellant if other than the applicant.
7. Date, time, and place of hearing.
8. A statement of whether the appeal is on the record or if new information will be allowed; and
9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

17G.061.350 Expiration of Permit

- A. Table 17G.061.010-1 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision, provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M).

17G.061.400 Design Review

- A. Project permit applications that are subject to design review follow the procedures contained within chapter 17G.040 SMC, Design Review Board Administration and Procedures.

- B. Project permit applications that are subject to design review are listed in SMC 17G.040.020, Development and Applications Subject to Design Review.
- C. Prior to submitting a project permit application that is subject to design review under this title, a project permit applicant must have begun the design review process and may be required to participate in a design review collaborative workshop as defined in SMC 17G.040.050, Design Review Process, and outlined in the Design Review Application Handbook.
- D. Project permit applications that are subject to design review shall contain the information specified in chapter 17G.040 SMC. The design review process is completed prior to the end of the public comment period initiated by notice of application and a recommendation is made to the hearing examiner, Planning Director, Building Official, or other official as appropriate. The report of the design review board is made available to the action-approving authority by the close of the public comment period.

17G.061.510 Optional Consolidated Project Permit Review Process

- A. The optional process allows for the consideration of all discretionary land use, environmental, construction and building permits issued by the City, together with project permits requiring a public hearing as a single project, if requested in writing by the applicant. Permit decisions of other agencies are not included in the process but public meetings and hearings for other agencies may be coordinated with those of the City of Spokane.
- B. When multiple permits are required for a single project, the optional consolidated project permit review process is available as follows:
 - 1. A permit coordinator shall be designated.
 - 2. A single determination of complete application, notice of application and notice of final decision is made for all project permits being reviewed through the consolidated process, provide the time limits in this chapter can be met.
 - 3. Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the consolidated review process shall permit only a single open record hearing and one closed record appeal.
 - 4. A single open record hearing including appeals of the SEPA threshold determination shall be conducted by the hearing examiner, pursuant to the procedures in chapter 17G.050 SMC. The hearing examiner's decision shall be appealable to superior court except rezones and preliminary long plats that are appealable to the city council and shoreline permits are appealable

to the shoreline hearing board. Appeals to the city council shall be conducted as a closed record appeal hearing pursuant to the procedures in chapter 17G.050 SMC.

17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.300 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.061.110 with these additional application materials:
 - 1. Written explanation of exemption type as defined in SMC 17E.060.300 and WAC 173-27-040.
 - 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
 - 3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional

and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).

- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
1. Letter of exemption.
 2. Site plan.
 3. What is being approved; and
 4. Conditions of approval.

It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.300 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).

- F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Section 37. That Section 17G.070.030 SMC is amended to read as follows:

17G.070.030 Development Standards

- A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, ~~((RSF))~~ R1, and ~~((RTF))~~ R2 zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
 - a. ~~((Single family attached residential units;~~
 - b. ~~In the RTF zone, duplexes and attached duplexes;))~~

- c. Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
 - i. community building with indoor and/or outdoor recreation facilities;
 - ii. recreational vehicle and personal storage area;
 - iii. consolidated guest parking facilities.
2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the ((RSF)) R1, ((RTF)) R2, RMF and RHD zones together with these additional uses:
- a. Retail sales and service uses and office uses are permitted subject to the following limitations:
 - i. The PUD site is larger than ten acres,
 - ii. Individual retail sales and service uses and office uses shall not exceed a floor area of three thousand square feet each and the site area developed with retail sales and service uses and office uses shall not exceed five percent of the total PUD site area.
 - iii. Sites developed with retail sales and service uses and office uses shall have frontage on a street that is designated as a collector or higher classified arterial.
 - iv. The retail sales and service uses and office uses in the PUD shall not be permitted until sixty percent of the approved residential units are completed.
 - v. An one hundred percent increase in the amount of retail sales and service uses and office uses is allowed when retail sales and service uses and office uses are physically built under residential uses in a mixed use building with ground floor retail sales and service uses and office uses.
 - vi. Outdoor sales and display and outdoor storage areas are not permitted except outdoor seating is allowed for restaurants and cafes.

3. Commercial Zones.

PUDs are permitted in the commercial zones including center and corridor (CC) and the downtown (DT) zones.

4. Industrial Zones.

In the PI zones, an applicant with a planned unit development approval may develop the site to contain all of the uses permitted by right in the underlying zone and, in addition, up to fifty percent of the total gross floor area may be devoted to housing units provided these are built above the ground floor.

5. More Than One Base Zone.

When a site contains land that is in more than one zoning district, the allowed residential and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district.

B. Density.

1. Densities Required.

An applicant with a planned unit development approval (~~may~~) shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in Title 17C SMC, except as provided in subsection (B)(2) of this section, plus a maximum of ten percent density bonus per the provisions below under SMC 17G.070.030(B)(5).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and

- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.

3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

5. Density Bonuses.

- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.
- c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

C. Dimensional Requirements of the Base Zone.

The dimensional requirements of the base zone standards apply to a PUD except as follows:

1. Lot Dimensional Standards.

- a. The minimum lot size, lot depth and lot width standards may be modified.

- b. The lot frontage requirements may be modified to allow the lots to be served by a private street or private access, rather than a public street as required under SMC ((17C.110.200(F))) 17C.111.200(F), provided that the director of engineering services has determined that private streets or private access can serve the subject lots in the planned unit development. A private street or private access that does not conform to chapter 17H.010 SMC, Street Development Standards, may be approved through a design variance request under SMC 17H.010.020.

2. Lot Coverage and FAR.

The lot coverage by buildings and the floor area ratio (FAR) provisions may be modified.

3. Setbacks.

a. Front and rear yard setbacks.

- i. Front and rear yard setbacks for structures located within eighty feet of the perimeter of the project shall be the same as required by the base zone.
- ii. Front and rear yard setbacks in the remainder of the project may be modified, except that a minimum front or rear yard setback of twenty feet is required for any garage or carport that opens facing a street or an alley.
- iii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify front yard setbacks, if sufficient queuing to enter the structure is provided on-site.

b. Side Yard Setbacks.

- i. Side yard setbacks may be modified, except that a side yard setback of twenty feet is required for any garage or carport that opens facing a street.
- ii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify side yard setbacks, if sufficient queuing to enter the structure is provided on-site.

4. Building Height.

Except as provided below, building height allowed in the base zone cannot be modified, waived or varied through the planned unit development process.

- a. Changes to the height limits in the underlying zone require a rezone processed concurrently with the planned unit development.
- b. In the RMF zone, the wall height for a mixed-use commercial building may be increased to thirty five feet. Such a building is exempt from the height transition requirements of SMC ~~((17C.110.215(C)(3)))~~ 17C.111.215(C)(3).

5. Off-street Parking.

The minimum number of off-street parking stalls may be modified based upon sufficient evidence that the occupancy of the project will not require the number of off-street parking stalls specified for that use under chapter 17C.230 SMC, Parking and Loading.

6. Signs.

The number, type and size of signs cannot be modified through a planned unit development.

7. Fencing.

Perimeter fencing for a planned unit development is permitted except the maximum height of fencing along a street frontage of the planned unit development may not exceed forty-two inches. When a fence is along a street frontage, usable pedestrian access shall be provided spaced a minimum of one every three hundred feet.

8. Gates.

If the director of engineering services approves of private streets in the planned unit development, based on the criteria of SMC 17H.010.090, gates may be permitted in a planned unit development.

9. Lot Access.

The ~~((lot))~~ alley access requirements of SMC ~~((17C.110.208(D)))~~ 17C.111.335(B) apply to lots in a PUD. If a lot abuts a public alley, then vehicle access shall be from the alley.

D. Infrastructure.

All public or private streets, paving, curbs, sidewalks, utilities, stormwater, lights and similar facilities shall be developed according to City standards, unless specifically modified by the city engineer. Waivers, variances, or modifications to the private or public street standards, utilities, and other infrastructure through a planned unit development shall be approved by the city engineer. An approved design variance request form shall be submitted with the PUD application.

E. Common Open Space.

In exchange for the approval of more intense residential development, higher densities, smaller lots and relaxed development standards, the developer of a planned unit development is required to provide common open space for the active and passive recreational activities of residents, employees, and visitors. Such space shall be aggregated wherever feasible and shall consist of a combination of landscaped and hard-scaped areas. Such common open space shall include some combination of the following: plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.

1. In planned unit developments, the following requirements shall apply:
 - a. At least ten percent of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PUDs is prohibited and a variance cannot be sought to reduce this requirement.
 - b. Fenced yards associated with buildings immediately adjacent to designated open space, landscaping in parking lots, or fenced stormwater facilities shall not count toward the total open space requirement.
 - c. Environmentally-constrained land within the planned unit development, including wetlands, geologically hazardous areas, fish and wildlife habitats and frequently flooded areas may be used to meet up to fifty percent of the total requirement specified in subsection (E)(1)(a) above, provided that these areas are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.
2. The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:
 - a. A homeowners' or property owners' association as regulated by state law.

- b. A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.

F. Subdivision.

When a planned unit development is combined with a division of land including a short plat, long plat or binding site plan, the requirements of ~~((SMC)) chapter 17G.080 SMC~~ are required to be met, including ~~((chapter 17C.110.200(C) SMC)) SMC 17C.111.200(C)~~, along with the following:

1. Lot Size Transition.

Transition requirements for lot sizes in the RA and ~~((RSF)) R1~~ zones cannot be waived or modified through the planned unit development process.

2. Through lots.

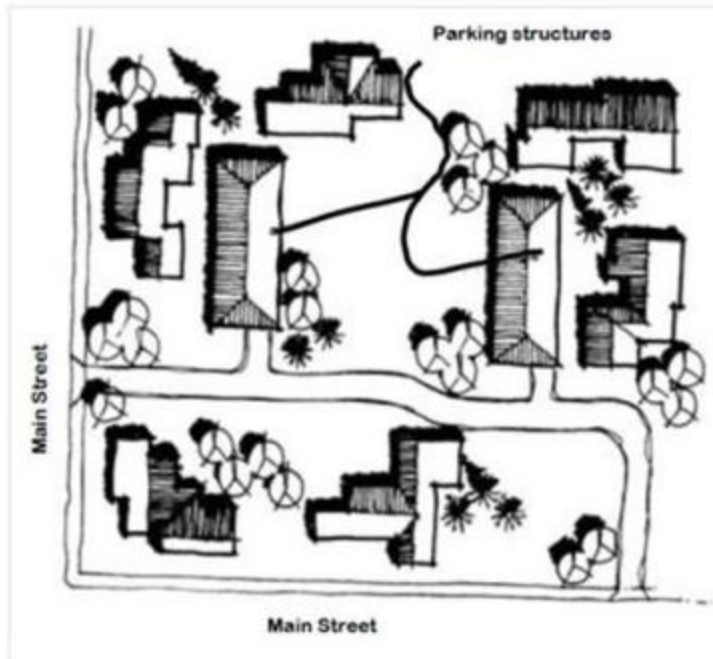
Lots shall be configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. A new PUD/subdivisions shall not “turn its back” on a collector, minor or principal arterial street. Through lots are allowed only where both front lot lines are on local access streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

Section 38. That Section 17G.070.135 SMC is amended to read as follows:

17G.070.135 Compatibility with Surrounding Areas

A. Purpose.

For a PUD to be compatible with, and an integral part of the surrounding area. Although a completely homogeneous neighborhood is not necessary or desirable, a reasonable level of compatibility to the surroundings should be achieved. Diversity in style and density can help create an interesting and vibrant community. When combined with a respect for, and acknowledgment of, existing forms, siting and details, a new development can quickly “belong” in a particular community. A new development should be done in a manner that complements the existing area.



B. Design Standards.

1. The architectural style and detailing of any entrance monument, fencing materials and any structure, other than ~~((single-family))~~ single-unit detached ~~((homes))~~ dwellings, and ~~((duplexes))~~ middle housing, should incorporate significant elements and details of the architecture in the surrounding areas, particularly regarding form, size, color and materials. Chain link fencing is particularly discouraged. (P)
2. The design standards of SMC ~~((17C.110.400))~~ 17C.111.400 shall apply to any ~~((attached housing of three or more units and any multi-family))~~ multi-unit residential building within a PUD. (R)
3. The design standards of SMC ~~((17C.110.500))~~ 17C.111.500 shall apply to any common buildings within a PUD.
4. Driveways and open parking areas should be integrated into the overall design and should not be the dominant features along the street frontages. (P)
5. Parking structure entrances should preferably be accessed from streets within the development rather than from public streets and their appearance should be minimized and integrated into the overall design. (P)
6. Entrance signage shall be in character with the proposed and surrounding developments. (P)

Section 39. That there is adopted Section 17G.080.000 SMC to read as follows:

17G.080.000 Purpose and Administration

A. Purpose.

This chapter is adopted pursuant to RCW 36.70A and RCW 58.17. It implements the provisions of chapter 36.70A RCW and serves the following purposes:

1. Ensures consistency with the City's comprehensive plan
2. Regulates the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with the provisions of chapter 58.17 RCW.
3. Provides for the expeditious review and approval of proposed subdivisions, short subdivisions, and binding site plans which conform to the City's zoning and development regulations and the policies of the City's comprehensive plan.

B. Applicability.

This chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or transfer of ownership.

C. Administration.

The director administers, interprets, and enforces the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

D. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;

4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:
 - a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
 - b. Additional street right-of-way;
7. an adjustment of boundary lines in accordance with the provisions of this chapter.

E. Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

Section 40. That Section 17G.080.010 SMC is repealed.

Section 41. That Section 17G.080.020 SMC is amended to read as follows:

17G.080.020 General Provisions

~~A. ((Authority and Administration.~~

~~This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.~~

~~B. Exemptions.~~

~~The provisions of this chapter shall not apply to:~~

- ~~1. cemeteries and other burial plots while used for that purpose;~~

2. ~~divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;~~
3. ~~the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;~~
4. ~~a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;~~
5. ~~the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;~~
6. ~~acquisition of land by the City for:
 - a. ~~such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or~~
 - b. ~~Additional street right-of-way;~~~~
7. ~~an adjustment of boundary lines in accordance with the provisions of this chapter.))~~

C. Expiration of Approval.

A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary plat, preliminary short plat or preliminary binding site plan, as provided in subsection (L) of this section.

D. Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.

1. Alteration.

The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

- a. obtain approval from the director of engineering services prior to application for alteration;

- b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.

2. Vacation.

- a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
- b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.

3. Redivision of Platted Lots.

- a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.
- b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
 - i. obtain approval from the director of engineering services prior to application for redivision;
 - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

E. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

1. Short plats: " _____ City Short Plat, File No. _____."

2. Plats:

- a. City View Addition.
- b. City View 1st Addition.
- c. City View 2nd Addition.
- d. City View 3rd Addition.

3. Binding site plans: " _____ BSP, File No. _____."

F. Street Names.

The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.

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

A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.

1. Substantial Modifications.

Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:

- a. the creation of additional lots or the inclusion of additional area; or
- b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval; or
- c. change of use((-)) ; or
- d. modification of types or locations of Middle Housing that results in an increase in dwelling units on a lot.

2. Minor Modifications.

The following modifications are considered minor and may be approved administratively by the director:

- a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
- b. Changes in lot dimensions that are consistent with the underlying zone;
- c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
- d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.

H. Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.

1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
2. Every final plat, short plat and binding site plan shall show the following:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
 - b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
 - d. Ties to adjoining surveys of record.
3. Every final plat, short plat and binding site plan shall conform to the following standards:
 - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
 - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.

- c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
 - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
 - e. Lots along curves shall show arc length and include angle (delta) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (delta), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
 5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
 6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

I. Fees.

All applications shall include the fees set forth in chapter 8.02 SMC.

J. Enforcement and Penalties.

Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

K. Appeals.

Appeals of this chapter shall be governed by chapters 17G.050 and 17G.061 SMC.

L. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:
 - a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
 - b. The applicant must have finalized at least one phase.
 - c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
 - d. The project shall be consistent with the comprehensive plan.
 - e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
 - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter ((17G.060)) 17G.061 SMC.

M. Sunset Provision.

1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots

is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.

2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
3. Extensions of the Sunset Provision.

The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:

- a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.
- b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
- c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
- d. The application shall demonstrate compliance with all of the following:
 - i. The project is consistent with the comprehensive plan.
 - ii. The project is consistent with current development standards; and
 - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
- e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.

- f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 42. That there is adopted a new Section 17G.080.025 to Chapter 17G.080 SMC to read as follows:

17G.080.025 Decision Criteria

A. Purpose.

This section establishes conditions for approval or disapproval of land divisions.

B. Burden of Evidence.

The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.

C. Concurrency.

The proposed subdivision shall make appropriate (in terms of capacity and concurrency) provisions for:

1. public health, safety and welfare;
2. open spaces;
3. drainage ways;
4. streets, roads, alleys, and other public ways;
5. transit stops;
6. potable water supplies;
7. sanitary wastes;
8. parks, recreation, and playgrounds;
9. schools and school grounds; and

10. sidewalks, pathways, and other features that assure safe walking conditions.

Section 43. That Section 17G.080.040 SMC is amended to read as follows:

17G.080.040 Short Subdivisions

A. Predevelopment Meeting

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Preliminary Short Plat Application and Map Requirements

1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:
 - a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under [chapter 17E.050 SMC](#).
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under [chapter 8.02 SMC](#).
 - f. The required number of documents, plans or maps drawn to a minimum scale of one-inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.
 - g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
 - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following:

geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.

- i. One copy of the predevelopment conference notes (if applicable); and
 - j. One copy of the notification district map.
2. Contents of Preliminary Short Plat Map

The preliminary short plat shall be prepared by a land surveyor and shall show the following:

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address, and phone number.
- d. Legal description.
- e. Section, township, and range.
- f. Vicinity map.
- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots (~~and~~), proposed density, and number of housing units.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, (~~together with the numbers proposed to be assigned each lot and block,~~

and the dimensions, square footage and acreage of all proposed lots and tracts.) along with the following information:

- i. the numbers proposed to be assigned each lot and block;
 - ii. the dimensions, square footage, and acreage of all proposed lots and tracts; and
 - iii. for residential lots zoned R1 or R2, the proposed Middle Housing types, included single-unit detached houses, and total number of proposed units on all proposed lots.
- q. Proposed names of streets.
 - r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
 - s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
 - t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
 - u. Indicate any street grades in excess of eight percent.
 - v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
 - w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
 - x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
 - y. Critical areas as defined in chapters [17E.020](#), [17E.030](#), [17E.070](#) and [17G.030 SMC](#).

- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

1. The application shall be reviewed in accordance with the procedures set forth in chapter ~~((17G.060))~~ 17G.061 SMC for a Type II application, except an application that meets the requirements for minor engineering review as provided in subsection (2) of this section shall be excluded from the public notice requirements contained in SMC ~~((17G.060.140))~~ 17G.061.210 ~~((through 17G.060.120))~~ and public comment period under SMC ~~((17G.060.130))~~ 17G.061.220.
2. Minor Engineering Review.
 - a. A preliminary short plat application may qualify for a ~~((minor engineering review))~~ Minor Engineering Review if it meets all of the following conditions:
 - i. The application is categorically exempt from chapter 43.21C RCW (SEPA);
 - ii. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
 - iii. No extensions of public water, sewer, or other utility services will be needed;
 - iv. No public easements for water, sewer, or other utility service exists on the lot;
 - v. The lot is not situated in a Special Drainage District as defined in [SMC 17D.060.130](#); and
 - vi. Public utility mains do not exist on the lot.
 - b. The City Engineer is authorized to waiver conditions ii through vi of the subsection (a) if the application substantially meets the intent of the Minor Engineering Review.

D. Public Notice And Public Comment.

All public notice of the application and opportunities for public comment shall be given in accordance with the procedures set forth in ~~((chapter 17G.060 SMC))~~ chapter

17G.061 SMC for a Type II application (~~(, except a short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application)~~).

1. Exceptions.

- a. A short plat that meets the requirements of Minor Engineering Review as provided in subsection (C)(2) of this section shall not require a notice of application.
- b. A short plat that is categorically exempt from SEPA and results in four or fewer lots shall not require a posted or signed notice of application.

E. Preliminary Short Plat Approval Criteria.

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in (~~chapter 17G.060 SMC~~) chapter 17G.061 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and (~~17G.060 SMC~~) 17G.061 SMC.

F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:
 - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
 - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to [chapter 8.02 SMC](#).
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a

statement of the necessary changes to bring the final short plat into conformance with the conditions.

- a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

1. A final short plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final short plat shall include the following:
 - a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the

land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed _____(Seal)"

b. A certification by the city treasurer, as applicable:

i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer"

ii. "I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer"

iii. "A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner's to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this _____ day of _____, 20__.

City of Spokane Treasurer"

c. The certification by the planning director, as follows:

"This plat has been reviewed on this _____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's/Planning Director's approval of the preliminary plat # - -PP/SP.

City of Spokane Planning Director"

d. The certification by the city engineer, as follows:

“Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this _____ day of _____, 20__.

City of Spokane Engineer”

- e. The certification by the Spokane county treasurer, as follows:

“I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved _____ day of _____, 20__.

Spokane County Treasurer”

- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.

- g. Signature of every owner certifying that:

- i. the plat is made with the free consent and in accordance with the desires of the owners of the land;
- ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
- iii. the owners adopt the plan of lots, blocks and streets shown;
- iv. owner dedicates to the City and the City’s permittees the easements shown for utilities and cable television purposes;
- v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and
- vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.

- h. The drawing shall:

- i. be a legibly drawn, printed or reproduced permanent map;

- ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
- iii. have margins that comply with the standards of the Spokane county auditor;
- iv. show in dashed lines the existing plat being replatted, if applicable;
- v. show monuments in accordance with [SMC 17G.080.020\(H\)\(1\)](#);
- vi. include any other information required by the conditions of approval; and
- vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.

H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with [SMC 17G.080.050](#).

Section 44. That Section 17G.080.050 SMC is amended to read as follows:

17G.080.050 Subdivisions

A. Predevelopment Meeting.

A predevelopment meeting is recommended for any preliminary subdivision proposal. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provision of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Community Meeting and Public Notice.

Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submittal of the application. The notice and format of the meeting shall be in accordance with chapter ((17G.060)) 17G.061 SMC.

All public notice of the application shall be given in accordance with the procedures set forth in chapter ((17G.060)) 17G.061 SMC for a Type III application.

C. Preliminary Plat Application and Map Requirements

1. Application Requirements.

Applications for approval of a preliminary plat shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and content as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Plat Map.

The preliminary plat shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2).

D. Review of Preliminary Plat.

The application shall be reviewed in accordance with the procedures set forth in chapter ((17G.060)) 17G.061 SMC for a Type III application.

E. Preliminary Plat Approval Criteria.

Prior to approval of a plat application, the hearing examiner shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in ((chapter 17G.060)) SMC 17G.080.025. The hearing examiner has the authority to approve or disapprove a proposed preliminary plat under the provisions of this chapter, subject to appeal as provided in chapter ((17G.060)) 17G.061 SMC.

F. Phasing

A subdivision may be developed in phases. A master phasing plan should be submitted with the preliminary plat for approval by the hearing examiner. A preliminary plat that has received preliminary approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan may be approved provided:

1. the phasing plan includes all land identified within the boundary of the plat;
2. the sequence of the phased development is identified on the plan;
3. each phase has reasonable public or private infrastructure to support the number of lots contained in that phase;
4. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire plat;
5. any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase; and
6. blocks are wholly contained within any individual phase.

G. Final Plat Review Procedure

The final plat procedures shall be the same in form as the short plat review procedure as provided in SMC 17G.080.040.

H. Final Plat Map Requirements

The subdivider shall submit to the director a final plat in the same form and with the same content as the preliminary plat, with the following exceptions or additional requirements:

1. A final plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including the following:

- a. The certification of the hearing examiner, on behalf of the city council, as follows:

“This plat has been reviewed on this _____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s approval of preliminary plat # -PP/PUD.

Hearing Examiner”

I. Filing

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the plat have been submitted to the planning services department.

Section 45. That Section 17G.080.060 SMC is amended to read as follows:

17G.080.060 Binding Site Plan

A. Purpose.

The purpose of this section is to allow for the more flexible creation of lots within an overall development site plan.

B. Predevelopment Meeting.

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

C. Preliminary Binding Site Plan Application and Map Requirements.

1. A binding site plan may (~~only~~) be used for divisions of land in (~~commercial or industrial~~) all zones. Applications for approval of a preliminary binding site plan shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Binding Site Plan.

The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:

- a. Proposed building footprints;
- b. Proposed street accesses;
- c. Proposed parking and internal vehicle circulation;
- d. Proposed pedestrian pathways;
- e. Proposed landscaped areas; and
- f. Proposed stormwater facilities.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter ~~((17G.060))~~ 17C.061 SMC for a Type II application.

E. Departmental Review of Preliminary Binding Site Plan

The application shall be reviewed in accordance with the procedures set forth in chapter ~~((17G.060))~~ 17C.061 SMC for a Type II application.

F. Preliminary Binding Site Plan Decision Criteria

Prior to approval of the application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the decision criteria set forth in SMC ~~((17G.060.170(C) and (D)(4)))~~ 17G.080.025. The director has the authority to approve or disapprove a proposed preliminary binding site plan under the provisions of this chapter, subject to appeal as provided in chapter ~~((17G.060))~~ 17C.061 SMC.

G. Final Binding Site Plan Review Procedure

The final binding site plan procedures shall be the same in form ~~((and))~~ as the short plat review procedure as provided in SMC 17G.080.040(G).

H. Final Binding Site Plan Requirements.

The subdivider shall submit to the director a final binding site plan in the same form and with the same content as the preliminary binding site plan, with the following exceptions or additional requirements:

1. A final binding site plan shall contain all the information required of the preliminary plan, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final binding site plan shall include the signatory statements as provided in SMC 17G.080.040(G)(2).

I. Filing

Once the final binding site plan has been reviewed, approved and signed by the applicable departments, the applicant shall file the final binding site plan with the county auditor within ten days of final approval. No permits shall be issued for a proposed lot until the required conformed copies of the binding site plan have been submitted to the (~~planning services~~) department.

J. Creation of Additional Lots in Final Binding Site Plan

A survey may be filed following the recording of a final binding site plan to create additional lots within the boundaries of the final binding site plan, consistent with the preliminary binding site plan approval, conditions and expiration provisions (SMC 17G.080.020(C)). The survey shall be reviewed and approved by the director pursuant to subsections (F) and (G) of this section. In addition, the survey shall conform to the following:

1. Title shall state: "Amendment to BSP- ___ - ___."
2. The binding site plan file number shall be referenced.
3. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
4. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the survey; and

5. A revision block listing all previously recorded surveys and the date of recording.

Section 46. That Section 17G.080.065 SMC is amended to read as follows:

17G.080.065 Alternative Residential Subdivisions Unit Lot Subdivisions

A. Purpose.

The purpose of these provisions is to allow for the more flexible creation of lots ~~((for alternative residential development as described in SMC 17C.110.300))~~ of varying sizes and types, including for attached housing, cottage housing, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual lots resulting from the subdivision.

B. Applicability.

~~((The types of development that may use the alternative residential subdivision are:))~~
A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a “child” lot.

- ~~1. ((Cottage housing projects approved under SMC 17C.110.350;~~
- ~~2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or~~
- ~~3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.)~~
4. Unit Lot Subdivisions are allowed for all residential development on parent sites of two acres or less. Subdivisions with a commercial or other non-residential use seeking similar flexibility must be approved through another platting action under chapter 17G.080 SMC.
5. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.
6. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure, subject to the additional standards in subsection F of this section.
7. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.

C. Application Procedure.

~~((Alternative residential))~~ Unit lot subdivisions ~~((of))~~ resulting in nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in ~~((SMC chapter 17G.060))~~ chapter 17G.061 SMC.

D. General Regulations.

1. ~~((An alternative residential))~~ A unit lot subdivision shall meet development standards applicable to the ~~((underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing, SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site))~~ parent lot's zoning, including but not limited to:
 - a. Setbacks;
 - b. Lot size;
 - c. Building frontage; and
 - d. Floor area ratio;
2. All buildings shall meet all applicable provisions of the building and fire code;
3. ~~((Alternative residential))~~ Lots created through a unit lot ~~((subdivisions))~~ subdivision shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
4. Each child lot's area and width for purposes of subdivision may be as small as the footprint of the ~~((individual dwelling unit))~~ building situated upon it, subject to the requirements of the building and fire code;
5. Portions of the parent site not subdivided for ~~((individual))~~ child lots shall be identified as Tracts and owned in common by the owners of the ~~((individual))~~ child lots ~~((, or by))~~. For example, a homeowners association comprised of the owners of the ~~((individual))~~ child lots located within the parent site. This requirement shall

be included in deed restrictions as required in ((paragraph 7)) subsection E of this section;

6. The parent site and each child lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.
7. Separation requirements for utilities must be met.
8. Driveways providing vehicle access to lots shall not serve more than nine (9) units unless approved by the City Engineer.
9. ~~((Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;~~
10. ~~Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;~~
11. ~~Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~
12. ~~Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:~~
 - a. ~~Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site~~

~~development plan approval (stating the subject project file number if applicable);~~

- ~~b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;~~
- ~~c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;~~
- ~~d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.))~~

E. ~~((Conflicts.~~

~~Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.))~~

F. Recording.

1. The plat recorded with the county auditor's office shall include the following:

- a. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.
- b. A note that approval of the subdivision was granted by the review of the site as a whole (stating the subject project file number if applicable);
- c. A note that subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
- d. A note stating that if a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
- e. A note that additional development of the individual lots may be limited as a result of the application of development standards to the parent site.

2. The legal description of each lot shall identify it as part of a unit lot subdivision.

G. Accessory Dwelling Units.

A lot with an accessory dwelling unit may be subdivided under this section with the following additional requirements:

1. All utility lines for the accessory dwelling unit must branch from a common line on a portion of the parent site owned in common. A utility line for the accessory dwelling unit shall not cross another child parcel without approval of the City Engineer.
2. The plat recorded with the county auditor's office shall further specify the following:
 - a. The child lot that is associated with the accessory dwelling unit;
 - b. That the child lot associated with the accessory dwelling unit is subject to any and all additional regulations of an accessory dwelling unit under the Spokane Municipal Code.
3. The legal description of a lot for an accessory dwelling unit shall identify the lot as an accessory dwelling unit within a unit lot subdivision.

Section 47. That Section 17G.080.080 SMC is repealed.

Section 48. Effective Date. This ordinance shall take effect and be in force on January 1, 2024.

Section 49. That the City of Spokane Clerk is granted the authority to make clerical adjustments to SMC Title 17 to ensure internal consistency by updating items related to this ordinance, including:

- Replacing all instances of RSF (Residential Single-Family) with R1 (Residential 1)
- Replacing all instances of RTF (Residential Two Family) with R2 (Residential 2).
- Remove all references to RSF-C (Residential Single-Family Compact).
- Updating all references to sections of code affected by these changes to ensure they identify the correct code section and subsection.
- Updating all table numbers and table references to be consistent with the usage established in this ordinance, which is to number tables with the title, chapter, and section, followed by a dash and a sequential number.

Section 50. Savings Clause. Title 17C.110, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 51. Savings Clause. Title 17C.110T, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 52. Savings Clause. Title 17G.060, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 53. Savings Clause. SMC 17G.080.080, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 54. Severability Clause. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this ordinance.

Passed the City Council _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date: _____

* Date of State Approval



STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City of Spokane Plan Commission	
Subject:	Building Opportunity for Housing, Phase 2	
Staff Contact:	Tim Thompson, AICP Principal Planner tthompson@spokanecity.org	KayCee Downey, AICP Planner II kdowney@spokanecity.org
Report Date:	October 4, 2023	
Hearing Date:	October 11, 2023	
Recommendation:	Approval	

I. SUMMARY

These City-initiated text amendments are proposed to update the Spokane Municipal Code (SMC) Unified Development Code according to the Building Opportunities and Choices for All workplan, known as Building Opportunity for Housing, to increase housing capacity within the Spokane city limits and meet strategies outlined in the adopted Comprehensive Plan. The proposed draft code would amend SMC Chapters 17A.020, 17A.040, 17C.110, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.060, 17G.061, and 17G.080. The proposed draft code has been developed by City staff and a consulting firm, with the input of various committees and public feedback. For ease and transparency, a Text Amendment Tracking Sheet has been included as **Exhibit A**. The full-text amendments can be found attached as **Exhibit B**. A Development Feasibility and Analysis report pertaining to recommended and/or reviewed development regulations can be found attached as **Exhibit C**. A tracked change document highlighting the modified sections of the SMC in a truncated format can be found attached as **Exhibit I**. The tracked change document is substantively compliant with the hearing draft; however, numbering, clerical changes, and minor adjustments may not be consistent. **Exhibit B**, the full-text amendments, is the formal draft text amendments proposal.

II. BACKGROUND

Historically, Spokane has offered a mix of housing options—from mansion apartments in the historic Browne's Addition and post-War era neighborhoods like Chief Garry Park to suburban developments like Indian Trail. However, as the City has grown, the diversity and supply of housing has not kept pace with the City's growth or met the needs of all of the City's residents. As part of the Spokane [Housing Action Plan \(HAP\)](#) adopted in 2021, the City completed a Housing Needs Assessment to determine the types of housing residents need more of, as well as the displacement risk of various Census tracts throughout the City. In summary, the HAP discovered that more housing options were needed to house more people of all income levels. The HAP identifies actions that the city can pursue to encourage more housing options, yielding a coordinated set of strategies, based on community priorities, that supports more people being able to find a home that meets their needs with access to opportunities, services, and amenities.

During the process for the Housing Action Plan, the City Council advocated for more housing types in residential zones to address the housing supply issue, which was ultimately included in Council's Implementation Plan. Due to the nature of the City's residential land use categories and zoning requirements, increasing the housing supply has made slow progress and been compounded by a low supply of both homes for sale and units for rent, while Washington state has seen a demographic shift as people move to areas seeking lower costs or because of remote work. As a result, a housing emergency was declared by Mayor Nadine Woodward in July 2021.

The Growth Management Act (RCW 36.70A.390) authorizes the City to adopt interim zoning ordinances to enact quick action in response to an immediate and urgent need. On June 23, 2022, Mayor Woodward, Council President Breean

Beggs, Council Member Michael Cathcart, and Council Member Betsy Wilkerson held a press conference to propose interim zoning regulations to modify permitted housing types in the City's residential zones to accelerate construction of more housing. Building on the past two years of engagement and outreach around the need for housing, through the adopted Housing Action Plan and on-going Shaping Spokane Housing code changes, the City utilized the tool of an interim zoning ordinance to enact swift changes to address the urgent need for housing. On July 18, 2022, City Council held a public hearing and forwarded this item to the Mayor for signature. The one-year interim ordinance was ultimately extended by City Council and is currently set to expire on December 18, 2023.

The interim ordinance, known as Building Opportunity and Choices for All, allowed for up to four dwelling units on all residentially zoned lots, excluding Residential Agriculture, while adjusting some dimensional standard requirements to make those housing types more feasible to construct. Between the ordinance going into effect on August 18, 2022 to August 31, 2023, 51 units have been permitted under the interim ordinance with 24 units currently in review. The benefits of the interim ordinance were two-fold: allowing for more housing types to be built immediately, as shown in the permit count, while also identifying additional barriers or development difficulties through real-world project reviews. A work plan and related project was established to use those lessons learned to create permanent development code changes before the interim ordinance expires, known as Building Opportunity for Housing.

In 2023, the Washington State Legislature passed [House Bill 1110](#), which provided additional direction for implementing middle housing in Washington communities. "The legislature finds that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations. In order to meet the goal of 1,000,000 new homes by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted."¹ As such, jurisdictions the size of Spokane are now required, within six months of their respective Comprehensive Plan Periodic Update, to allow four and six units depending on location and density incentives in all residential zones. While these requirements have largely been implemented through the Building Opportunity and Choices for All regulations, adjustments are required to comply with the state legislation more fully, while also identifying the best way to implement the intent of the legislation within Spokane's local context.

While significant parts of the Comprehensive Plan already support mixed densities, housing types, and affordability in all Spokane's neighborhoods, some adjustment was necessary in the Comprehensive Plan and Municipal Code to accommodate middle housing types more explicitly in more areas throughout the City. A robust engagement effort was initiated to identify the City's evolving vision for housing and Phase 1 of Building Opportunity for Housing, which proposed text amendments to the Comprehensive Plan. The amendments to the Comprehensive Plan in Phase 1 were unanimously approved by City Council on July 31, 2023. Phase 2 of Building Opportunity for Housing built off of the Comprehensive Plan amendments to create permanent SMC text amendments to allow for and increase the feasibility of middle housing throughout Spokane. The identified Unified Development Code text amendments are being proposed at this time, as outlined through the following analysis.

III. PROCESS

DEVELOPMENT CODE AMENDMENT PROCEDURE

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.

¹ Increasing middle housing in areas traditionally dedicated to single-family detached housing, HB 1110, Washington State Legislature, 2023.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendments require 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 in 17G.025 SMC, 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

Engagement was an essential component of the proposed text amendments to the Unified Development Code, building off past efforts to continue opportunities for resident participation in the process. The Housing Action Plan, which established strategies to create more housing choice, started some of the more recent housing engagement efforts with a housing experience survey that received over 1,200 responses, stakeholder roundtables, and a Housing Action Plan working group. Shaping Spokane Housing, a program of housing planning work based off the HAP, continued the engagement efforts when talking to residents about specific code changes or general preferences for housing. Those efforts, in addition to more direct outreach with development professionals, helped inform the Building Opportunity and Choices for All interim ordinance. Following the adoption of the interim ordinance², more focused internal and external dialogue began on how to increase middle housing and housing choices throughout Spokane. Taking into consideration many viewpoints obtained from a wide range of stakeholders was critical in developing the draft code now being proposed. Below is a list summarizing the bulk of the engagement efforts conducted during Phase 1 of Building Opportunity for Housing which amended the City's Comprehensive Plan as well as the efforts completed specifically for Phase 2. Some items listed, such as the district resident forums, represent multiple meetings. Where recordings or documents highlighting and/or summarizing efforts are available, external web links are provided.

Community Organization Roundtable	January 24, 2023
Housing Journey Survey Opens	January 27, 2023
Faith-Based Organization Roundtable	March 16, 2023
Housing Journey Survey Closed	March 31, 2023
District Resident Forums	April 2023
Stakeholder Interviews	June 2023
Pride Festival Tabling	June 10, 2023
Plan Commission Workshop	June 28, 2023
Plan Commission Workshop	July 12, 2023
Plan Commission Workshop	July 26, 2023
Habitat for Humanity Meeting	July 28, 20223
Plan Commission Workshop	August 23, 2023
SNAP Meeting	September 12, 2023
Plan Commission Housing Work Group	September 13, 2023

² Ordinance C36232, Approved 7-18-2022.

Plan Commission Workshop	September 13, 2023
In Person Open House	September 19, 2023
Spokane Realtors Presentation	September 20, 2023
Virtual Open House	September 21, 2023
Plan Commission Workshop	September 27, 2023

In addition to the specific engagement efforts noted above, the Shaping Spokane Housing newsletter, project webpage, and City of Spokane social media posts were used throughout the efforts to inform the public on the process of Building Opportunity for Housing. A full list of Shaping Spokane Housing newsletters can be found at [ShapingSpokaneHousing.com](https://shaping.spokanehousing.com) under Email Updates.

SEPA REVIEW

As outlined in Section 17G.025.010 SMC, notices of proposals to amend the UDC are distributed and interested parties should be made aware of such proposals during the Plan Commission review, including the SEPA checklist and determination. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required.

This proposal was properly noticed pursuant to Section 17G.025.010(E). See **Exhibit D** for the SEPA Determination of Non-significance issued on September 18, 2023.

COMMENTS RECEIVED

A public comment period occurred September 4, 2023 to October 4, 2023, however comments were accepted throughout the project. Written comments received prior to 3 PM on October 4 have been provided to the Plan Commission and attached to the agenda packet for the scheduled October 11, 2023, public hearing. Those comments can be found attached as **Exhibit E**. All written public comments received by the planning department between October 4 to October 11 by 4:00 p.m. will be circulated to the Plan Commission prior to the public hearing scheduled at 4:00 p.m. October 11, 2023.

26 comments were received prior to 3 PM on October 4. In order to ensure all concerns have been addressed and relevant information has been provided to the decision makers, the larger themes have been addressed below:

- **Infrastructure.** A number of residents have expressed concern over the required infrastructure for new development. The City has established Levels of Service (LOS) within the Comprehensive Plan, related to urban services. Specific LOS metrics include issues like water pressure, sewer service, library access, etc.. When a development permit is submitted and reviewed, decisions are rooted in those established LOS standards. City code requires that projects cannot be approved if they fail to meet those LOS standards. In cases where infrastructure is lacking, this often results in one of three outcomes:
 - The project is limited in some way to avoid inadequate service levels; or
 - The project must wait until a planned infrastructure improvement is completed to increase system capacity; or
 - The project may contribute funding or complete new infrastructure improvements that would bring services to the adopted Level of Service.

There are areas in Spokane that are anticipated for future growth. In some areas, current service levels meet our LOS standards for existing development, but future growth will require additional infrastructure investments. The future infrastructure needs to accommodate continued growth are reflected in the City's Capital Improvement Plan.

- **Design standards.** As part of the robust engagement process conducted for the Building Opportunity for Housing project, building design was identified as one of the most important elements for residents, both for infill near where they live and for their future living situations. As such, design standards for single-unit homes and middle housing are proposed. Concerns have been raised about the flexibility available for building design and whether the proposed regulations allow for a variety of housing types. Of note, the design standards process allows for a

departure or waiver process depending on the level of design standard. Additionally, projects that go through a Planned Unit Development may be eligible for differing design standards where appropriate. Additional discussion about the proposed design standards can be found below.

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as **Exhibit F**. Agency/City department comments were received regarding this application from:

- Spokane Tribe of Indians
- City of Spokane Engineering
- City of Spokane Current Planning

IV. ANALYSIS

PROPOSAL DESCRIPTION

Following policies within the adopted Housing Action Plan and Comprehensive Plan, the City of Spokane Department of Planning and Economic Development is recommending amendments to the residential development code and related SMC chapters. The recommended text amendments seek to align development regulations with the vision and goals of the community in creating more housing opportunities throughout the City. Built off the regulations adopted through the Building Opportunity and Choices for All interim ordinance; the amendments range from substantial policy adjustments to minor language changes to ensure consistency throughout the identified SMC sections.

This proposal will amend Spokane Municipal Code: Chapters 17A.020, 17A.040, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.061, and 17G.080. The proposal will also repeal 17C.110 and replace with a new chapter 17C.111 and repeal chapter 17G.060 and replace with chapter 17G.061

RESIDENTIAL CODE REORGANIZATION

One of the barriers to residential development identified through public and stakeholder engagement was the organization of the existing residential development code. To create a more user-friendly experience that is intended to lead to an easier and more transparent development approval process, reorganization and renaming is proposed. To help keep track of the proposed changes, the Text Amendment Tracking Sheet can be found in **Exhibit A**.

RESIDENTIAL ZONING CHANGES

The proposed text amendments modify the residential zoning category names. Currently, the residential zone names reflect a housing type or density which, if the text amendments recommended in this document are adopted, would no longer be accurate in describing what can be built in the zone. Additionally, the proposed name changes align with Comprehensive Plan Amendments passed July 31, 2023 that reframed the land use categories to be more inclusive of different housing types. Due to said reframing of land use categories and the proposed text amendments allowing for greater flexibility without the need of a separate zoning designation, the Residential Single Family Compact (RSF-C) zone has been removed.

General updates/amendments to Residential Multifamily and Residential High Density are not being proposed at this time. Limited modifications are proposed to maintain consistency with the lower residential zones. The implications of changing the names and development standards of these two zones could lead to unforeseen consequences throughout the SMC. It is staff's recommendation that the two higher capacity zones do not get renamed or significantly modified until a future date where further analysis and consideration can be completed.

The zones will be referred to as the proposed zoning categories throughout the remainder of the report.

<u>Existing Zoning Categories</u>		<u>Proposed Zoning Categories</u>	
Residential Single Family	RSF	Residential 1	R1
Residential Two Family	RTF	Residential 2	R2

Residential Multifamily	RMF	Residential Multifamily	RMF
Residential High Density	RHD	Residential High Density	RHD

REGULATING CAPACITY

The Comprehensive Plan assumes density ranges for residential areas. Residential Low has an assumed density of 4-10 dwelling units an acre, Residential Plus is 10-20 units an acre, Residential Moderate is 15-30 units an acre, and Residential High is 15+ units an acre. The assumed densities are intended to be achieved through regulations found in the SMC.

However, many areas of the City have developed at the low end or even below the densities envisioned and planned for in the existing Comprehensive Plan. When some areas that platted and developed in the last 20 years were analyzed by staff, the actual density of development fell below the minimum density envisioned by the Comprehensive Plan. For instance, when a 52-acre portion of one neighborhood in Spokane was analyzed, staff found that the density was 3.9 units per acre, below the minimum of 4.0 envisioned and planned for in the Comprehensive Plan and nowhere near the maximum 10.0 units per acre envisioned by the plan. This research indicates the City’s existing housing regulations have not facilitated the residential density and housing options envisioned and planned for in the Comprehensive Plan.

As part of the engagement efforts for Phase 1 of Building Opportunity for Housing, community members were asked about their ideal neighborhood and what physical aspects of the built environment could negatively impact that vision. Throughout those conversations, the physical form of the building was noted as a more significant concern than the number of dwelling units. This sentiment, along with the low realized residential densities, is why the recommended text amendments include a shift from regulating housing capacity by unit count (density) to regulating the size and scale of the housing.

Moving beyond unit count to regulating scale instead also removes a potential deterrent to more attainable housing. When regulating a site by density, a lot can achieve a set number of units, regardless of unit size. There is little incentive to reduce the size of each dwelling, frequently resulting in larger square footage units which tend to sell or rent at a higher price point than smaller square footage units. By regulating scale instead of density, the site is given greater flexibility. The buildable envelope can be divided into smaller units if desired, so long as they meet the life safety standards of livable space under the Building Code. By supporting the development of smaller sized units there is an opportunity to expand the diversity of housing attainable to a variety of incomes. The flexibility still allows developments to react to market desires and community needs, while no longer favoring larger square footage for newer development within the regulations.

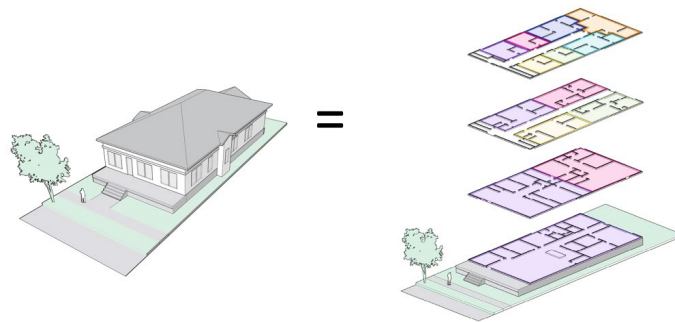


Figure 1 Conceptual figure illustrating the concept of regulating by scale rather than unit count. The same structure on the outside can contain a wide range of number of units.

Despite no longer regulating the maximum density, the recommended text amendments are not anticipated to result in densities exceeding those envisioned and planned for in the Comprehensive Plan. There still exist mitigating factors that would prevent the City as a whole from exceeding the anticipated housing capacity. Those factors include:

- Many areas of the City are already built out which limits the amount of new development that may occur overall.
- Critical Areas, stormwater management, utility connections, and other factors still regulate site-by-site development.
- Nothing in the proposal would eliminate the existing requirement for future development to show concurrency with service/utility provisions and to offset impacts from development.

- Recommended development regulations that naturally restrict unit count, as identified in the Development and Feasibility Analysis report (**Exhibit C**).

While the recommended text amendments are not anticipated to exceed the assumed densities in the designated land use categories, staff also acknowledges that there are opportunities to reevaluate the impact of the recommended text amendments at a future date. As required by the Growth Management Act, Spokane is required to complete a Periodic Update of the Comprehensive Plan in 2026. An analysis of land and housing development capacity based on existing regulations and infrastructure will be completed for the update, providing an opportunity to make any regulatory adjustments found necessary at that time.

DEVELOPMENT REGULATIONS AMENDMENTS

A summary of key development regulations amendments as identified through community and stakeholder engagement is included below. The full-text amendments can be found attached as **Exhibit B**.

A Development Feasibility and Analysis report pertaining to recommended and/or reviewed development regulations can be found attached as **Exhibit C**. In summary, the report finds that the proposed text amendments make middle housing development more feasible than the existing permanent regulations.

DIMENSIONAL STANDARDS

The recommended updates to dimensional standards within the R1 and R2 zones were identified as ways to make permanent or improve upon the regulations of the Building Opportunity and Choices for All interim ordinance. Through community and stakeholder engagement, standards were identified that could make middle housing development more feasible while maintaining appropriate scale and form. The proposed text amendments thus focus on regulating key standards that most impact the compatibility of infill development and foster the desired community framework for non-infill sites, while still providing flexibility of design.

Minor adjustments are proposed within the RA, RMF, and RHD zones to ensure necessary consistency or avoid conflicting regulations, while not reframing the purpose and intent of the aforementioned residential zones.

<u>Development Standard</u>	<u>Existing</u>		<u>Proposed</u>	
	R1	R2	R1	R2
Minimum lot area	4,350 s.f.	1,800 s.f.	1,200 s.f.	1,200 s.f.
Minimum lot width with no driveway approach	40 ft.	36 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach	40 ft.	36 ft.	36 ft.	36 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	36 ft.	40 ft.	36 ft.
Minimum lot depth	80 ft.	40 ft.	80 ft.	40 ft.
Minimum lot frontage	40 ft.	30 ft.	Same as lot width	Same as lot width
Maximum total building coverage	2,250 s.f. + 35% for portion of lot over 5,000 s.f.	2,250 s.f. + 35% for portion of lot over 5,000 s.f.	65%	80%
Maximum lot impervious coverage without engineer's stormwater plan	N/A	N/A	Not in Area of Drainage Concern: 60%	Not in Area of Drainage Concern: 60%

			Inside Area of Drainage Concern: 40%	Inside Area of Drainage Concern: 40%
Floor Area Ratio	0.5	0.5	N/A	N/A
Maximum building footprint	N/A	N/A	7,000 s.f. or less: 2,450 s.f.	7,000 s.f. or less: 2,450 s.f.
			More than 7,000 s.f.: 35%	More than 7,000 s.f.: 35%
Maximum building height	35 ft.	35 ft.	40 ft.	40 ft.
Maximum wall height	25 ft.	25 ft.	N/A	N/A
Minimum Setbacks				
Front	15 ft.	15 ft.	10 ft.	10 ft.
Interior side	40 ft. or less lot width: 3 ft.	40 ft. or less lot width: 3 ft.	40 ft. or less lot width: 3 ft.	40 ft. or less lot width: 3 ft.
	More than 40 ft. lot width: 5 ft.	More than 40 ft. lot width: 5 ft.	More than 40 ft. lot width: 5 ft.	More than 40 ft. lot width: 5 ft.
Street side	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	15 ft.

The temporary changes approved through the Building Opportunity for Choices and All interim ordinance modified the existing regulations for residential development noted in the table above. The full interim regulations can be found in [ORD C36232](#).

REMOVAL OF COTTAGE HOUSING AND POCKET RESIDENTIAL REGULATIONS

With the recommended SMC text amendments allowing for additional residential units on residentially zone lots, modifying dimensional standards of newly established residentially zoned lots, and updating the regulations of unit lot subdivisions, the Cottage Housing and Pocket Residential development regulations are no longer necessary to allow for those forms of development in Spokane.

SMC Section 17C.110.350, Cottage Housing, currently includes regulations that require a Type II conditional use permit for cottage housing development and specific design standards to receive the density bonus written into the code. Presumably due to the regulations found within this section of the SMC, few cottage housing developments have been processed in Spokane; only six cottage housing developments have been approved since 2009. However, the recommended text amendments allow by right the number of dwelling units and site arrangement that is typically defined as a cottage housing development. Additionally, if SMC Section 17C.110.350 was maintained, cottage housing would be regulated by differing development standards than single-unit dwellings and other middle housing developments. The intent of HB 1110 is for cities to view and treat middle housing and single-unit dwellings equally in regulations.

SMC Section 17C.110.360, Pocket Residential Development, currently encourages greater efficiency of land use by allowing compact infill development on aggregate sites. Similar to cottage housing development, the regulations found within this section of the SMC have not been frequently used for development; only eleven pocket plats have been approved since 2019 when the code allowance was established. The recommended text amendments provide for the allowance of more efficient and compact development intended by the pocket residential development standards either by right with the adjusted dimensional standards or through the amended unit lot subdivision.

PARKING STANDARDS

As part of HB 1110, limitations on the amount of parking required for middle housing development were established. A jurisdiction cannot require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop. Additionally, no more than one off-street parking space can be required per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet and no more than two off-street parking spaces may be required for the same development on lots greater than 6,000 square feet.

Staff have identified three potential parking standard regulations that vary in degrees.

OPTION 1 HB 1110 DEFINITION OF MAJOR TRANSIT STOP

The definition within HB 1110 defines a major transit stop as rail and bus rapid transit. Currently within Spokane only the new City Line bus rapid transit would qualify.

OPTION 2 CITY OF SPOKANE DEFINITION OF MAJOR TRANSIT STOP

- a. The definition used by the City of Spokane and codified in the proposed text amendments for major transit stop is as follows:
 - i. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
 - ii. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
 - iii. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.
- b. This option provides a middle ground, adding bus routes beyond those identified by HB 1110, while still requiring some parking for housing that is not located near frequent public transportation.

OPTION 3 INTERIM PARKING ORDINANCE

In July 2023, Spokane City Council passed an interim ordinance that removes minimum parking regulations for residential uses within one-half mile walking distance of all transit stops. Most of Spokane city limits fall within this buffer, resulting in parking not being required for most residential development with the city.

Option 2 is proposed within the text amendments found in **Exhibit B**. Plan Commission has indicated a desire to consider additional parking reform. To reflect the residential parking regulations adopted through the interim ordinance, an alternative parking regulation has been provided in **Exhibit H** for additional consideration.

VISITABILITY STANDARDS

Throughout the community engagement conducted as part of Phase 1 – including roundtable, survey, and forum responses – the topic of physically accessible dwelling units was discussed. Middle housing style developments, due to their size and efficient use of land, frequently have a more attainable price point than newly constructed detached homes. However, due to the Americans with Disability Act (ADA) standards only being required of certain building types and the limitations of what must be made accessible for those that do, individuals with physical mobility concerns may be kept out of the potential housing diversity incentivized through the recommended text amendments.

Visitability standards – standards that create a unit that someone requiring a mobility device can effectively visit – have been adopted by a number of jurisdictions throughout the country. Some jurisdictions require a certain percentage of dwelling units to be visitable, while others adopted voluntary guidelines. Implementing visitability standards as a requirement would need a larger study of cost and feasibility implications and is not within the scope of this project. Instead, the proposed amendments include voluntary visitability standards. Additionally, the recommended code permits the Planning Director to allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Any development, with some exceptions, taking advantage of the deviation must comply with the visitability standards for units benefitting from the features. In this way, the recommended text amendments do not disincentivize

accessible housing through dimensional standard requirements, while providing guidance for developments to be made more inclusive.

OBJECTIVE DESIGN STANDARDS

Following the engagement received during Phase 1, where community members stated that the physical form of the building was a more significant concern than the number of units, objective design standards are proposed to ensure the shift to regulating bulk and intensity does not negatively impact existing or future neighborhoods. The objective design standards are also intended to meet HB 1110, which requires objective regulations that are applied to single-unit detached housing and middle housing equally.

Additionally, the Design Standards Administration section was updated for clarity and to reflect current practice.

SUBDIVISION REGULATIONS

The existing Subdivision regulations are proposed to clarify and simplify this section of development regulations, while also making more substantial changes to better align with the housing goals of choice and opportunities for all income levels. Below is a summary of the more substantive proposed changes, with the full text available in **Exhibit B**.

Formerly titled “Alternative Residential Subdivision”, the proposed renaming of the section to “Unit Lot Subdivision” is more consistent with similar processes throughout the state and expands the housing types and site layouts permitted to go through the process. Unit Lot Subdivision, allowed on any type of development 2 acres or less, allows for flexible lot sizes and setbacks within a “parent” development. The intent of the Unit Lot Subdivision is to make it more feasible to create homeownership opportunities through parcel subdivisions.

To support socioeconomic integration, mixed-income housing, and distribution of housing options, as called for in the Comprehensive Plan, the proposed amendments also require a mix of housing types within new subdivisions. The requirement is only applicable to subdivision plats of greater than 2 acres in size. Additional Middle Housing requirements are put in place which are:

- at least three housing types must be provided (e.g. detached single-unit homes, attached homes, and duplexes)
- no more than 70% of units can be a single housing type
- individual phases of a larger plat are required to provide at least two housing types with no more than 80% of units being a single housing type

For the purposes of this standard, a detached single-family home and a detached single-family home with an accessory dwelling unit are considered separate housing types. Furthermore, detached homes of varying sizes are considered different types. As written, the code would use 800 sq ft, and 1,400 sq ft as thresholds for differentiating the detached housing types.

IMPLEMENTATION OF COMPREHENSIVE PLAN GOALS AND POLICIES

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 along with the approval criteria outlined in the Code. The applicable criteria are shown below in *bold and italic* with staff analysis following the list. Review of the Comprehensive Plan goals and policies indicates that the proposal meets the approval criteria for internal consistency set forth in SMC 17G.025.010(G). Excerpts of the applicable goals and policies, and their Comprehensive Plan discussion points, are contained in **Exhibit G**.

17G.025.010(G) APPROVAL CRITERIA

- 1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan.**

Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.3 Lower Intensity Residential Areas

Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.6 Compact Residential Patterns

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.7 Maximum and Minimum Lot Sizes

Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.9 Mixed-Income Housing

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.18 Distribution of Housing Options

Chapter 8: Urban Design and Historic Preservation – Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6, Building and Site Design

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

- 2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.**

Staff Analysis: The proposed amendments bear a substantial relation to public health, safety, welfare, and the protection of the environment. Responding to current housing affordability and vacancy challenges documented by statutes and adopted local plans, the proposed amendments closely follow the guidance in State law, the Housing Action Plan, City Council’s Implementation Plan of the Housing Action Plan, and the Mayor’s July 26, 2021, Proclamation Addressing Housing Emergency. The proposed text amendments are derived from stakeholder and community engagement that refined the interim regulations enacted by Building Opportunity and Choices for All, allowing staff to identify and address concerns or additional barriers to ensure successful implementation of the proposed regulations. As stated above, these changes are consistent with the Comprehensive Plan and statutes protecting public health, safety, and the environment.

V. DISCUSSION

The proposed text amendments are intended to support housing options throughout Spokane by making more feasible middle housing development while ensuring compatibility within existing neighborhoods and the community's vision.

Adopted July 26, 2021, the Spokane Housing Action Plan (HAP) priorities include increasing housing supply, options, and affordability for all incomes, recognizing that in order to provide the projected 6,800 new housing units needed by 2037³ the city cannot rely on single-unit detached housing and large apartment complexes alone. Strategy A1 of the HAP reads: *“Explore and expand allowed housing types to encourage missing middle housing throughout Spokane’s neighborhoods”*. To ensure immediate action on the proposed strategies within the HAP, both the Mayor and City Council produced documents outlining administrative and legislative priorities to achieve code and policy changes noted within the document. The day the HAP was adopted, the Mayor issued a Housing Emergency Proclamation, further indicating a recognition of housing concerns within the city and prompting actions to address the issue.

Despite these efforts, the existing Spokane Municipal Code, aside from the interim regulations, does not permit middle housing in large areas of the city and, where permitted, regulations are found to inhibit development making middle housing less feasible and unlikely to be constructed. In order to accommodate anticipated growth while providing housing options that are attainable by more income levels, the proposed text amendments were developed following State guidance while addressing community feedback and local best practices.

At the August 23, 2023 Plan Commission workshop, commissioners requested that staff provide several options for the parking regulations. Alternative language that reflects the minimum parking interim zoning ordinance can be found in **Exhibit H**.

VI. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendments to the Unified Development Code satisfy the applicable criteria for approval as set forth in SMC Section 17G.025.010. To comply with RCW 36.70A.370 the proposed text amendments have been evaluated to ensure proposed changes do not result in unconstitutional takings of private property.

VII. STAFF RECOMMENDATION

Following the close of public testimony and deliberation regarding conclusions with respect to the review criteria and decision criteria detailed in SMC 17G.025.010, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested code amendments to the Unified Development Code.

Staff **recommends approval** of the proposed text amendments and recommends that the Plan Commission adopt the facts and findings of the staff report.

VIII. LIST OF EXHIBITS

- A. Text Amendment Tracking Sheet
- B. Proposed Draft Text Amendments
- C. Development Feasibility Analysis
- D. SEPA Determination of Non-Significance
- E. Public Comments
- F. Agency Comments
- G. Comprehensive Plan Goals and Policies
- H. Alternative Parking Regulations
- I. Track Change Text Amendments

³ Spokane Housing Action Plan, pg. 10.

EXHIBIT A

Building Opportunity for Housing

Development Code Text Amendments

Proposed Text Amendments Tracker

Existing SMC Section	New SMC Section	Description of Change
Throughout		<ul style="list-style-type: none"> ○ SMC references updated to reflect below changes and meet City of Spokane ordinance formatting standards
17A.020 Definitions		
17A.020.010 "A" Definitions		<ul style="list-style-type: none"> ○ Update definitions for: <ul style="list-style-type: none"> - Accessory Dwelling Unit - Affordable Housing - Attached Housing
17A.020.020 "B" Definitions		<ul style="list-style-type: none"> ○ Add definition for Building Official
17A.020.030 "C" Definitions		<ul style="list-style-type: none"> ○ Add definitions for: <ul style="list-style-type: none"> - City Engineer - Courtyard Apartments ○ Update definition of Cottage Housing
17A.020.040 "D" Definitions		<ul style="list-style-type: none"> ○ Clarify entry for Director ○ Add definitions for: <ul style="list-style-type: none"> - Director, Planning (Planning Director) - Driveway Approach ○ Update definition of Duplex ○ Update definition of Dwelling Unit to specify it cannot contain more than one kitchen
17A.020.060 "F" Definitions		<ul style="list-style-type: none"> ○ Add definitions for: <ul style="list-style-type: none"> - Fiveplex - Fourplex
17A.020.120 "L" Definitions		<ul style="list-style-type: none"> ○ Add definition for: <ul style="list-style-type: none"> - Living Ground Cover
17A.020.130 "M" Definitions		<ul style="list-style-type: none"> ○ Add definition for: <ul style="list-style-type: none"> - Major Transit Stop - Middle Housing ○ Update definition of Multi-Family Residential Building and rename to Multi-Unit Residential Building
17A.020.180 "R" Definitions		<ul style="list-style-type: none"> ○ Add definition for Religious Organization

17A.020.190 "S" Definitions		<ul style="list-style-type: none"> ○ Rename Single-Family Residential Building to Single-Unit Residential Building ○ Update definition for Site, Parent ○ Add definitions for: <ul style="list-style-type: none"> - Sixplex - Stacked Flat
17A.020.200 "T" Definitions		<ul style="list-style-type: none"> ○ Add definition for <ul style="list-style-type: none"> -Triplex
17A.040 Map and Text Interpretation		
17A.040.020 Establishment of Map and Text		<ul style="list-style-type: none"> ○ Clarify name of Official Zoning Map
17A.040.030 Maintenance of the Map		<ul style="list-style-type: none"> ○ Clerical adjustment to department name
17A.040.040 Amendments to Map and Text		<ul style="list-style-type: none"> ○ Clerical adjustment to department name ○ Update reference to 17G.061
17A.040.050 Interpretation of the Zoning Map		<ul style="list-style-type: none"> ○ Update reference to Planning Director
17C.110 Residential Zones REPEALED		
17C.110.010 through 17C.110.575		<ul style="list-style-type: none"> ○ Repealed in its entirety, replaced with 17C.111
17C.111 Residential Zones		
	17C.111.010 Purpose	<ul style="list-style-type: none"> ○ Minor language updates for consistency with Comp Plan update
	17C.111.015 Design Standards Administration	<ul style="list-style-type: none"> ○ Rename to Planning Director ○ Update descriptions of R/P/C format ○ Formatting updates for clarity ○ Clarify requirements and ensure consistency with recent actions by the state legislature
	17C.111.020 List of the Residential Zones	<ul style="list-style-type: none"> ○ Rename "Residential Single-Family" to "R1" ○ Rename "Residential Two-Family" to "R2" ○ Remove RSF-C
	17C.111.030 Characteristics of Residential Zones	<ul style="list-style-type: none"> ○ Language updates for consistency with Comp Plan update ○ Rename to R1/R2, remove RSF-C ○ New language in descriptions that support housing choice and diversity
	17C.111.040 Other Zoning Standards	<ul style="list-style-type: none"> ○ Relocated from 17C.110.040

	<p>17C.111.100 Residential Zone Primary Uses</p>	<ul style="list-style-type: none"> ○ Renumber table references ○ Renumber table and update zone names
	<p>17C.111.110 Limited Use Standards</p>	<ul style="list-style-type: none"> ○ Update table references ○ Update code references ○ Update zone names ○ Rename to Planning Director
	<p>17C.111.115 Housing Types Allowed</p>	<ul style="list-style-type: none"> ○ Language updates to support housing variety and ensure consistency with Comp Plan ○ Update table references ○ Update table names ○ Update defined terms ○ Add Middle Housing to table ○ Add Multi-Unit Residential Building to list of permitted housing types in R1/R2 zones to allow Middle Housing types
	<p>17C.111.120 Accessory Uses</p>	<ul style="list-style-type: none"> ○ Relocated from 17C.110.120
	<p>17C.111.125 Nuisance-related impacts</p>	<ul style="list-style-type: none"> ○ Relocated from 17C.110.125
	<p>17C.111.200 Lot Size and Dimensions</p>	<ul style="list-style-type: none"> ○ Rename section ○ Add content to Purpose section ○ Update references ○ Remove superfluous language ○ Remove lot standards table (relocated to 17C.110.205 and updated)
	<p>17C.111.205 Development Standards Tables</p>	<ul style="list-style-type: none"> ○ New tables to summarize development standards ○ Separate lot standards from building standards ○ Lot standards: <ul style="list-style-type: none"> - Maximum density applies only on sites 2 acres or larger - Minimum density continues to apply - Lot dimensions consistent with BOCA (unless specifically noted) - Lot width 15 feet with rear vehicle access and change lot frontage same as lot width to reflect reduction - Add threshold for stormwater drainage plan

		<ul style="list-style-type: none"> - Eliminate minimum lot depth in RMF and RHD zones - R2 (RTF) minimum lot depth 40 feet ○ Building standards <ul style="list-style-type: none"> - Remove FAR - Add maximum building footprint in R1/R2 - Remove wall height (see angled setback standards) - Reduce front setback to 10 ft - Reduce rear setback to 15 ft in R1 - Add maximum building footprint for ADU - Allow reduced open space per unit for common open space - Bonuses for Religious Organizations - Increased building coverage - Increased building footprint
	17C.111.210 Density	<ul style="list-style-type: none"> ○ Remove section on single-dwelling and duplex development ○ Apply maximum density only to sites above 2 acres ○ Update references ○ Specify conditions for application of minimum density
	17C.111.220 Building Coverage and Impervious Coverage	<ul style="list-style-type: none"> ○ Specify application of requirements for drainage plan ○ Clarify application of FAR
	17C.111.225 Development Near Major Transit Stop or Center & Corridor Zone, or with Qualifying Affordable Units	<ul style="list-style-type: none"> ○ Increase building coverage ○ Establish criteria consistent with HB 1110
	17C.111.230 Height	<ul style="list-style-type: none"> ○ Update table references ○ Measure building height from average grade to highest point of roof
	17C.111.235 Setbacks	<ul style="list-style-type: none"> ○ Remove setback averaging requirement ○ Add Angled Setback standards in place of wall heights ○ Update references
	17C.111.240 Accessory Structures	<ul style="list-style-type: none"> ○ Clarify this section does not apply to ADUs

		<ul style="list-style-type: none"> ○ Removed language related to wall height
	17C.111.245 Fences	<ul style="list-style-type: none"> ○ Relocated from 17C.110.230
	17C.111.250 Exterior Storage – Residential Zones	<ul style="list-style-type: none"> ○ Relocated from 17C.110.270
	17C.111.255 Parking, Demolitions, Signs, and Other Applicable Standards	<ul style="list-style-type: none"> ○ Consolidate and relocate: <ul style="list-style-type: none"> - 17C.110.235 Demolitions - 17C.110.245 Parking and Loading - 17C.110.250 Signs
	17C.111.300 Single-Unit Residential and Middle Housing Design Standards	<ul style="list-style-type: none"> ○ Establishes design standards for single-unit residential and middle housing types
	17C.111.305 Landscaping	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.310 Outdoor Areas	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.315 Entrances	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.320 Windows	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.325 Building Articulation	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.330 Screening	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.335 Parking Facilities	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.340 Pedestrian Connectivity	<ul style="list-style-type: none"> ○ New detached and middle housing design standards
	17C.111.400 Multi-Unit Design Standards	<ul style="list-style-type: none"> ○ Relocate and rename 17C.110.400 ○ Update language to be consistent with Comp Plan and HB 1110
	17C.111.405 Design Standards Implementation through 17C.111.575 Screening	<ul style="list-style-type: none"> ○ Relocated from 17C.110.405 through 17C.110.575
	17C.111.600 Residential Visitability Standards	<ul style="list-style-type: none"> ○ New section that allows for deviations from some development standards in order to accommodate accessible design features ○ When a deviation is granted, additional requirements become active to ensure other aspects of the unit are also accessible.

		<ul style="list-style-type: none"> ○ Requirements can be waived in cases of retrofits
17C.120 Commercial Zones		
17C.120.500 Design Standards Implementation		<ul style="list-style-type: none"> ○ Apply design standards to residential development even when it's in a commercial zone
17C.122 Center and Corridor Zones		
17C.122.060 Design Standards and Guidelines for Centers and Corridors		<ul style="list-style-type: none"> ○ Apply design standards to residential development even when it's in a Centers and Corridors zone
17C.200 Landscaping and Screening		
17C.200.020 Plan Submittal Requirements		<ul style="list-style-type: none"> ○ Change submittal requirements to be based on development acreage instead of house type to be consistent with HB 1110 ○ Require submittal at 7,000 sq ft or larger
17C.200.040 Site Planting Standards		<ul style="list-style-type: none"> ○ Update zone names
17C.200.100 Irrigation Requirement		<ul style="list-style-type: none"> ○ Modify for consistency with HB 1110 ○ Rename to Planning Director
17C.230 Parking and Loading		
17C.230.110 Minimum Required Parking Spaces		<ul style="list-style-type: none"> ○ Rename zones
17C.230.120 Minimum Required Parking Spaces		<ul style="list-style-type: none"> ○ Update naming of zones
17C.230.130 Parking Exceptions		<ul style="list-style-type: none"> ○ Rename to Planning Director ○ Apply exemption for renovations to all zones ○ Remove off street parking requirements within 1/2 mile of major transit stop and adjust other requirements to be consistent with HB 1110
17C.300 Accessory Dwelling Units		
17C.300.010 Purpose		<ul style="list-style-type: none"> ○ Clarify relationship between ADU and principal dwelling
17C.300.100 General Regulations		<ul style="list-style-type: none"> ○ Clarify the process for establishing an ADU versus a principal dwelling
17C.300.110 Criteria		<ul style="list-style-type: none"> ○ Remove FAR ○ Apply maximum building footprint
17C.300.130 Development Standards		<ul style="list-style-type: none"> ○ Update to angled setback instead of wall height, removing the 45 degree angle setback plane

		<ul style="list-style-type: none"> ○ Clarify creation of accessory dwelling units
17D.060 Stormwater Facilities		
	17D.060.135 Areas of Drainage Concern	<ul style="list-style-type: none"> ○ Describe AODCs ○ Provide general conditions for identification of AODCs
17G.020 Comprehensive Plan Amendment Procedure		
17G.020.060 Comprehensive Plan Amendments Procedure		<ul style="list-style-type: none"> ○ Rename position for Planning Director
17G.025 Unified Development Code Amendment Procedure		
17G.025.010 Text Amendments to the Unified Development Code		<ul style="list-style-type: none"> ○ Improve clarity ○ Add purpose, definitions, and applicability sections
17G.030 Design Departures		
17G.030.010 Purpose		<ul style="list-style-type: none"> ○ Included in the draft for clarity of applicability, language not altered
17G.030.030 Review Process		<ul style="list-style-type: none"> ○ Rename to Planning Director ○ Rename to Design Review Board ○ Clarify role of planning staff
17G.030.040 Decision Criteria		<ul style="list-style-type: none"> ○ Clarify differences between Requirements and Presumptions
17G.060 Land Use Application Procedures REPEALED		
17G.060.010 through 17G.060.270		<ul style="list-style-type: none"> ○ Repealed in its entirety, replaced with 17G.061
17G.060T Land Use Application Tables		
17G.060T.001 through 17G.060.003		<ul style="list-style-type: none"> ○ Repealed in its entirety, replaced with 17G.061
17G.061 Land Use Application Procedures (New)		
	17G.061.000 Purpose and Administration	<ul style="list-style-type: none"> ○ Combine related sections and renumber ○ Rename position for Planning Director
	17G.061.010 Summary of Land Use Application Procedures	<ul style="list-style-type: none"> ○ Combine all information into a single table ○ Correct missing information from 17G.060T
	17G.061.100 Application Types	<ul style="list-style-type: none"> ○ Define Type I/II/III permit types
	17G.061.110 Application Requirements	<ul style="list-style-type: none"> ○ Combine related sections and renumber ○ Rename position for Planning Director

	17G.061.120 Determination of a Complete Application	<ul style="list-style-type: none"> ○ Combine related sections and renumber
	17G.061.130 Application Time Limits	<ul style="list-style-type: none"> ○ Renumber from 17G.060.080
	17G.061.140 Expiration of Application	<ul style="list-style-type: none"> ○ Renumber from 17G.060.220
	17G.061.150 Modification of Applications and Permits	<ul style="list-style-type: none"> ○ Relocated from 17G.060.230
	17G.061.150 Modification of Applications and Permits	<ul style="list-style-type: none"> ○ Rename ○ Relocated from: <ul style="list-style-type: none"> - 17G.060.230 - 17G.060.245 - 17G.060.230(B) - 17G.060.245 ○ Rename position for Planning Director
	17G.061.210 Public Notice	<ul style="list-style-type: none"> ○ Combine related sections and renumber ○ Add purpose statement ○ General reorganization ○ Clarify difference between "sign" and "posted" notice ○ Rename position for Planning Director
	17G.061.220 Public Comment Period	<ul style="list-style-type: none"> ○ Relocate from 17G.060.130 ○ Clarify language about conflicting time periods
	17G.061.230 Public Hearing	<ul style="list-style-type: none"> ○ Combine related sections ○ Relocated from: <ul style="list-style-type: none"> - 17G.060.150 - 17G.060.160
	17G.061.240 SEPA Threshold Determination	<ul style="list-style-type: none"> ○ Relocated from 17G.060.140
	17G.061.310 Decision Criteria	<ul style="list-style-type: none"> ○ Add references to rezone criteria for residential and non-residential land use designations ○ Clarify that rezone process includes height changes
	17G.061.320 Notice of Decision	<ul style="list-style-type: none"> ○ Relocated from 17G.060.190 ○ Rename position for Planning Director

	17G.061.330 Decision - When Final	○ Relocated from 17G.060.200
	17G.061.340 Appeals	○ Relocated from 17G.060.210
	17G.061.350 Expiration of Permit	○ Relocated from 17G.060.240
	17G.061.400 Design Review	○ Relocated from 17G.060.060 ○ Rename position for Planning Director
	17G.061.510 Optional Consolidated Project Permit Review Process	○ Relocated from 17G.061.510
	17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure	○ Relocated from 17G.060.075

17G.070 Planned Unit Developments

17G.070.030 Development Standards		○ Clarifying that attached housing and duplexes are permitted outright ○ Updating zone names ○ Clarifying density applicability
17G.070.135		○ Clarifying language to not treat single-unit detached dwellings and Middle Housing differently

17G.080 Subdivisions

17G.080.010 Purpose 17G.080.080 Severability	17G.080.000 Purpose and Administration	○ Combine related sections ○ Relocate administration section from 17G.080.020 ○ Relocate exclusions from 17G.080.020 ○ Formatting adjustments
17G.080.020 General Provisions		○ Move administrative language to 17G.080.000 ○ Move exclusions to 17G.080.000
17G.080.025 Decision Criteria		○ Relocation of decision criteria for plats from 17G.060.170

17G.080.040 Short Subdivisions		<ul style="list-style-type: none"> ○ Formatting changes ○ Require count of proposed housing units on plat ○ Clarify that City Engineer can apply Minor Engineering Review for proposals that substantially meet requirements ○ Require identification of Middle Housing types on plat
17G.080.050 Subdivisions		<ul style="list-style-type: none"> ○ Add requirements for multiple Middle Housing types on plats exceeding 2 acres
17G.080.060 Binding Site Plans		<ul style="list-style-type: none"> ○ Allow BSP in residential zones ○ Update references to SMC sections
17G.080.065 Alternative Residential Subdivisions	17G.080.065 Unit Lot Subdivisions	<ul style="list-style-type: none"> ○ Rename section to Unit Lot Subdivisions ○ Increase maximum site size to two acres ○ Allow for unit lot subdivision in more situations than cottage and pocket development ○ Allow for division of a primary house and accessory dwelling unit ○ Add requirements around ADU splits ○ Restructure and reformat some sections
17G.080.080 Severability	REPEALED	<ul style="list-style-type: none"> ○ Relocated to 17G.080.000

EXHIBIT B

Section 1. That the City of Spokane Clerk is granted the authority to make clerical adjustments to SMC Title 17 to ensure internal consistency by updating items related to this ordinance, including:

- Replacing all instances of RSF (Residential Single-Family) with R1 (Residential 1)
- Replacing all instances of RTF (Residential Two Family) with R2 (Residential 2).
- Remove all references to RSF-C (Residential Single-Family Compact).
- Updating all references to sections of code affected by these changes to ensure they identify the correct code section and subsection.

Section 2. 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~~) structure(s), on a (~~single-family~~) residential 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. Affordable Housing.

Affordable housing means residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income for a single person, family, or unrelated persons living together whose adjusted incomes meet the following income brackets:

1. Extremely low-income (RCW 36.70A.030(11)) – 30% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
2. Very low-income (RCW 36.70A.030(30)) – 50% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
3. Low-income (RCW 36.70A.030(16)) – 80% of the median household income adjusted for household size, for the county where the household is

located, as reported by the United States Department of Housing and Urban Development.

4. Moderate-income (RCW 36.70A.030(18)) – 120% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

N. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

O. 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.

P. 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.

Q. 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.

R. 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.

S. 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.

T. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

U. 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.

V. 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](#).

W. 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.

X. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

Y. [Deleted]

Z. [Deleted]

AA. [Deleted]

BB. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

CC. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

DD. 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).

EE. 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.

FF. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in SMC (~~(17G.060.090)~~) 17G.061.120.

GG. 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.

HH. Aquatic Life.

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

II. 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.

JJ. 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](#).

KK. 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.

LL. 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.

MM. 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.

NN. 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.

OO. 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.

PP. 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.

QQ. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

RR. 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.

SS. 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.

TT. Attached Housing.

Two or more dwelling units that are ~~((single-family))~~ single-unit residences on individual lots attached by a common wall at a shared property line. Attached housing is also known as townhouses, townhomes, or row houses. ~~((These include:~~

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

UU. 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.

VV. Available Capacity.

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

WW. 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.

XX. 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 3. 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.

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.”

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

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.

L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

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.

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.

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.

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.

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.

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.

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.

U. Board.

The board of county commissioners of Spokane County.

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.

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.

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.

Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

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.

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.

BB. 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.

CC. Building Envelope.

The area of a lot that delineates where a building may be placed.

DD. 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

EE. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

FF. 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.

GG. 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 4. That Section 17A.020.030 SMC is amended to read as follows:

17A.020.030 “C” Definitions

A. Candidate Species.

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

B. Carport.

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

C. Cellular Telecommunications Facility.

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

D. Central Business District.

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

E. Certificate of Appropriateness.

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

F. Certificate of Capacity.

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

G. Certified Erosion and Sediment Control Lead (CESCL).

An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

- a. site conditions and construction activities that could impact the quality of stormwater, and
- b. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- c. The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.

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

I. Channel Migration Zone (CMZ).

A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

J. Channelization.

The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

K. City.

The City of Spokane, Washington.

L. City Engineer.

- a. The Director of the Engineering Services department, or their designee for approval authority.

M. Clear Street Width.

The width of a street from curb to curb minus the width of on-street parking lanes.

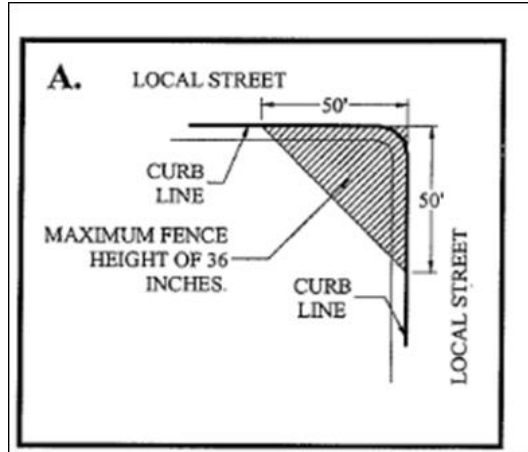
N. Clear Pedestrian Zone.

Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

O. Clear View Triangle.

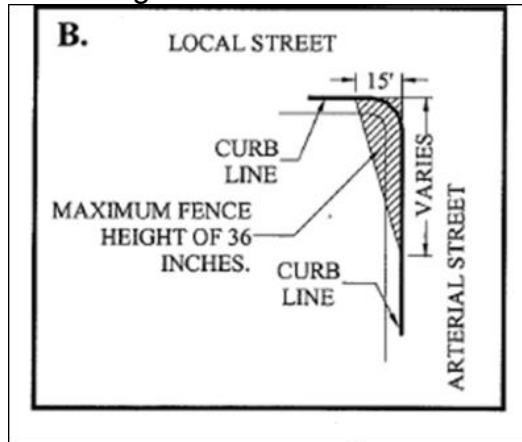
A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

- a. Intersection of two local streets: A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street.



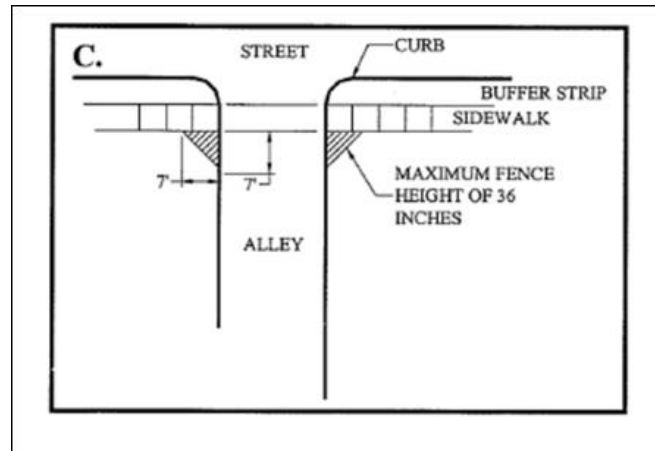
i.

- b. Intersection of local and arterial: A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet, or when the arterial speed limit is 40 mph or greater the dimensions of the triangle shall be determined by Street Department staff using AASHTO's A Policy on Geometric Design as a reference.



i.

- c. Alleys: A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
- i. the inside line of the sidewalk; or
 - ii. if there is no sidewalk, a line seven feet inside the curb line.



P. Clear Zone.

The roadside area free of obstacles, starting at the edge of the traveled way.

Q. Clearing.

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

R. Cliffs.

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

S. Closed Record Appeal Hearing.

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

T. Collector Arterial.

- a. Collector arterials (consisting of Major and Minor Collectors) collect and distribute traffic from local streets to principal and minor arterials. They serve both land access and traffic circulation.

U. Co-location.

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

V. Colony.

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

W. Commercial Driveway.

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

X. Commercial Vehicle.

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

Y. Commission – Historic Landmarks.

The City/County historic landmarks commission.

Z. Community Banner.
See [SMC 17C.240.015](#).

AA. Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

- a. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
- b. A community meeting does not constitute an open record hearing.

- c. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

BB. Compensatory Mitigation.

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

- a. Restoration.

- i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.

- b. Re-establishment.

- i. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

- c. Rehabilitation.

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

- d. Creation (Establishment).

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

- e. Enhancement.

- i. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve

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

f. Protection/Maintenance (Preservation).

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

a gain in functions, and will be used only in exceptional circumstances.

CC. Comprehensive Plan.

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

DD. Conceptual Landscape Plan.

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

- a. The type of landscaping, L1, L2, or L3, is required to be labeled.
- b. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

EE. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.

FF. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

- a. transportation,
- b. public water,
- c. fire protection,
- d. police protection,
- e. parks and recreation,
- f. libraries,
- g. solid waste disposal and recycling,
- h. schools, and
- i. public wastewater (sewer and stormwater).

GG. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).

HH. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

II. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

JJ. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

KK. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

LL. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

MM. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

NN. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

OO. Contributing Resource

Contributing resource is any building, object, structure, or site which adds to the historical integrity, architectural quality, or historical significance of the local or federal historic district within which the contributing resource is located.

PP. Conveyance.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

QQ. Conveyance System.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and

wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

RR. Copy.

[See SMC 17C.240.015.](#)

SS. Cottage Housing.

1. A grouping of ~~((individual structures where each structure contains one or two dwelling units.))~~ residential units with a common open space.
2. ~~((The land underneath the structures may or may not be divided into separate lots.))~~
3. ~~((A cottage housing development may contain detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.))~~
4. ~~((The types of units allowed in cottage housing development are detached cottages, attached unit homes and carriage units. For the purposes of [SMC 17C.110.350](#), the definitions of these types are:))~~
 - a. ~~((Cottage. A detached, single-family residential building.))~~



[NOTE: Delete graphic above]

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



[NOTE: Delete graphic above]

~~c. ((Carriage Unit. A single family dwelling unit located above a garage structure.))~~



[NOTE: Delete graphic above]

TT. Council.

The city council of the City of Spokane.

UU. County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

VV. Courtyard apartments.

Three or more attached dwelling units arranged on two or three sides of a yard or court.

WW. Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

XX. Creep.

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

YY. Critical Amount.

The quantity component of the definition of critical material.

ZZ. Critical Aquifer Recharge Areas (CARA).

Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.

AAA. Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under [chapter 17E.010 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), and [chapter 17E.070.SMC](#).

BBB. Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

- a. schools;
- b. nursing homes;
- c. hospitals;
- d. police;
- e. fire;
- f. emergency response installations; and
- g. installations which produce, use, or store hazardous materials or hazardous waste.

CCC. Critical Material.

- a. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - i. domestic and industrial water supply,
 - ii. agricultural irrigation,
 - iii. stock water, and
 - iv. fish propagation.
 - v. Used herein, the designation is distinguished from state or other designation.
- b. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

DDD. Critical Material Activity.

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

EEE. Critical Materials Handbook.

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

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

- c. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

FFF. Critical Review.

- a. The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

GGG. Critical Review Action.

- a. An action by a municipal official or body upon an application as follows:
 - i. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
 - ii. Application for a shoreline substantial development permit (~~SMC 17G.060.070(B)(1))~~) ([SMC 17G.061.070\(B\)\(1\)](#)).
 - iii. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
 - iv. Application for a variance or a certificate of compliance (~~SMC 17G.060.070(A) or SMC 17G.060.070(B)(1))~~) [SMC 17G.061.110](#).
 - v. Application for rezoning (~~SMC 17G.060.070(A))~~) [SMC 17G.061.110](#).
 - vi. Application for conditional permit (~~SMC 17G.060.070(A))~~) [SMC 17G.061.110](#).
 - vii. Application for a business license ([SMC 8.01.120](#)).
 - viii. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
 - ix. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
 - x. Application for connection to the City sewer or water system.
 - xi. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).

- xii. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#), and [SMC 13.03.0324](#)).
 - xiii. Application involving a project identified in [SMC 17E.010.120](#).
 - xiv. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - xv. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and
 - xvi. Application for permit to install or retrofit aboveground storage tank(s) ([SMC 17E.010.060\(A\)](#) and [SMC 17E.010.400\(D\)](#)).
- b. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

HHH. Critical Review Applicant.

- a. A person or entity seeking a critical review action.

III. Critical Review Officer – Authority.

The building official or other official designated by the director of public works and utilities.

For matters relating to the fire code, the critical review officer is the fire official.

The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.

The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.

The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

JJJ. Critical Review Statement.

- a. A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided

as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

KKK. Cumulative Impacts.

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

LLL. Curb Ramp.

- a. A ramp constructed in the sidewalk to provide an accessible route from the sidewalk to the street.

MMM. Cutbank.

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

Section 5. 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 – 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.

BB. Directional Sign.

See [SMC 17C.240.015](#).

CC. 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))~~ Building Official, the City Engineer, and the Planning Director.

DD. Director, Planning.

The Director of the Planning and Economic Development department.

EE. 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.

FF. 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.

GG. 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.

HH. 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.

II. 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.

JJ. 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.

KK. 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.

LL. 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.

MM. 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.

NN. Dredge Spoil.

The material removed by dredging.

OO. 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.

PP. 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.

QQ. Driveway.

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

RR. Driveway Approach.

The edge of a driveway where it abuts a public right-of-way.

SS. Duplex.

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

TT. 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. A dwelling unit shall not contain more than one kitchen. 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 6. 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. Fiveplex.

A building that contains five dwelling units on the same lot that share a common wall or common floor/ceiling.

N. Flag.

See [SMC 17C.240.015](#).

O. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

P. 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.

Q. 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.

R. 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~~))
 - 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.

S. 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).

T. 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).

U. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

V. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

W. Floodway.

1. 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."

X. 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).

Y. 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.

Z. 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.

AA. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

BB. Fourplex.

A building that contains four dwelling units on the same lot that share a common wall or common floor/ceiling.

CC. 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.

DD. Freestanding Sign.

See [SMC 17C.240.015](#).

EE. 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.

FF. 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 7. That Section 17A.020.120 SMC is amended to read as follows:

17A.020.120 “L” Definitions

A. Land Surveyor.

An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

B. Land Use Codes.

Those provisions of this code that relate to:

1. zoning,
2. subdivision,
3. shorelines management,
4. stormwater control,
5. flood zones,
6. critical areas,

7. signs,

8. skywalks, and

include chapter 17D.020 SMC, chapter 17D.050A SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, and chapter 17G.080 SMC.

C. Landscape Plan.

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.
4. All sidewalks, pedestrian walkways, and other pedestrian areas.
5. Location, height, and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

E. Latah Formation.

Sedimentary layer of claystone to fine-grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.

F. Launch Ramp.

An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

G. "Ldn" means a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a twenty-four hour time period, with a ten decibel penalty applied to nighttime (ten p.m. to seven a.m.) sound levels.

H. Leak Detection.

A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.

I. Levee.

A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

J. Level of Service Standard.

The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.

K. Lighting Methods.

1. Direct.

Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.

2. Indirect.

The light source is separate from the sign face or cabinet and is directed to shine onto the sign.

3. Internal.

The light source is concealed within the sign.

L. Lighting Plan.

A general site plan that includes:

1. location of all lighting fixtures on the site;

2. manufacturer's model identification of each lighting fixture;
3. manufacturer's performance specifications of each fixture;
4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

M. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

N. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

O. Littoral Drift.

The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents.

P. Living groundcover (or "living ground cover").

Living plant species which reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground. Areas that meet Spokanescape guidelines with drought tolerant plants covering at least half of the project area at maturity and bark or rock mulch covering all exposed soil are considered to meet this definition.

Q. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

R. Lot.

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat, or:
 - a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or
 - b. a building site designated as such on an approved planned development plan; or
 - c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.
2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
3. A "corner lot" is a lot bounded on two adjacent sides by intersecting public streets.
4. An "inside lot" is a lot other than a corner lot.
5. A "through lot" is a lot bounded on opposite sides by parallel or approximately parallel public streets.

S. Lot Depth.

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

T. Lot Lines.

The property lines along the edge of a lot or site.

1. "Front lot line" means a lot line, or segment of a lot line, that abuts a street.
 - a. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
 - b. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

2. "Rear lot line" means a lot line that is opposite a front lot line.
 - a. A triangular lot has two side lot lines but no rear lot line.
 - b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
3. "Side lot line" means a lot line that is neither a front nor rear lot line.
 - a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.
4. "Side street lot line" means a lot line that is both a side lot line and a street lot line.
5. "Street lot line" means a lot line, or segment of a lot line, that abuts a street.
 - a. "Street lot line" does not include lot lines that abut an alley.
 - b. On a corner lot, there are two (or more) street lot lines.
 - c. Street lot lines can include front lot lines and side lot lines.

U. Lot Width.

The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

V. Low Impact Development (LID).

1. LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

W. Low Visual Impact Facility.

For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

X. Lowest Floor.

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.

Section 8. 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. Major Transit Stop.

1. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
3. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

D. 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.

E. Manufactured Home Park.

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

F. Marquee Sign.

See [SMC 17C.240.015](#).

G. 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.

H. 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.

I. 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.

J. Middle Housing.

A residential development that contains two or more attached, stacked, or clustered dwelling units. Middle housing is compatible in scale, form, and characteristics with individual detached single-unit houses and may include any combination of the housing types listed below. (A middle housing development could meet more than one building type definition – e.g., it could be both a stacked flat and a triplex.)

1. Single-Unit Residential Building
2. Duplex
3. Triplex
4. Fourplex
5. Fiveplex
6. Sixplex
7. Attached housing

8. Cottage housing

9. Accessory Dwelling Unit

10. Stacked flat

11. Courtyard apartments

K. Mining.

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

L. 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.

M. Mitigation – Mitigate.

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

N. 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.

O. 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.

P. 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.

Q. 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.

R. 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.

S. 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.

T. 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.

U. Monument.

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

V. Monument Sign.

[See SMC 17C.240.015.](#)

W. ((Multi-family)) Multi Unit Residential Building (or “Multi-unit Residential”).

A common wall dwelling or apartment house that consists of three or more dwelling units on the same lot.

X. 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.

Y. 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.

Z. MUTCD.

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

Section 9. That Section 17A.020.180 SMC is amended to read as follows:

17A.020.180 “R” Definitions

A. RCW.

The Revised Code of Washington, as amended.

B. Reasonable Cause.

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.

C. Reconsideration – Request For.

A request to the appeal body to consider again or reverse the decision on the permit application.

D. Recreational Vehicle.

A vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

E. Recycling Drop-off Center.

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.

1. Processing of materials is limited to glass breaking and separation.
2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.

5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

F. Recycling Operation.

A use where one or more recycling materials are accumulated, stored, sorted, or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

G. Redivision.

The redivision of a lot located within a previously recorded plat or short plat.

H. Regional Shopping Mall – Enclosed.

A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

I. Registered Neighborhood Organization.

A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. Represents a specifically designated geographic area;
2. Is governed by bylaws and has elected officers; and
3. Has registered as such with the City and is on the current list of registered neighborhood organizations.

J. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

K. Regulated Substance.

A critical material as referred to in 42 U.S.C. 6991(2).

L. Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

M. Religious Organization (or “Faith Based Organization”)

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (see RCW 36.01.290).

N. Repair (see also “Maintenance”).

An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

O. Reservoir.

A body of water collected and stored in an artificial pool that is intended for future use.

P. Residential Zone.

Those zones from RA through RHD.

Q. Responsible Party.

A person who is either:

1. The property owner or person authorized to act on the owner’s behalf; or
2. Any person causing or contributing to a violation of this chapter.

R. Restoration.

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

S. Revetment.

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

T. Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:

- a. freeways,
- b. streets,
- c. bike paths,
- d. alleys, and
- e. walkways.

2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

U. Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

V. Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

W. Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

X. Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

Y. River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Z. Riverine.

Situated alongside or associated with a river.

AA. Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as “streets.” Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as “roads.”
2. Within the context of this code, “roadway” refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter [17D.050A SMC](#).

BB. Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

CC. Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

DD. Rockfall.

The falling of rocks from near vertical cliffs.

EE. Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

FF. Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

GG. Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

HH. Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 10. 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.

BB. 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.

CC. 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

DD. 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.

EE. 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.

FF. 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.

GG. 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.

HH. 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.

II. 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.

JJ. 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)).

KK. Sign.

[See SMC 17C.240.015.](#)

LL. Sign – Animated Sign.

[See SMC 17C.240.015.](#)

MM. Sign – Electronic Message Center Sign.

[See SMC 17C.240.015.](#)

NN. Sign Face.

[See SMC 17C.240.015.](#)

OO. Sign – Flashing Sign.

[See SMC 17C.240.015.](#)

PP. Sign Maintenance.

[See SMC 17C.240.015.](#)

QQ. Sign – Off-premises.

[See SMC 17C.240.015.](#)

RR. Sign Repair.

[See SMC 17C.240.015.](#)

SS. Sign Structure.

[See SMC 17C.240.015.](#)

TT. 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.

UU. (~~(Single-family)~~) Single Unit Residential Building (or “Single-unit Residential”).

A dwelling containing only one dwelling unit.

VV. 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.

WW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

XX. 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.

YY. 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)~~).

ZZ. Sixplex.

A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

AAA. Slump.

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

BBB. SMC.

The Spokane Municipal Code, as amended.

CCC. Soil.

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

DDD. 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.

EEE. Sound Transmission Class (STC).

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

FFF. 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](#).

GGG. Special Event Sign.

See [SMC 17C.240.015](#).

HHH. 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.

III. 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.

JJJ. 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.

KKK. Spokane Regional Stormwater Manual (SRSM).

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.

LLL. Spokane Register of Historic Places.

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

MMM. 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.

NNN. 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.

OOO. Stacked flat.

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

PPP. Standard Plans.

Refers to the City of Spokane's standard plans.

QQQ. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

RRR. 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.

SSS. State Candidate Species.

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

TTT. 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.

UUU. State Register.

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

VVV. 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.

WWW. 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.

XXX. 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.

YYY. Stewardship.

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

ZZZ. 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.

AAAA. 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.

BBBB. 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.

CCCC. 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)).

DDDD. Street.

See “Public Way”(SMC 17A.020.160).

EEEE. 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.

FFFF. Street Frontage.

The lot line abutting a street.

GGGG. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

HHHH. Structural Alteration.

See [SMC 17C.240.015](#).

IIII. 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.

JJJJ. 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.

KKKK. 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).

LLLL. Subject Property.

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

MMMM. Sublevel Construction Controls.

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

NNNN. 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.

OOOO. 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 market value of the structure before the damage occurred.

PPPP. 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.

QQQQ. 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” provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

RRRR. Suffix.

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

Section 11. That Section 17A.020.200 SMC is amended to read as follows:

17A.020.200 “T” Definitions

A. Temporary Erosion and Sediment Control Measures.

Erosion and sediment control devices used to provide temporary stabilization of a site, usually during construction or ground disturbing activities, before permanent devices are installed.

B. Temporary Sign.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).

C. Temporary Structure.

A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.

D. Tenant Space.

Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

E. Through Pedestrian Zone.

The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

F. Tideland.

Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

G. Total Maximum Daily Load (TMDL).

A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

H. [Deleted].

I. [Deleted].

J. [Deleted].

K. Tracking.

The deposition of sediment onto paved surfaces from the wheels of vehicles.

L. Tract.

A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through conditions, covenants and restrictions (CC&Rs).

M. Traveled Way.

The area of street which is intended to carry vehicular traffic, excluding any shoulders.

N. Triplex.

A building that contains three dwelling units on the same lot that share a common wall or common floor/ceiling.

O. Type I Application.

An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#), and does not require a public hearing. Type I applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061 SMC](#). These applications may include, but are not limited to, building permits and grading permits.

P. Type II Application.

An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and does not require a public hearing. The Type II applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061 SMC](#). These applications may include, but are not limited to, short plats, binding site plans, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.

Q. Type III Application.

An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#) and requires a public hearing. Type III applications are identified in [Table \(\(17G.060-4\)\) 17G.061.010-1](#) in chapter ((17G.060)) [17G.061 SMC](#). These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats, or shoreline conditional use permits.

Section 12. That Section 17A.040.020 SMC is amended to read as follows:

17A.040.020 Establishment of Map and Text

To accomplish the intent and purpose outlined in SMC 17A.010.002, this development code includes both a map, by which the City of Spokane is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. The map and text are found to provide proper zoning for the City and to meet all criteria of this development code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled zoning map of the City of Spokane, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the City, and as amended, is hereinafter referred to as the ((zoning map)) Zoning Map or Official Zoning Map.

Section 13. That Section 17A.040.030 SMC is amended to read as follows:

17A.040.030 Maintenance of the Map

The original signed copy of the zoning map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk and a duplicate shall be filed in the ~~((planning services))~~ Planning and Economic Development Services department to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the ~~((planning services))~~ Planning and Economic Development Services department.

Section 14. That Section 17A.040.040 SMC is amended to read as follows:

17A.040.040 Amendments to Map and Text

A. Amendments.

Amendments may be proposed by the city council on its own motion or may be proposed by the plan commission on its own motion, or the amendment may be proposed by an applicant or City staff pursuant to chapter ~~((17G.060))~~ 17G.061 SMC. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the ~~((planning services))~~ Planning and Economic Development Services department.

B. Timing and Responsibility for Updating Official Zoning Map.

All amendments hereafter made to the zoning map by ordinance shall be shown on the map(s). It shall be the responsibility of the planning services director to keep the maps up to date at all times. Any amendments to the zoning map shall be made in accordance with the comprehensive plan land use map, as amended.

Section 15. That Section 17A.040.050 SMC is amended to read as follows:

17A.040.050 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the ~~((planning and economic development services director))~~ Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to chapter 17A.050 SMC. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under SMC ~~((17G.060.240))~~ 17G.061.340. The director, in interpreting the zoning map or the hearings examiner in deciding any appeal, shall apply the following standards:

A. General Rules for Drawing Boundaries.

Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the centerline of alleys, streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the zoning map. Boundaries indicated as approximately following river, stream and/or drainage channels shall be construed as following river, stream and/or drainage channels. If a zoning district boundary divides a lot into two or more zoning districts, the location of the boundary, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

B. When Rights-of-way Are Vacated.

When zoning districts are separated by a public street, alley or other public way, the boundary between the districts shall be construed as being the centerline of the right-of-way. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of the street, alley, or public way shall extend to the center of the former street, alley, or public way.

Section 16. That Chapter 17C.110 SMC is repealed.

Section 17. That there is adopted Chapter 17C.111 SMC to read as follows:

Chapter 17C.111 Residential Zones

17C.111.010 Purpose

The residential zones implement the residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the permitted uses, the housing types, and intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired form for the residential area. The standards are intended to provide certainty to property owners, developers, and neighbors of what is allowed in the various categories.

A. Use Standards.

The use standards are intended to create and maintain residential neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood form and function.

B. Development Standards.

The development standards preserve the characteristics of neighborhoods by providing six different zones with different intensities and development standards.

The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. The site development standards allow for flexibility of development while ensuring new development complements existing development and maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

17C.111.015 Design Standards Administration

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the Planning Director following an administrative design review process. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

1. Requirements are objective standards that involve no discretion by the reviewer, using language such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.
2. Design departures from Requirements.
 - a. An applicant may seek a deviation from certain Requirements through the design departure process, chapter 17G.030 SMC, Design Departures.
 - b. A design departure to a Requirement may only be approved if the proposed design is found to be an improvement over the non-discretionary standards – so long as the purpose of the Requirement is satisfied.
 - c. Design departures for Requirements are typically reviewed by the City's Urban Design staff. At the discretion of the applicant, a request to deviate from a Requirement may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases of involving projects of unusual complexity and/or situations where it is not clear whether or not the proposal satisfies the intent of the design standards, City staff may refer the project application to the Design Review Board.

B. Presumptions (P).

1. Presumptions are objective standards that involve no discretion by the reviewer but may include some flexibility for how the standards may be met. For example, some Presumptions offer a list or menu of options for meeting the standard. Presumptions must be satisfied by any plan prior to building permit approval. Presumptions are listed with an (P) after the standard.
2. Design departures and waivers from Presumptions.

An applicant may seek a waiver of a Presumption, as provided in subsections (a) and (b), or may request a design departure pursuant to subsection (c) and chapter 17G.030 SMC, Design Departures.

a. Waiving a Presumption.

A Presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate that there is a good reason why the Presumption is inappropriate. An alternative may be approved that achieves the intent of the Presumption.

b. Appropriate reasons for waiving a Presumption include:

- i. demonstrating that in this instance the underlying design principles will not be furthered by the application of the Presumption;
- ii. showing that another design principle is enhanced by not applying the Presumption;
- iii. demonstrating an alternative method for achieving the intent of the Presumption;
- iv. explaining the unique site factors that make the Presumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development and/or compliance with applicable standards generally will not be an acceptable reason to waive a Presumption or determine that a Presumption is inappropriate.

- c. A design departure to a Presumption may only be approved if the proposed design is found to be either equal to or better than the non-discretionary standards – so long as the purpose of the Presumption is satisfied.
- d. Waivers and design departures for Presumptions are typically reviewed by the Planning Director through an administrative review. At the discretion of the

applicant, a request to waive or deviate from a Presumption may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases involving projects of unusual complexity and/or situations where it is not clear to the Planning Director whether or not the proposal satisfies the intent of the Presumption, the Director may also refer the project application to the design review board.

C. Considerations (C).

Design standards listed as Considerations are features and concepts that an applicant should consider in preparing a plan. Considerations are only reviewed as part of the design departure process, pursuant to chapter 17G.030 SMC. In reviewing a design departure request, the Design Review Board, Urban Design staff, or Planning Director (as applicable) will review an applicant’s response to a consideration, which may assist in gaining acceptance for a plan. Outside of a design departure, Considerations are encouraged, but not required or enforceable. Considerations are listed with an (C) after the standard.

17C.111.020 List of the Residential Zones

The full names, short names and map symbols of the residential zones are listed below. When this chapter refers to the low-intensity residential zones, it is referring to the RA, R1, and R2 zones listed herein. When this chapter refers to the residential zones, it is referring to the low-intensity residential and higher-intensity residential zones in this chapter.

Full Name	Short Name/Map Symbol
Residential Agricultural	RA
Residential 1	R1
Residential 2	R2
Residential Multifamily	RMF
Residential High Density	RHD

17C.111.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).

The RA zone is a low-intensity residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses

allowed in this zone include farming, green house farming, single-unit residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential 1 (R1).

The R1 zone is a low-intensity residential zone. The zone allows a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and middle housing types.

C. Residential 2 (R2).

The R2 zone is a low-intensity residential zone. It allows a range of housing choices built at the general scale and height of detached houses—including both detached and attached homes and middle housing types—but at a slightly larger development intensity than the R1 zone.

D. Residential Multifamily (RMF).

The RMF zone is a medium-intensity residential zone. Allowed housing includes larger multi-unit structures while also including a mix of lower intensity middle housing and detached housing. The RMF zone allows higher development intensity as compared to the R2 zone.

E. Residential High Density (RHD).

The RHD is a high-intensity residential zone that allows the highest intensity and scale of housing in the residential zones. The allowed housing developments including those found in the RMF zone but also including taller and more intense apartment complexes.

17C.111.040 Other Zoning Standards

The standards in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, neighborhood plans, plan districts or designated historical landmarks are subject to additional standards. The official zoning maps indicate which sites are subject to these additional standards. Specific uses or development types may also be subject to standards in Part 3, Special Use Standards, of this division.

17C.111.100 Residential Zone Primary Uses

A. Permitted Uses (P).

Uses permitted in the residential zones are listed in Table 17C.111.100-1 with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L).

Uses permitted that are subject to limitations are listed in Table 17C.111.100-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in SMC 17C.320.080, Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.111.100-1.

C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.111.100-1 with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in SMC 17C.320.080, Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in SMC 17C.320, Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.111.105-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards chapter 17C.210 SMC, Nonconforming Situations.

**TABLE 17C.111.100-1
RESIDENTIAL ZONE PRIMARY USES**
(Click here to view PDF)

Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	R1	R2	RMF	RHD
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N

Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	P	P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Notes: * The use categories are described in chapter 17C.190 SMC. * Standards that correspond to the bracketed numbers [] are stated in SMC 17C.111.110. * Specific uses and development may be subject to the standards in SMC 17C.320.080.					

17C.111.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.111.100-1.

A. Group Living.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [1]. Group living uses are also subject to the standards of ((SMG)) chapter 17C.330 SMC, Group Living.

1. General Standards.

All group living uses in RA, R1, R2, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of ~~((SMC))~~ chapter 17C.330 SMC, Group Living, including the maximum residential density provisions of Table 17C.330-1.
- b. Group living uses for more than six residents are a conditional use in the RA and R1 zones, subject to the standards of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- c. Group living uses for more than twelve residents are a conditional use in the R2 and RMF zones, subject to the standards of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses. They are also subject to the standards of ~~((SMC))~~ chapter 17C.330 SMC, Group Living.

B. Office.

1. This regulation applies to all parts of Table 17C.111.100-1 that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of ~~((SMC))~~ chapter 17C.320 SMC, Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, R1, and R2 zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [4]. In the RA, R1, and R2 zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [5]. Daycare uses are allowed by right if locating within a building or residence and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, R1, and R2 zones. However, in the R1 zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution, or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [6]. In the RA, R1, and R2 zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in SMC 17G.061.110 prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the Table 17C.111.100-1 that have a note [7]. In the RA, R1, and R2 zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in SMC 17G.061.110 prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of Table 17C.111.100-1 that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See ((SMC)) chapter 17C.310 SMC, Animal Keeping, for specific standards.

17C.111.115 Housing Types Allowed

A. Purpose.

Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.111.030. The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including large multifamily buildings, are allowed in the higher intensity zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in Table 17C.111.115-1.

TABLE 17C.111.115-1 RESIDENTIAL ZONE HOUSING TYPES ALLOWED (Click here to view PDF)					
P – Permitted N – Not Permitted CU – Conditional Use review required	RA	R1	R2	RMF	RHD
Single-Unit Residential Building	P	P	P	P	P
Middle housing [1]	N	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P

Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multi-Unit Residential Building [1]	N	P	P	P	P
Short Term Rentals [4]	P/CU	P/CU	P/CU	P/CU	P/CU
<p>Notes:</p> <p>[1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building.</p> <p>[2] See ((SMC)) <u>chapter</u> 17C.300 <u>SMC</u>, Accessory Dwelling Units.</p> <p>[3] See ((SMC)) <u>chapter</u> 17C.345 <u>SMC</u>, Manufactured Homes and Mobile Home Parks.</p> <p>[4] See ((SMC)) <u>chapter</u> 17C.316 <u>SMC</u>, Short Term Rentals.</p>					

17C.111.120 Accessory Uses

Accessory uses to a primary use are allowed if they comply with specific standards for the accessory uses and all development standards. See chapter 17C.190 SMC, Use Category Descriptions. Accessory buildings such as garages are included in SMC 17C.111.240 Accessory dwelling units, bed and breakfast facilities, short-term rentals, and home occupations have specific standards in chapter 17C.300 SMC, chapter 17C.315 SMC, chapter 17C.316 SMC, and chapter 17C.340 SMC, respectively.

17C.111.125 Nuisance-related Impacts

A. Off-site Impacts

All institutional uses including their accessory uses must comply with the standards of chapter 17C.220 SMC, Off-site Impacts.

B. Other Nuisances.

The Spokane Municipal Code under Title 10 SMC, Regulation of Activities, and Title 17 SMC, Unified Development Code, regulates other nuisances.

C. Agricultural Activities.

1. Agricultural activities are an important part of the character of the Latah Creek valley and the City as a whole. The conduct of agricultural activities in an urbanizing area may lead to zoning and nuisance complaints and force the premature removal of lands from agricultural use. It is the intent of the City to protect agricultural activities in this area from zoning and nuisance complaints.
2. Agricultural activities, when conducted consistent with good agricultural practices, are a permitted activity within the RA zone, and are not to be found to constitute a nuisance unless the activity has a substantial adverse effect upon the public health and safety. Agricultural activities undertaken in conformity with all applicable laws and rules are presumed to be good agricultural practices not adversely affecting the public health and safety. An agricultural activity conducted in conformity with all applicable rules and laws is not restricted as to the hours of the day or day(s) of the week during which it may be conducted.
3. Any property offered for sale within the agricultural overlay zone will include notice on subdivisions, development permits and building permits within three hundred feet of lands designated as agriculture that agricultural activities may be conducted and that such activities are legal and permitted by zoning regulations. Failure to do so does not negate the right to engage in agricultural activities on any property located within the agricultural overlay zone.

17C.111.200 Lot Size and Dimensions

A. Purpose.

The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

The lot dimension standards further ensure that:

- a. Each lot has enough room for a reasonably-sized house;
- b. Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- c. Housing units have access to private or shared open space;
- d. Lots don't narrow to an unbuildable width close to the street;
- e. Lots have access from public rights-of-way;
- f. Each lot has access for utilities and services;
- g. Lots are an appropriate size and shape so that development can be oriented toward the street;

- h. Housing goals for the City are met; and
- i. To avoid having the garage door as the dominant feature of the front of a house on narrow lots.

B. Existing Lot Size.

1. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage, or area per dwelling unit is less than that required by this chapter, except as follows:
 - a. Through a Planned Unit Development as described in chapter 17G.070 SMC.
 - b. Through a unit lot subdivision pursuant to SMC 17G.080.065.
2. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.111.205-1.
2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and R1 zones pursuant to SMC 17G.070.030(C)(1).

D. Ownership of Multiple Lots.

Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under ((SMC)) chapter 17G.080 SMC, Subdivisions.
2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).

E. New Development on Standard Lots.

New development on lots that comply with the lot size standards in this section are allowed subject to the development standards and density requirements of the base zone as required in Table 17C.111.205-2.

F. Lot Frontage.

All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.111.205-1 except as follows:

1. For lots created through unit lot subdivisions approved under SMC 17G.080.065.
2. For lots approved in a planned unit development approved under chapter 17G.070 SMC.
3. For lots in a manufactured home park approved under SMC 17H.010.090.

17C.111.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.111.205-1 through 17C.111.205-3.

TABLE 17C.111.205-1 LOT DEVELOPMENT STANDARDS [1]					
	RA	R1	R2	RMF	RHD
DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A

Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					
Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
<p>Notes:</p> <p>[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.</p> <p>[2] See SMC 17C.111.210 for applicability of minimum and maximum density standards in the residential zones.</p> <p>[3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.</p> <p>[4] Lots with vehicle access only from an alley are not considered to have a "driveway approach" for the purposes of this standard.</p> <p>[5] Lot and building coverage calculation includes all primary and accessory structures.</p> <p>[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.</p> <p>[7] Developments meeting certain criteria relating to transit, Centers & Corridors, or housing affordability are given a bonus for building coverage. See SMC 17C.111.225 for detailed eligibility criteria.</p> <p>[8] Projects may exceed impervious coverage requirements by including an engineer's drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. "ADC" means Area of Drainage Concern.</p>					

TABLE 17C.111.205-2 BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum Setbacks					
Front [3]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line - lot width 40 ft or less [4]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line - lot width more than 40 ft [4]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit - lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit - lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side lot line setbacks [4]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					
Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.

Minimum side lot line setbacks	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE					
Minimum outdoor area per unit [5]	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area - first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	150 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area - all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	100 sq. ft.	48 sq. ft.
Notes:					
[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.					
[2] Base zone height may be modified according to SMC 17C.111.230, Height.					
[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks.					
[4] There is an additional angled setback from the interior side lot line. Refer to SMC 17C.111.230(C) and 17C.111.235(E) for more detail.					
[5] Common outdoor area may be substituted for private outdoor area according to SMC 17C.111.310.					

TABLE 17C.111.205-2 DEVELOPMENT STANDARDS FOR LAND OWNED BY RELIGIOUS ORGANIZATIONS [1]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes:					
[1] Standards not addressed in this table are consistent with the general standards in Tables 17C.111.205-1 and 17C.111.205-2.					

17C.111.210 Density

A. Purpose.

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. The use of density minimums ensures that in areas with the highest level of public services, that the service capacity is not wasted and that the City's housing goals are met.

B. Calculating Density.

The calculation of density for a subdivision or residential development is net area and is based on the total area of the subject property, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities. Land within a critical area (see definitions under chapter 17A.020 SMC) may be subtracted from the calculation of density. When the calculation of density results in a fraction, the density allowed is rounded up to the next whole number. For example, a calculation in which lot area, divided by minimum unit area equals 4.35 units, the number is rounded up to five units.

C. Maximum Density Applicability and Calculation.

1. The maximum density standards in Table 17C.111.205-1 shall be met only when the development site exceeds 2 acres in area. In such cases, the following apply:

- a. If a land division is proposed, the applicant must demonstrate how the proposed lots can meet maximum density once construction is completed.
- b. If no land division is proposed, maximum density must be met at the time of development.
- c. Maximum density is based on the zone and size of the site. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from Table 17C.111.205-1;

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded up to the next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

- 2. If the development site is 2 acres or less in area, the maximum density standards do not apply.
- 3. The number of units allowed on a site is based on the presumption that all site development standards will be met.

D. Minimum Density Applicability and Calculation.

1. The minimum density standards in Table 17C.111.205-1 shall be met under the following circumstances:
 - a. A land division is proposed.
 - b. In such cases, the applicant must demonstrate how the proposed lots can meet minimum density once construction is completed.
 - c. Minimum density standards can be modified by a PUD under SMC 17G.070.030(B)(2).
 - d. Development is proposed in the RMF or RHD zones. In such cases, minimum density must be met at the time of development.
2. Except as provided in subsection (3), when development is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density standards do not apply.
3. A site with pre-existing development may not move out of conformance or further out of conformance with the minimum density standard, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).
4. Minimum density is based on the zone and size of the site, and whether there are critical areas (see definitions under chapter 17A.020 SMC). Land within a critical area may be subtracted from the calculation of density. The following formula is used to determine the minimum number of lots required on the site.

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density from Table 17C.111.205-1;

Equals minimum number of units required.

E. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of chapter 17G.070 SMC, Planned Unit Developments.

17C.111.220 Building Coverage and Impervious Coverage

A. Purpose.

The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure

that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. The standards also help define the form of the different zones by limiting the amount of building area allowed on a site. Additionally, the impervious coverage standards ensure that there is adequate space on a site for stormwater infiltration.

B. Building Coverage and Impervious Coverage Standards.

The maximum combined building coverage allowed on a site for all covered structures is stated in Table 17C.111.205-1.

1. "Impervious surface" is defined in SMC 17A.020.090.
2. For development applications that submit an engineer's stormwater drainage plan pursuant to SMC 17C.060.140, total impervious coverage on a lot is not limited by this chapter, and the building coverage standards control.
3. For development applications that do not submit an engineer's stormwater drainage plan, the maximum impervious coverage standards in Table 17C.111.205-1 must be met. The impervious coverage standards vary depending on whether or not the subject site is located in an Area of Drainage Concern pursuant to SMC 17D.060.135.

C. How to Use FAR with Building Coverage.

The FAR determines the total amount of living space within a residential structure while the maximum building site coverage determines the maximum building footprint for all structures, including garages and the primary residence(s). The FAR is defined under chapter 17A.020 SMC, Definitions. FAR does not apply to Residentially zoned areas.

17C.111.225 Development Bonuses

A. Purpose.

This section implements development bonuses on property that meets certain criteria. The provisions for Religious Organizations are given to meet the requirements of RCW 36.70A.545 for bonuses on property owned by a Religious Organization.

B. Bonus.

For lots qualifying for the standards of this section, development standards listed in Table 17C.110.205-3 shall apply.

C. Requirements.

Any one of the following conditions shall qualify a property for the bonuses in this section:

1. Transit.

The property is within one half mile of a major transit stop, as defined in SMC 17A.020.130.

2. Center & Corridor.

The property is within one half mile of a Center & Corridor Zone.

3. Religious Organization.

The property is owned by a Religious Organization as defined in SMC 17A.020.180 and the property meets the affordability requirements in subsection (D) of this section.

4. Affordable Units.

The property meets the affordability requirements in subsection (D) of this section.

D. Affordability.

A development shall satisfy the affordability standards of this section if it meets the requirements of one of the following programs for affordable housing:

1. State or Federal Funding.

A development receiving funding through state or federal programs for affordable housing shall meet the affordability standards of this section.

2. Multiple-Family Housing Property Tax Exemption.

A development that qualifies for the twenty (20) year exemption under the Multiple-Family Housing Property Tax Exemption pursuant to SMC 08.15.090 shall meet the affordability standards of this section.

3. Sales and Use Tax Deferral Program for Affordable Housing.

A development that qualifies for the Sales and Use Tax Deferral Program for Affordable Housing under SMC 08.07D shall meet the affordability standards of this section.

4. Other Affordability Programs.

A development that doesn't match the above programs shall satisfy the affordability standards of this section if it includes the following characteristics:

a. Percentage of Affordable Units.

At least 25 percent of the units shall be dedicated as affordable for low-income households, as defined in SMC 17A.020.010. When the calculation results in a fraction the number of units shall be rounded up to the next whole number.

b. Rental.

Designated affordable units made available for rent shall be rented at a rate that is affordable to low-income households.

c. Sale.

The initial sale of an affordable unit upon completion of construction shall not exceed a purchase price that is affordable to a low-income household. Upon completion of an affordable unit and prior to the initial sale, the property owner shall file with the City a report indicating the unit will be purchased by a qualifying low-income household. The Planning Director shall establish a standard form for this purpose and include such information as is deemed necessary or useful.

d. Deed Restriction.

The applicant must record a covenant or deed restriction with the county auditor's office identifying the units subject to these affordability requirements. The deed restriction shall include a definition for low-income household consistent with the definition in SMC 17A.020.010. The deed restriction shall make provision for the following:

- I. These affordability requirements shall be in effect for at least forty (40) years from the time of filing; and
- II. Rental rates for affordable units shall not exceed levels that are affordable to a low-income household; and
- III. The initial sale of units from a developer to an owner-occupant shall not exceed a purchase price that is affordable to a low-income household. Subsequent purchases are not subject to a price restriction.

e. Size.

The units dedicated as affordable shall be no smaller in size than the smallest market rate unit in the development.

f. Number of Bedrooms.

The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.

g. Distribution.

The affordable units shall be distributed throughout the development.

h. Functionality.

The affordable units shall have the same functionality as the other units in the development.

17C.111.230 Height

A. Purpose.

The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.

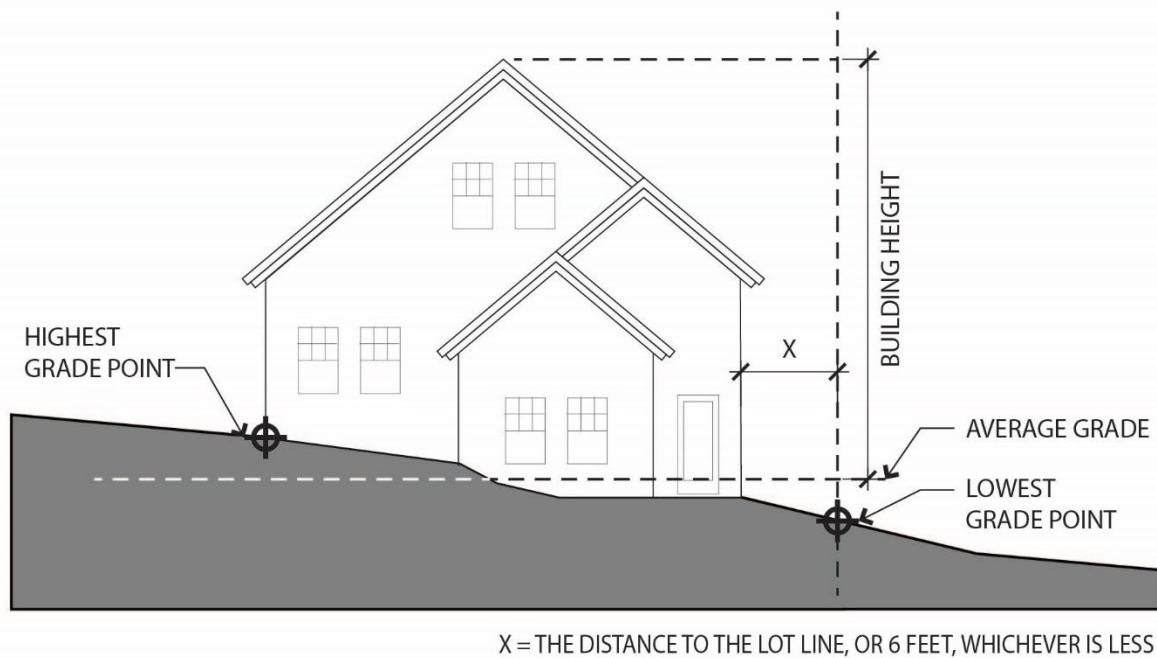
B. Height Standards.

The maximum height standards for all structures are stated in Table 17C.111.205-2. The building height shall be measured using the following method (see Figure 17C.111.230-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.111.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into

garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

Figure 17C.111.230-A Height Measurement

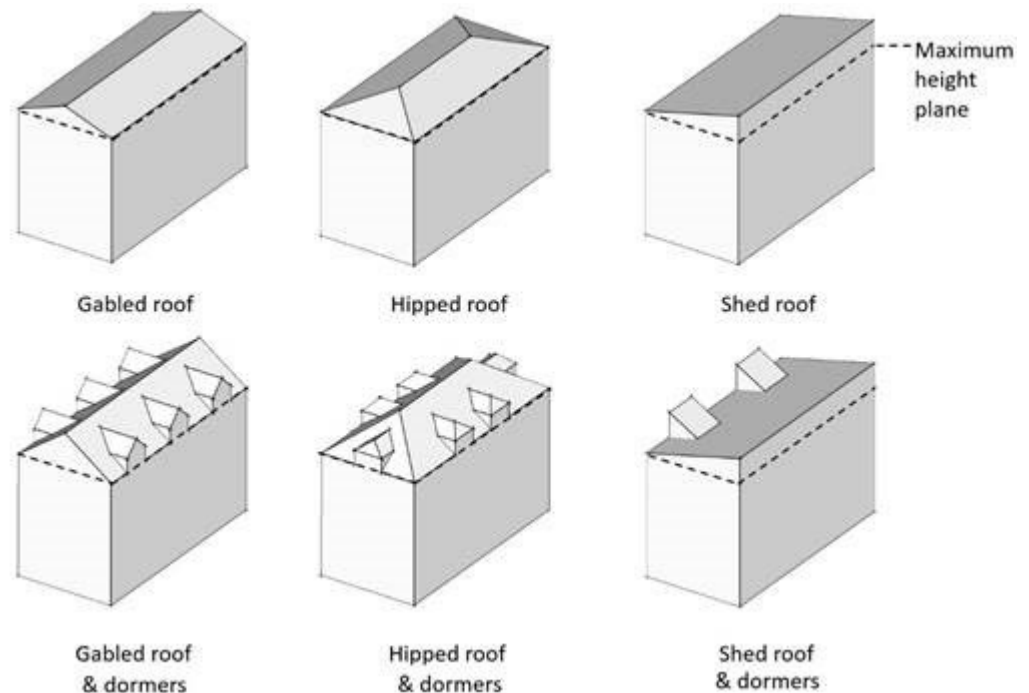


6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).
 - b. “Fill” means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - c. “Finished grade” means the grade upon completion of the fill or excavation.
 - d. “Excavation” means the mechanical removal of earth material.
 - e. “Existing grade” means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.
2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.111.205-2, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.111.230-B for eligible examples); and
 - c. establishes sense of “top” per SMC 17C.111.455.

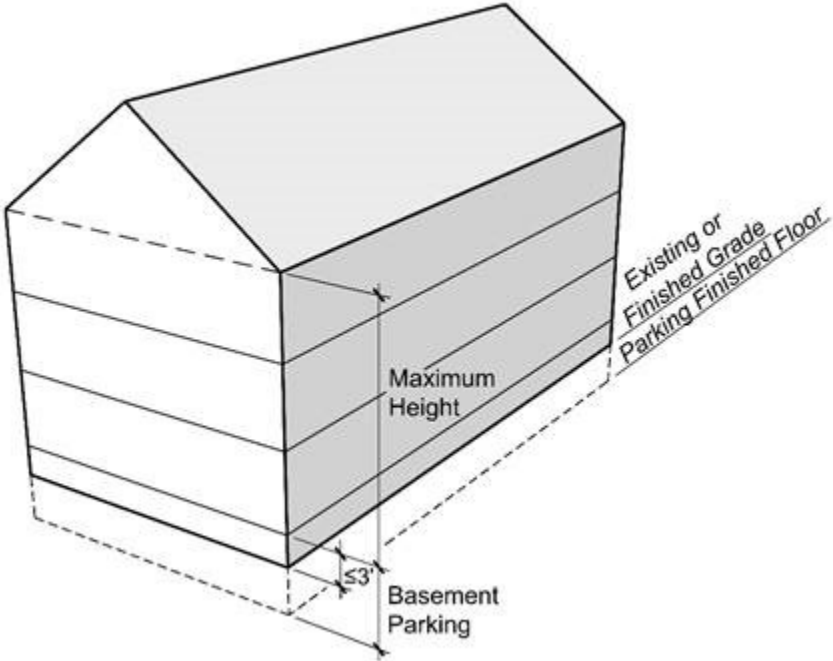
Figure 17C.111.230-B: Roof Type Examples for Height Exception



3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of

the existing grade or finished grade, whichever is lower. See Figure 17C.111.230-C.

Figure 17C.111.230-C: Basement Parking Excluded from Height

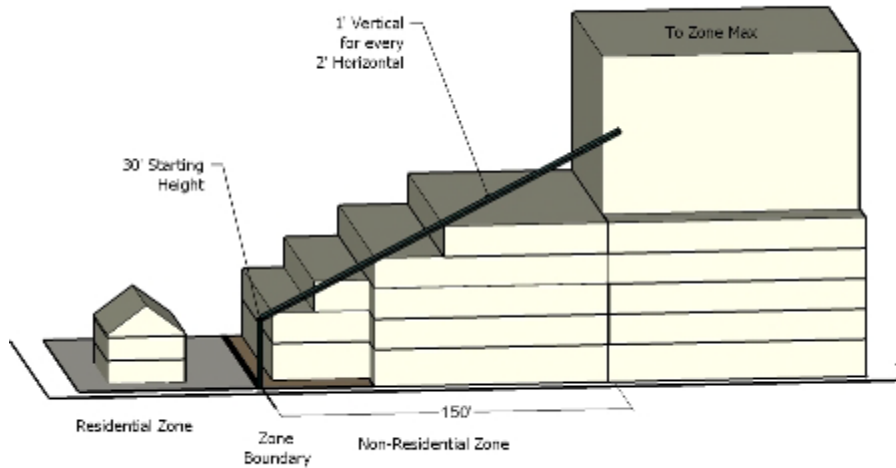


- 4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in chapter 17C.250 SMC, Tall Building Standards
- 5. Adjacent to R1 and R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:

- a. For all development within one hundred fifty feet of any R1 or R2 residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the R1 or R2

residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.
7. Projections Allowed.

Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.

8. In addition to the projections allowed under subsection (7) above, in the RMF and RHD zones, the following projections above the roof height are allowed:
 - a. Parapets and rooftop railings may extend four feet above the height limit.
 - b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.
 - c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten

feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.

9. Farm Buildings.

Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

10. Utility power poles and public safety facilities are exempt from the height limit.

11. Radio and television antennas are subject to the height limit of the applicable zoning category.

12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.

13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.

D. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See chapter 17C.170 SMC, Special Height Overlay Districts.

E. Accessory Structures.

The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-five (25) feet in height.

17C.111.235 Setbacks

A. Purpose.

The setback standards for primary and accessory structures serve several purposes. They maintain light, air, separation for fire protection, and access for fire fighting. They reflect the general building scale and placement of houses in the City's neighborhoods. They promote options for privacy for neighboring properties. They provide adequate flexibility to site a building so that it may be complementary to the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Applicability.

1. Setbacks are applied to all primary and accessory structures, including Accessory Dwelling Units. Setbacks for structures are applied relative to property lines. Separation between multiple structures on a lot is governed by the requirements of Title 17F SMC. Child lots created via Unit Lot Subdivision under Section 17G.080.065 SMC are only subject to the standards of this section inasmuch as they are applied to the parent lot.
2. Additional setback requirements may be applied through other sections of Title 17C SMC, including but not limited to:
 - a. Parking areas under Chapter 17C.230 SMC
 - b. Fences under Section 17C.110.230 SMC
 - c. Signs under Chapter 17C.240 SMC

C. Front, Side, and Rear Setbacks.

The required Front, Side, and Rear Setbacks for primary and accessory structures are stated in Table 17C.111.205-2. Angled setback standards are described in SMC 17C.111.235(E) and listed in Table 17C.111.235-1.

1. Extensions into Front, Side, and Rear Building Setbacks.

- a. Minor features of a structure such as eaves, awnings, chimneys, fire escapes, bay windows and uncovered balconies may extend into a Front, Side, Rear Setback up to twenty-four (24) inches.
- b. Bays, bay windows, and uncovered balconies may extend into the Front, Side, and Rear Setback up to twenty-four (24) inches, subject to the following requirements:

- i. Each bay, bay window, and uncovered balcony may be up to twelve (12) feet long.
- ii. The total area of all bays and bay windows on a building facade shall not be more than thirty percent (30%) of the area of the facade.
- iii. Bays and bay windows that project into the setback must cantilever beyond the foundation of the building; and
- iv. The bay shall not include any doors.

D. Exceptions to the Front, Side, and Rear Setbacks.

1. The rear yard of a lot established as of May 27, 1929, may be reduced to provide a building depth of thirty (30) feet.

E. Angled Setbacks.

1. Purpose.

To help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties.

2. Applicability.

Angled setbacks apply in the R1 and R2 zones.

3. Angled Setback Implementation.

Buildings are subject to an angled setback plane as follows:

- a. Starting at a height of 25 feet, the setback plane increases along a slope of 2:1 (a rate of 2 feet vertically for every 1 foot horizontally) away from the interior side setback, up to the maximum building height in Table 17C.111.205-2. The minimum setbacks that are paired with each height measurement are provided in Table 17C.111.235-1. See Figure 17C.111.235-A for examples.
- b. No portion of the building shall project beyond the Angled Setback plane described in this subsection, except as follows:
 - i. Minor extensions allowed by SMC 17C.111.235(C)(1) may project into the Angled Setback.
 - ii. Elements of the roof structure such as joists, rafters, flashing, and shingles may project into the Angled Setback.

- iii. Dormer windows may project into the Angled Setback if the cumulative length of dormer windows is no more than fifty percent (50%) of the length of the roof line.

Figure 17C.111.235-A. Angled Setback Plane Examples

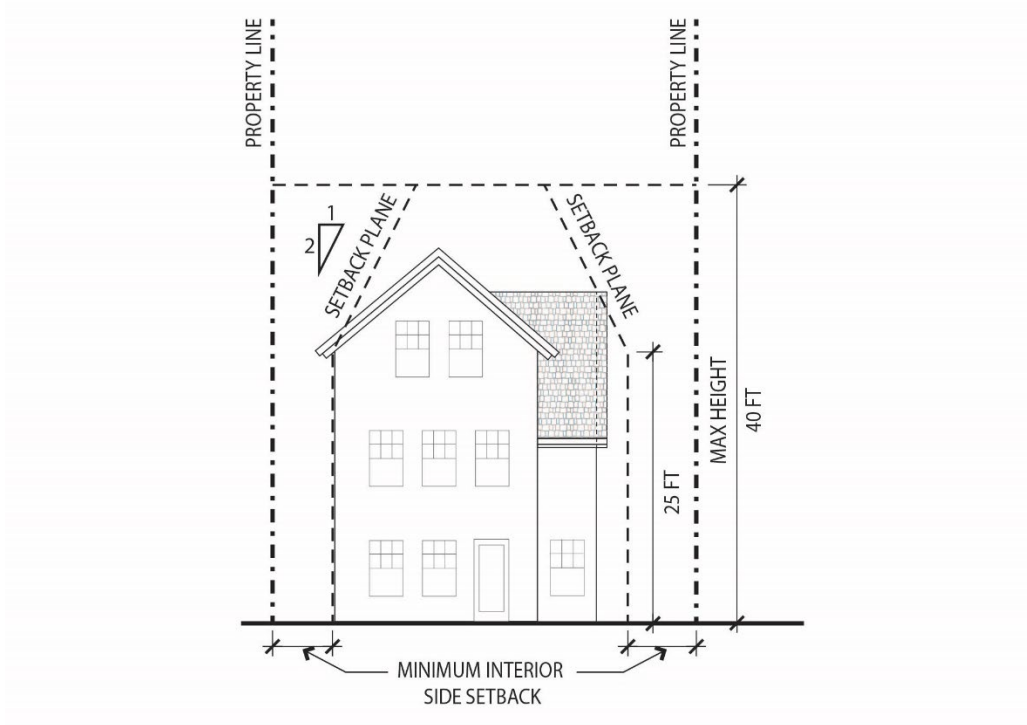


TABLE 17C.111.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 ft.	8 ft.
33 ft.	9 ft.
35 ft.	10 ft.
40 ft.	12.5 ft.

17C.111.240 Accessory Structures

A. Purpose.

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks. This section does not apply to accessory dwelling units (ADUs).

B. General Standards.

1. Accessory structures are allowed on a lot only in conjunction with a primary building and may not exist on a lot prior to the construction of the primary structure, except as allowed by subsection (B)(2) of this section.
2. An accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has submitted a financial guarantee to the City for the cost of demolition and removal of the structure. The financial guarantee will be used by the City if the owner has not removed

the accessory structure if, within one year of final plat approval or boundary line adjustment (BLA), a primary structure has not been built and received final inspection. The financial guarantee must be accepted by the City prior to approval of the final plat or boundary line adjustment.

3. An accessory structure shall not contain a kitchen or space for living, sleeping, eating, or cooking unless it is approved as an accessory dwelling unit under chapter 17C.300 SMC.

C. Setbacks.

1. Mechanical Structures.

Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.

a. Front Setback Standard.

Mechanical structures are not allowed in required front building setbacks.

b. Side and Rear Setback Standard.

Mechanical structures are allowed inside and rear building setbacks if the structure is no more than forty-eight inches high.

2. Vertical Structures.

Vertical structures are items such as flagpoles, trellises and other garden structures, radio antennas, satellite receiving dishes and lampposts. Fences are addressed in SMC 17C.111.230. Sign standards are in chapter 17C.240 SMC, Signs.

a. Setback Standard.

Vertical structures are allowed in required side and rear building setbacks if they are no larger than four feet in width, depth or diameter and no taller than seven feet. If they are larger or taller, they are not allowed in required building setbacks. Trellises and other gate features are allowed in front yard if they are no larger than four feet in width, depth or diameter and no taller than seven feet and do not conflict with the clear view triangle provisions under SMC 17C.111.230, Fences.

3. Uncovered Horizontal Structures.

Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

Setback Standard.

a. Projection Allowed.

The following structures are allowed in required building setbacks, as follows:

- i. Structures that are no more than two and one-half feet above the ground are allowed in side and rear building setbacks. Handrails required by the IBC/IRC are not included in the maximum height.
- ii. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than two and one-half feet above the average sidewalk elevation are allowed in all building setbacks; and
- iii. Stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed in street setbacks.

4. Covered Accessory Structures.

Covered accessory structures are items such as greenhouses, storage buildings (not used to cover motor vehicles), sheds, covered decks, covered porches, gazebos, and covered recreational structures.

a. Setback Standard.

i. Front Setback.

Covered accessory structures are not allowed in the required front building setbacks.

ii. Side Setback.

Covered detached accessory structures are not allowed in the required side building setback without a signed waiver from the neighboring property owner.

Covered attached accessory structures are not allowed in the required side building setback.

5. Detached Accessory Structures.

Detached accessory structures are garages, carports, and other structures utilized to cover motorized vehicles.

a. Setback Standard.

A detached accessory structure is not allowed in the front building setback. A detached accessory structure is not allowed in the required side building setback without a signed waiver from the neighboring property owner. A detached accessory structure that has an entrance, which faces a street, is required to be setback twenty feet from the property line or from the back of the sidewalk, as stated in Table 17C.111.205-2.

b. Detached accessory structures may be built to the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

6. Attached Accessory Structures.

Accessory structures are garages, carports or other structures utilized to cover motorized vehicles that are connected by a common wall to the primary structure.

a. Setback Standard.

An attached accessory structure is not allowed in the front building setback. An attached accessory structure that has an entrance which faces a street is required to be setback twenty feet from the property line as stated in Table 17C.111.205-2.

- b. Attached accessory structures may be built to within five feet of the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

D. Building Coverage.

1. Except as provided in subsection (2) of this subsection (D), the combined building coverage of all detached accessory structures and covered accessory structures may not exceed fifteen percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.
2. On lots smaller than five thousand five hundred square feet with an accessory dwelling unit, combined building coverage of all detached accessory structures and covered accessory structures may not exceed twenty percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.

E. Building Height.

The building height of detached accessory structures and covered accessory structures is listed in Table 17C.111.205-2. Accessory structures, which contain an ADU over a garage, are subject to the height limitations in chapter 17C.300 SMC, Accessory Dwelling Units.

17C.111.245 Fences

A. Purpose.

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

B. Types of Fences.

The standards apply to walls, fences, trellises, arbors, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location.

1. Front Lot Line.

Fences up to forty-two inches high are allowed in required front lot line setbacks.

2. Sides and Rear Lot Line.

Fences up to six feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be either:

- a. forty-two inches high or less, or
- b. right isosceles triangle having sides of seven feet measured along the right-of-way line of a side yard and the front property line.

3. Other.

The height for fences that are not in required building setbacks is the same as the height limits of the zone for detached accessory structures in Table 17C.111.205-2.

4. Alleys.

Fences shall not obstruct the clear width required in SMC 17H.010.130(G).

D. Reference to Other Standards.

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

E. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, concertina, or razor wire in the RSF, RTF, RMF, or RHD zones. In

the RA zone, up to three strands of barbed wire are allowed for agricultural, farming or animal uses.

2. No person may construct or maintain a fence or barrier charged with electricity in the RSF, RTF, RMF, or RHD zones. In the RA zone, the use is permitted for the containment of livestock only.
3. A fence, wall, or other structure shall not be placed within the public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. Fence Setbacks.
 - a. Arterial Street.
No fence may be closer than twelve feet to the curb of an arterial street.
 - b. Local Access Street.

No fence may be closer than the back of the sidewalk on a local access street. If there is no sidewalk, the fence shall be setback seven feet behind the face of the curb of a local access street.

F. Enclosures for Pools, Hot Tubs, and Impoundments of Water.

1. To protect against potential drowning and near drowning by restricting access to pools, spas, and other impoundments of water, a person maintaining a swimming pool, hot tub, or other impoundment of water exceeding eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence or other barrier as described in the currently adopted edition of the International Swimming Pool and Spa Code.
2. When a fence is elected as the preferred barrier, the following applies:
 - a. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
 - b. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
 - c. No opening, except a door or gate, may exceed four inches in any dimension.

- d. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Visibility at Intersections.

A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level

17C.111.250 Exterior Storage – Residential Zones

A. Purpose.

It is the intent and purpose of the City to regulate exterior storage of materials on residential land in a manner to promote the health, safety and general welfare of the community including regulating the type and location of materials. The negative effects of unregulated exterior storage can endanger the health, safety and welfare of the community.

B. Regulated Materials.

1. The following list of items shall not be stored outside of structures. Exterior storage means the physical presence of items not fully enclosed within a structure. Exterior storage means and includes, but shall not be limited to, the following:
 - a. vehicle parts including but not limited to, alternators, engines, transmissions, wheels, tires, body panels, auto glass, interior panels, front and/or rear seats, taillights, head lights, and other vehicle parts thereof;
 - b. household furniture including, but not limited to, mattresses, couches, recliners, tables, desks, bed frames, chairs, other furniture items, and parts thereof;

- c. appliances including but not limited to dishwashers, stoves, televisions, computers, kitchen accessories, electronic equipment and parts thereof;
 - d. construction materials including but not limited to plaster, lumber, sheetrock, carpet, shelving, cement, bathtubs, toilets, pipe, and other such items that are not exempted under SMC 17C.111.250(B)(2);
 - e. metal including but not limited to iron, steel, aluminum, and other such metals; and
 - f. any other items similar in nature.
2. Materials that may be stored outside of structures include:
- a. construction materials that are maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and that are designated for projects on the parcel for which a building permit has been issued through the City of Spokane;
 - i. Construction materials used for a public works project may be temporarily stored on residential zones up to one year after construction begins.
 - b. construction equipment including ladders, scaffolding, and other such items may be stored outside of structures as long as the equipment is maintained in a safe manner and in such a way that the materials do not create a hazard to the general public, or an attraction to children, and
 - c. items that are manufactured for exterior usage and are being maintained including but not limited to: lawn/patio furniture and décor, benches, play equipment; sandboxes, barbecues, and bicycles.
3. Any items that are considered to be “litter” as according to SMC 10.08.010 including refuse, rubbish, garbage, discarded items and all waste material of every kind and description shall be regulated under Chapter 10.08 Offense Against Public Health.

C. Location.

1. Exterior storage of any of the items listed in SMC 17C.111.250(B)(2)(a) and SMC 17C.111.250(B)(2)(b) shall take place from the rear of the main dwelling unit to the rear of the property line,
 - a. except permitted construction materials which may be stored up to thirty days in either side or front yard areas and are exempt from the fencing and screening requirements designated in subsection (C)(2) below.
2. Exterior storage areas shall be screened from view of the public right-of-way as defined in SMC 17A.020.180(R) through the use of sight-obscuring fencing that meets height requirements set in SMC 17C.111.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1)

D. Violation—Enforcement and Penalty

Violation of SMC 17C.111.250 shall constitute a class 2 civil infraction per SMC 1.05.160.

17C.111.255 Parking, Demolitions, Signs, and Other Applicable Standards

The following additional standards also apply to development in residential zones:

A. Demolitions.

The demolition of historic structures is regulated by chapter 17D.040 SMC, Landmarks Commission.

B. Nonconforming Situations.

Existing developments that do not conform to the development standards of this chapter are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

C. Parking and Loading.

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.

D. Signs.

The sign standards are stated in SMC 17C.240, Signs.

E. Landscaping and Screening.

The landscaping and screening standards are stated in chapter 17C.200 SMC, Landscaping and Screening.

17C.111.300 Single-Unit Residential and Middle Housing Design Standards

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to SMC 17C.111.015, Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section.

17C.111.305 Landscaping

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments. Landscaping improves the residential characteristics of the area, breaks up large expanses of paved areas and structures, provides privacy for residents, and provides separation from streets. Landscaped areas also reduce stormwater run-off by providing a pervious surface.

B. Landscaping Implementation.

1. Fifty percent of the area between the front lot line and the front building line must be planted with living ground cover or landscaped to the L3 standard, per SMC 17C.200.030 and 17C.200.040. A patio or porch may be included in the calculation of ground cover area. (R)
2. The front landscaped area may be counted towards required outdoor areas, pursuant to Section 17C.111.310. (R)
3. Landscaping is encouraged to follow the Spokanescape guidelines for design, soil and compost, drip irrigation, planting & mulch, raised beds, maintenance, and plant list. (C)
4. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (C)

17C.111.310 Outdoor Areas

A. Purpose.

To create usable areas through the use of engaging outdoor spaces for the enjoyment and health of the residents.

B. Outdoor Areas Implementation.

1. Developments shall provide outdoor areas in the quantity required by Table 17C.111.205-2. (R)
2. The outdoor area may be configured as either:
 - a. A private outdoor area, such as a balcony or patio directly accessible from the unit;
 - b. A common outdoor area accessible by all units in the building.
3. If a common outdoor area is provided, it shall meet the following:
 - a. Connected to each unit by pedestrian paths. (R)
 - b. At least 50 percent of units shall have windows or doors that face the common outdoor area. (R)
 - c. Common outdoor areas shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities may include, but are not limited to: (P)
 - i. Site furnishings (benches, tables, bike racks when not required for the development type, etc.);
 - ii. Picnic areas;
 - iii. Patios, plazas or courtyards;
 - iv. Shaded playgrounds;
 - v. Rooftop gardens, planter boxes, or garden plots; or
 - vi. Fenced pet area.
4. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service, areas or other incompatible uses that are known to cause smell or noise nuisances. (P)

17C.111.315 Entrances

A. Purpose.

To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

B. Applicability.

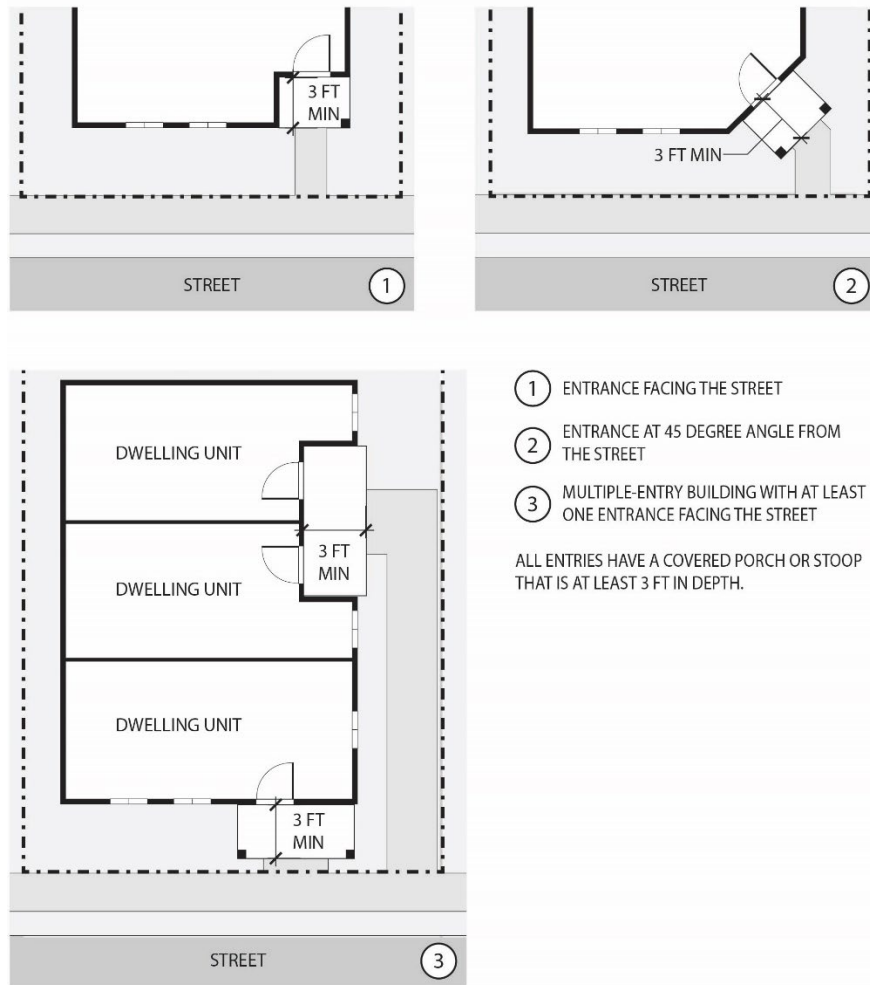
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Entrances Implementation.

See Figure 17C.111.315-A.

1. Each residential structure fronting a public or private street must have at least one address and main entrance facing or within a 45 degree angle of a street frontage. Buildings with multiple units may have shared entries. (R)
2. Each unit with individual ground-floor entry and all shared entries must have a porch or stoop cover that is at least 3-feet deep. (P)
3. On corner lots, buildings with multiple units must have at least one entrance facing or within a 45 degree angle on each street frontage. (C)

Figure 17C.111.315-A. Building Entrances



17C.111.320 Windows

A. Purpose.

To maintain a lively and active street face while increasing safety and general visibility to the public realm.

B. Applicability.

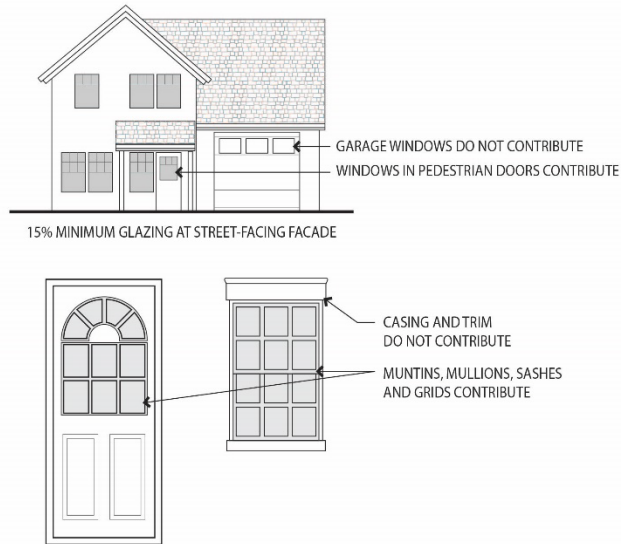
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Windows Implementation.

See Figure 17C.111.320-A.

1. Windows shall be provided in façades facing public or private streets, comprising at least fifteen percent of the façade area (R).
2. Window area is considered the entire area within, but not including, the window casing, including any interior window grid.
3. Windows in pedestrian doors may be counted toward this standard. Windows in garage doors may not be counted toward this standard.
4. At least one of the following decorative window features must be included on all of the windows on street facing facades: (P)
 - a. Arched or transom windows.
 - b. Mullions.
 - c. Awnings or bracketed overhangs.
 - d. Flower boxes.
 - e. Shutters.
 - f. Window trim with a minimum width of three inches.
 - g. Pop-outs or recesses greater than three inches.
 - h. Bay windows.
 - i. Dormers.

Figure 17C.111.320-A. Window Coverage



17C.111.325 Building Articulation

A. Purpose.

To ensure that buildings along any public or private street display the greatest amount of visual interest and reinforce the residential scale of the streetscape and neighborhood.

B. Applicability.

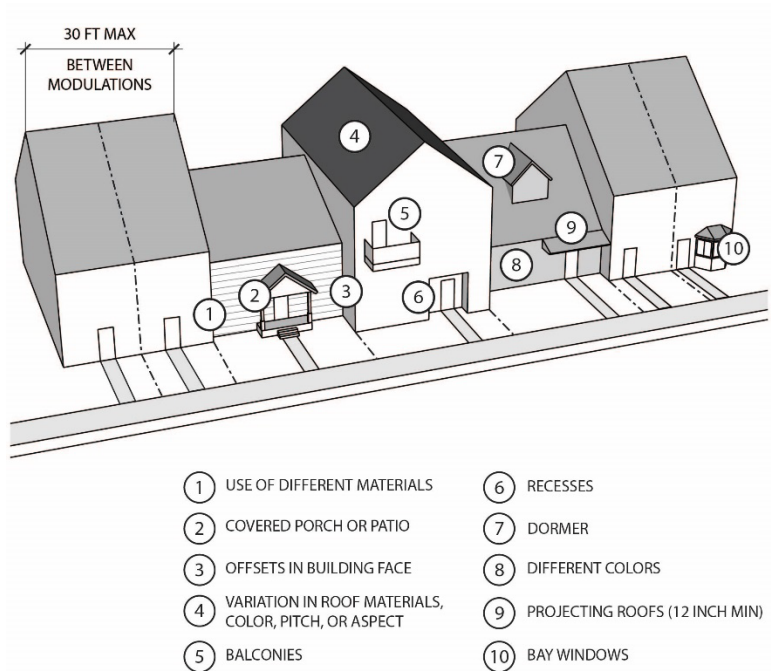
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

C. Building Articulation Implementation.

1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.111.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal delineation as expressed by bays, belt lines, doors, or windows. (P)

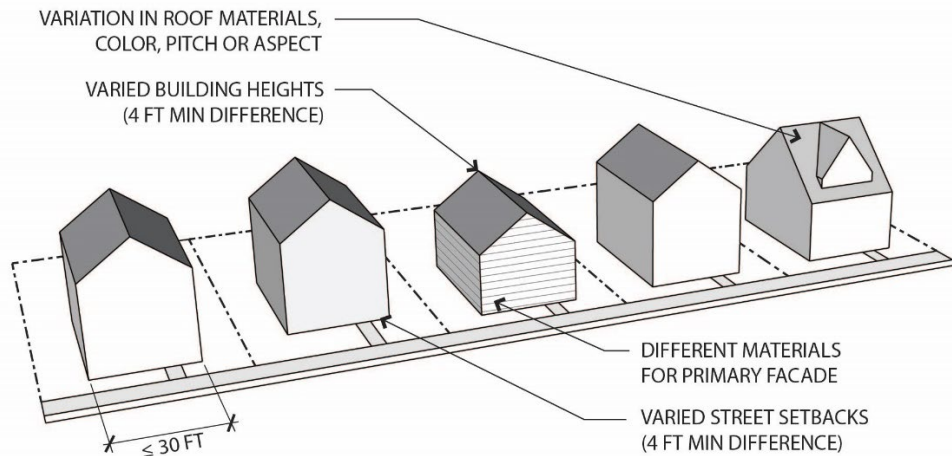
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - e. Projecting roofs (minimum of twelve inches).
 - f. Recesses.
 - g. Bay windows.
 - h. Variation in roof materials, color, pitch, or aspect.
 - i. Balconies
 - j. Covered porch or patio.
 - k. Dormers

Figure 17C.111.325-A. Building Articulation for Long Facades



4. The following standard applies when detached housing units or individual units of attached housing have street-facing facades that are thirty feet or less in width. Each such unit shall provide variation from adjacent units by using one or more of the following design features (see Figure 17C.111.325-B):
 - a. Street setbacks that differ by at least four feet.
 - b. Building heights that differ by at least four feet.
 - c. Use of different materials for the primary façade.
 - d. Variation in roof materials, color, pitch, or aspect.

Figure 17C.111.325-B. Building Variation for Narrow Facades



5. Development should reduce the potential impact of new housing on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (C)

17C.111.330 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of residential areas, such as garbage and recycling areas, mechanical equipment, and exterior storage.

B. Screening shall comply with the clear view triangle requirements defined in SMC 17C.111.245(G).

C. Screening Implementation.

1. Except as provided below, fire escapes, or exterior stairs that provide access to an upper level shall be located behind the front façade of the building and screened or enclosed so that they are not visible from a public or private street. (R)
 - a. Exception: The initial half flight of stairs on the ground floor is not required to be screened from view of a street provided it is under the roof of the building and located behind the front façade.

2. Garbage and Recycling Areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. (R)
3. Exterior storage shall take place from the rear of the main dwelling unit to the rear of the property line and meet the standards of SMC 17C.111.250. (R)
4. Screening must comply with at least one of the following criteria: (R)
 - a. L1 Visual Screen meeting SMC 17C.200.030(A).
 - b. A sight-obscuring fence that meets height requirements set forth in SMC 17C.111.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1).
 - c. Be located inside a storage shed or garage that meets all applicable setback standards and provides full sight obstruction.
5. Storage areas are not allowed within fifteen feet of a street lot line. (R)
6. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation that is at least as tall as the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining residentially zoned properties. (R)

17C.111.335 Parking Facilities

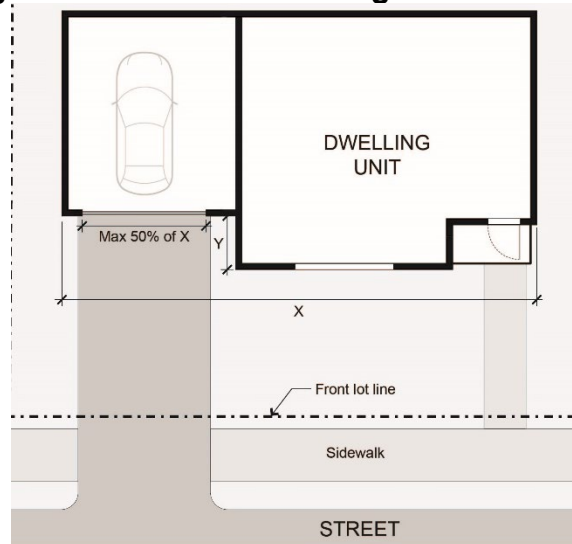
A. Purpose.

To integrate parking facilities with the building and surrounding residential context, promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities.

B. Parking Facilities Implementation.

1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply to the street-facing façade of each individual building. See Figure 17C.111.335-A. (R)

Figure 17C.111.335-A. Garage Door Standard

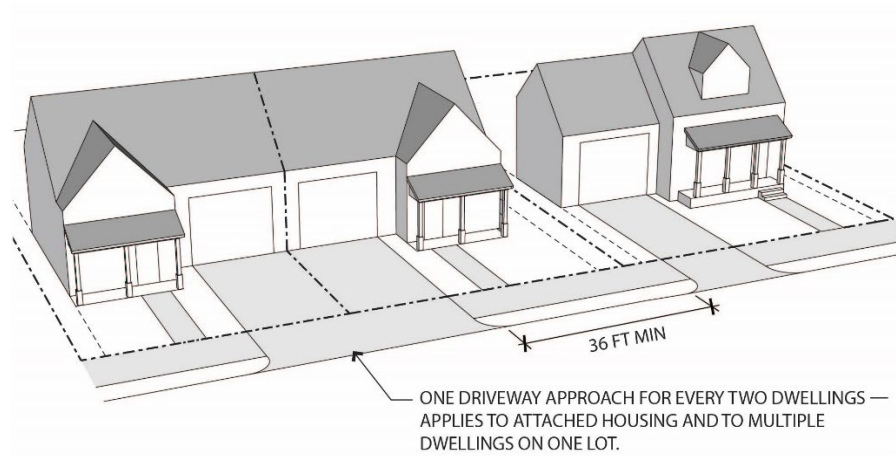


X = Length of street-facing building façade
Y = 2 ft minimum setback from primary street-facing building façade

2. Street-facing garage walls must be set back at least two feet from the primary street-facing building façade. (R)
3. Access to Parking.
 - a. Vehicular access to parking from an alley, improved street, or easement is required if parking is required pursuant to chapter 17C.230 SMC Parking and Loading. (R)
 - b. If the lot abuts a public alley, then vehicle access shall be from the alley unless the applicant requests a waiver of the requirement and the Planning Director determines that one of the following conditions exists: (R)
 - i. Existing topography does not permit alley access; or
 - ii. A portion of the alley abuts a nonresidential zone; or
 - iii. The alley is used for loading or unloading by an existing nonresidential use; or
 - iv. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.
 - c. For lots with vehicle access through an alley, garages shall not be accessed from the street. (R)

- d. Where off-street parking is provided for attached housing or for two or more units on one lot, only one driveway approach and sidewalk crossing for each two dwellings may be permitted. See Figure 17C.111.335-B. (R)
 - e. Driveway approaches shall be separated by a minimum distance of 36 feet. The Planning Director will grant an exception to this standard if the 36-foot separation from existing driveways on adjacent lots would preclude vehicular access to the subject lot. See Figure 17C.111.335-B. (R)
4. Parking structures, garages, carports, and parking areas other than driveways shall not be located between the principal structure and streets. (P)

Figure 17C.111.335-B. Paired Driveways and Minimum Spacing



17C.111.340 Pedestrian Connectivity

A. Purpose.

To ensure that all buildings within a development have adequate access to public rights of way and municipal services.

B. Applicability.

The following standards apply to all buildings within a development.

C. Pedestrian Connectivity Implementation.

1. Public Right-of-Way Access.

At least one walking connection is required between each building and the sidewalk. For each ground-floor unit with a separate entry, separate walking connections are

required for each ground-floor unit. Driveways may be used to meet this requirement. (R)

2. Garbage and Recycling Areas.

At least one walking connection is required between each unit and its designated garbage and recycling area. Driveways and parking access aisles may be used to meet this requirement. (R)

17C.111.400 Multi-Unit Design Standards

A. Purpose.

Multi-unit housing at intensities above Middle Housing types is often more intensive than single-unit or Middle Housing development and can have different design considerations. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in complementing surrounding development. These standards may also be used to make higher density housing more livable communities.

B. Applicability.

These standards apply to multi-unit development in the RMF and RHD zones where permitted unless otherwise noted.

17C.111.405 Design Standards Implementation

The design standards and guidelines found in this article follow the design standards administration section of SMC 17C.111.015. All projects must address the pertinent design standards and guidelines. Design standards are in the form of requirements (R), presumptions (P), and considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek relief through the chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

17C.111.410 Sidewalks

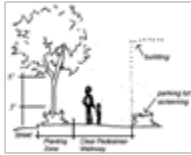
A. Purpose.

To provide continuous, safe, and consistent pedestrian system with connectivity to the street right-of-way and the neighborhood.

B. Sidewalk Implementation.

1. Sidewalks shall have the minimum dimension of five feet, even if part of the width is located on private property. This dimension shall be applied to the

clear, unobstructed pathway between the planting zone for street trees per SMC 17C.200.050 and building facades or parking lot screening. (R)

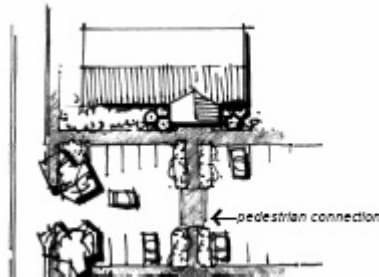


2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way shall be concrete, two-foot grid, standard sidewalk color and float finish. (R)
5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

17C.111.415 Pedestrian Connections

A. Purpose.

To create a network of safe, consistent, and convenient linkages for pedestrians, including locating building entrances adjacent to public sidewalks.



Planting reinforces pedestrian connection through parking lot

B. Pedestrian Connections Implementation.

1. A comprehensive system of pedestrian walkways shall link all site entrances, building entries, parking facilities, and common outdoors spaces with the public sidewalk. (P)
2. Clearly defined pedestrian connections shall be provided between public sidewalks and building entrances when buildings are not located directly adjacent to the sidewalk. (R)



3. Clearly defined pedestrian connections between public sidewalks and internal pedestrian systems shall occur at intervals of one hundred fifty feet or less (P).
4. Pedestrian connections shall be reinforced with pedestrian scale lighting, bollard lighting, landscaping, accent lighting, signage or a combination thereof to aid in pedestrian way finding. (P)
5. The type and nature of all materials used for pedestrian walkways shall be consistent within a development. (P)
6. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a clear and direct connection from the main building entrances to the transit stop. (R)
7. Pedestrian connections shall occur between adjacent developments where feasible. (P)



8. Pedestrian walkways within parking areas may be included as part of the minimum requirements for interior parking lot landscaping, if landscaping is provided on one side. (C)
9. For parking lots that contain greater than fifteen parking spaces, pedestrian connections through the parking lot shall be clearly defined in a combination of two or more of the following ways (except as walkways cross vehicular travel lanes): (P)

- a. A raised walkway.
- b. Special railing, bollards and/or other architectural features to accent the walkway between parking bays.
- c. Special paving, such as concrete or unit pavers in an asphalt area.
- d. A continuous landscape area, a minimum of three feet wide along at least one side of the walkway.



- C. Pedestrian walkways within parking areas shall have a minimum of five feet in width of clear, unobstructed passage. (R)
- D. Chain link fencing may not be used to separate pedestrians from vehicular traffic. (C)

17C.111.420 Outdoor Spaces

A. Purpose.

To create pedestrian friendly, usable areas through the use of plazas, courtyards and other outdoors spaces for the enjoyment and health of the residents.

B. Outdoor Spaces Implementation.

- 1. Each multifamily development shall set provide a minimum of forty-eight square feet of outdoor open space area for each living unit in the complex, including those units occupied by the owner or building management personnel. Private outdoor spaces can count towards this outdoor common space provision. (R)



Trellis and special landscape defines private courtyard area

2. Ground Level Units.

The outdoor area for ground level units is a type of private outdoor space and must be directly accessible from the unit. The area must be surfaced with lawn, pavers, decking or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. (R)

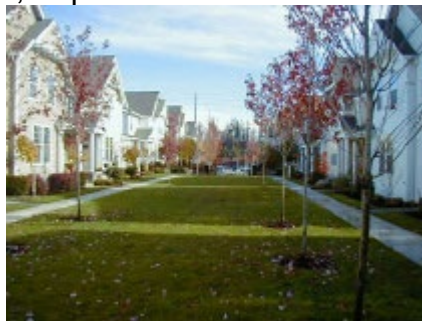


3. Upper Level Units.

Upper level units are a type of private outdoor space. For upper level units, the required outdoor area may be provided individually, such as by balconies, or combined into a larger area. If combined into a larger area, it must comply with the following requirements.(R)

- a. The total amount of required outdoor area for upper level units is the cumulative amount of the required area per dwelling unit for individual areas, minus any upper level units that provide individual outdoor areas (if provided). However, a combined required outdoor area must comply with the minimum area and dimension requirements for combined outdoor areas.

- b. The combined outdoor area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts and open recreational facilities. The area must be surfaced with lawn, pavers, decking or sport court paving, which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.
4. Common outdoor spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)
- a. Site furnishings (benches, tables, bike racks).
 - b. Picnic areas.
 - c. Patios, plazas or courtyards.
 - d. Tot lots.
 - e. Gardens.
 - f. Open lawn.
 - g. Play fields.
 - h. Sports courts, such as tennis or basketball courts (no more than fifty percent of required outdoor common space), equipped interior fitness areas, or pools.





Basketball court provided in common outdoor area

5. Common outdoor spaces shall be easily visible and accessible to multifamily residents. (P)
6. Berms, low walls, fences, hedges and/or landscaping shall be used to define private outdoor spaces such as yards, decks, terraces and patios from each other and from the street right-of-way. (P)
7. Walls, hedges and fences shall be used to define and ensure a sense of privacy in outdoor private spaces. The material or plantings should be a maximum of four feet (high and visually permeable, such as open rails, ironwork or trellis treatment to encourage interaction between neighbors.) (P)
8. Lighting shall be provided within outdoor spaces to provide visual interest, as well as an additional security function. Lighting should not cause off-site glare. (R)
9. If outdoor spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (C)



Screening by wall and planting

10. Common outdoor spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R)

11. Outdoor spaces should not be located adjacent to dumpster enclosures, loading/service areas or other incompatible uses. (C)

17C.111.425 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of multi-dwelling residential areas.



B. Garbage and Recycling Collection Areas.

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the standards of chapter 17C.200 SMC, Landscaping and Screening. (R)

C. Mechanical Equipment.

Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining R-zoned lands. (R)



D. Other Screening Requirements.

The screening requirements for parking, exterior storage, and exterior display areas are stated with the standards for those types of development. (R)

17C.111.430 Landscaped Areas

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. It also helps in reducing stormwater run-off by providing a pervious surface.

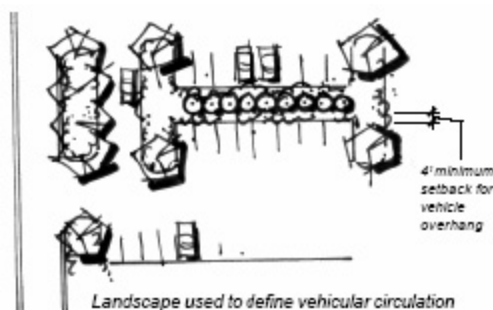
B. Landscaping Standards.

1. Building Setbacks.

The required building setbacks must be landscaped to at least the L3 standard of [chapter 17C.200 SMC](#), Landscaping and Screening. Parking, access, maneuvering areas, detached accessory structures and other allowed developments are exempt from this standard. Sites developed with a detached house, attached house or duplex are also exempt from this standard. (R)

2. Parking Areas.

Perimeter and internal parking area landscaping standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening. (R)



17C.111.435 Street Trees

See chapter 17C.200 SMC, Landscaping and Screening.

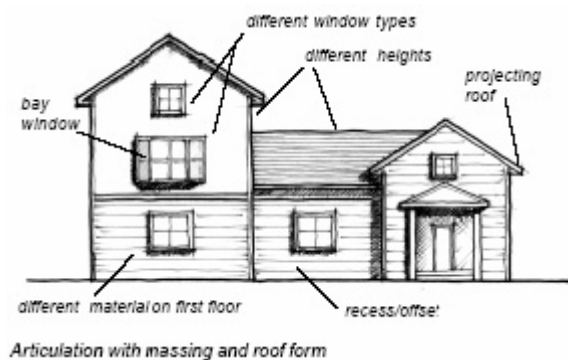
17C.111.440 Articulation and Details

A. Purpose.

To avoid massive building forms that seems bulky and institutional.

B. Articulation and Details Implementation.

1. Buildings shall include articulation along the facades that face streets. Flat blank walls are not permitted. (R)
2. Horizontal facades longer than thirty feet shall be articulated into smaller units, reminiscent of the residential scale of the neighborhood. At least four of the following methods should be used: (P)
 - a. Varied building heights.
 - b. Different materials used on first floor.
 - c. Different window types.
 - d. Different colors.
 - e. Offsets.
 - f. Projecting roofs (minimum of twelve inches).
 - g. Recesses.
 - h. Bay windows.
 - i. Varied roof forms or orientation.





Articulation with varied roof forms, recesses and stoops

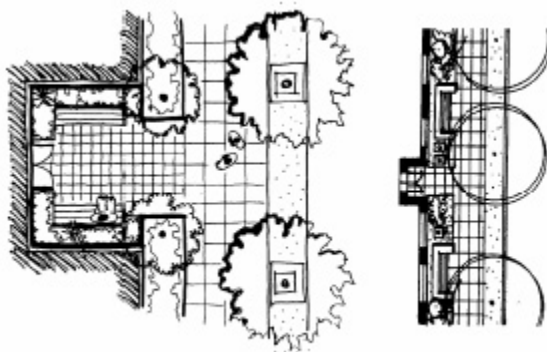


Building units with different color and building heights

17C.111.445 Front Yards and Entrances

A. Purpose.

To provide separation between buildings and the public pedestrian realm where the front yard functions as usable outdoor space and provides a clear, welcoming and safe entry for pedestrians from the sidewalk into the building.



Multi-family buildings utilizing enhancements to define main entries

B. Front Yards/Entrances Implementation.

1. Primary building entries shall be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes to building entries. (R)

2. Four or more of the following elements shall be used to highlight the main entrance to multifamily buildings: (P)
 - a. Open space, plaza or courtyard.
 - b. Special paving.
 - c. Ornamental gate and/or fence.
 - d. Seating.
 - e. Water features.
 - f. Planter boxes or pots.
 - g. Functional, accent lighting.
 - h. Art work near the entry.
 - i. Porches.



3. Front yards shall include an entrance sequence between the sidewalk and the building including elements such as trellises, site furnishings, low hedges, landscaped borders and special paving. Landscaping shall screen

undesirable elements such as views to adjacent commercial or industrial development, utility boxes, outdoor storage areas and dumpsters. (P)

4. Pedestrian scale lighting and/or bollards shall be provided to create a safe and defensible walkway to the entry. (R)
5. Signage identifying building address shall be visible from the street and public pedestrian walkway. (P)
6. Landscape planting should consider the use of native shrubs and groundcovers. (C)
7. Accent lighting should be used to highlight special focal points, building/site entrances, public art and special landscape features. (C)



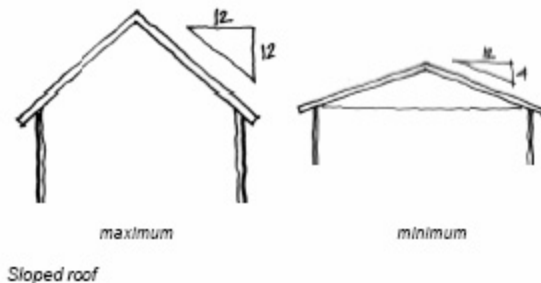
17C.111.450 Pitched Roofs

A. Purpose.

To maintain the residential scale and character of neighborhoods in transition from single-family to multifamily residences.

B. Pitched Roof Forms Implementation.

1. For the first sixty feet adjoining a single-family use, structures shall incorporate pitched roof forms having slopes between 4:12 and 12:12. (R)



2. Gables facing the street are encouraged. (C)

3. Dormers should be used to break up long lengths of roof. (C)



17C.111.455 Base, Middle, Top Standards

- A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top.”



- B. Base/Middle/Top.

1. Buildings should have a distinct “base” at the ground level, using articulation and materials such as stone, masonry or decorative concrete. (P)

2. The “top” of the building should be treated with a distinct outline with elements such as a projecting parapet, cornice or projection. (P)



Different material at ground level to define a “base”



17C.111.460 Windows

- A. Purpose.

To maintain a lively and active street face.

- B. Windows Implementation.

1. Windows shall be provided in facades facing streets, comprising at least fifteen percent of the facade area. (R)



2. Windows shall have visually prominent trim. (C)

3. Other decorative window features are encouraged. For example: (P)

- a. Arched window.
- b. Mullions.
- c. Awnings.
- d. Flower box.
- e. Bracketed overhang.



Windows facing street



Windows with visually prominent trim

Examples of decorative window features:



Bracketed overhangs



Multiple panes, half-round windows, flower box

17C.111.465 Parking Structures

A. Purpose.

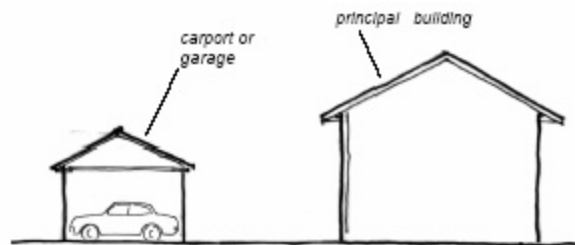
To integrate parking structure with the building and with surrounding character.

B. Parking Structures Implementation.

1. Carports and detached garages shall incorporate roofs of a design similar to the principal structure on the site. (R)
2. Ground level parking structures should be screened from view by one or more of the following: (R)
 - a. Walls containing architectural details, such as banding.
 - b. Trees and shrubs.
 - c. Grillwork incorporating decorative metal artwork or panels.
3. Parking structures, garages and carports shall not be located between primary use and public streets. (P)



Parking structure at ground level with architectural banding and shrubs



Parking structure consistent with the main building

17C.111.500 Institutional Design Standards

A. Purpose.

The base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses that may be allowed in residential zones. The intent is to maintain compatibility with, and limit the negative impacts on, surrounding residential areas.

B. Use Categories to Which These Standards Apply.

The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, building or parking additions, exterior alterations and conversions to institutional uses.

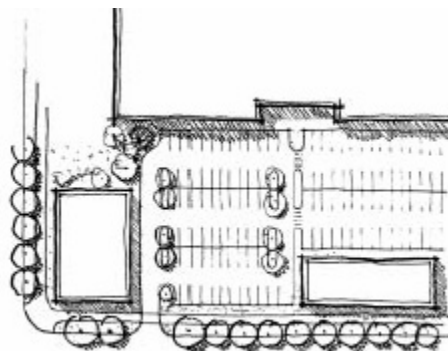
17C.111.510 Design Standards Implementation

The design standards and guidelines found in this article follow the design standards administration section of SMC 17C.111.015. All projects must address the pertinent design standards and guidelines. Design standards are in the form of requirements (R), presumptions (P) and considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek relief through chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

17C.111.515 Buildings Along the Street

A. Purpose.

To ensure that some part of the development of a site contributes to the liveliness of sidewalks.



smaller buildings placed along the sidewalk

B. Design Standards.

1. New development shall not have only parking between buildings and the street. (P)

2. Buildings placed along sidewalks shall have windows and doors facing the street and shall incorporate other architectural features (see “Treatment of Blank Walls”). (P)
3. Gardens, plazas or other open space shall meet the L3 landscape standards of [chapter 17C.200 SMC](#), Landscaping and Screening.

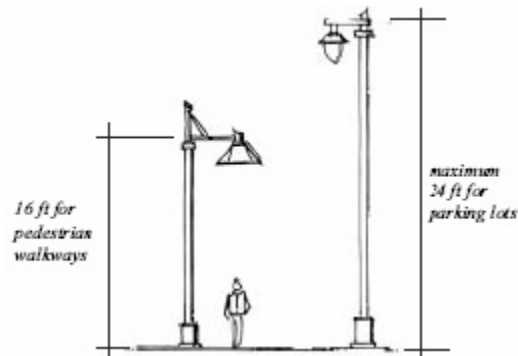
17C.111.520 Lighting

A. Purpose.

To ensure that site lighting contributes to the character of the site and does not disturb adjacent development.

B. Design Standards.

1. Lighting shall be provided within parking lots, along pedestrian walkways and accessible routes of travel. (R)
2. Lighting fixtures shall be limited to heights of twenty-four feet for parking lots and sixteen feet for pedestrian walkways. (P)
3. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, so that the direction of light is downward. (R)



17C.111.525 Landscaped Areas

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of institutional uses in residential zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents and provides separation from streets. It also helps in reducing stormwater runoff by providing a pervious surface.



lot lighting

B. Landscaping Standards.

1. Building Setbacks.

The required building setbacks must be landscaped to at least the L3 standard of [chapter 17C.200 SMC](#), Landscaping and Screening. Parking, access, and maneuvering areas, plazas, detached accessory structures and other allowed development are exempt from this standard. Sites developed with a detached house, attached house or duplex are also exempt from this standard. (R)



variety of plant materials

2. Parking Areas.

Perimeter and internal parking area landscaping standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening. (R)

3. Utility Substations.

The entire perimeter, including the street lot line (except for the access point), must be landscaped to the L2 standards of [chapter 17C.200 SMC](#), Landscaping and Screening. This landscaping must be planted on the outside of any security fence. Utility substations that are in a fully enclosed building are exempt from this requirement. (R)



plant materials to enhance corners and intersections

17C.111.530 Street Trees

See chapter 17C.200 SMC, Landscaping and Screening.

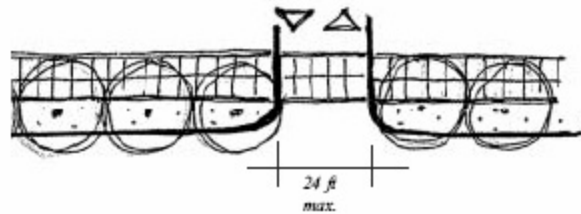
17C.111.535 Curb Cut Limitations

A. Purpose.

To provide safe, convenient vehicular access without diminishing pedestrian safety.

B. Design Standards.

1. A curb cut for a nonresidential use shall not exceed thirty feet for combined entry/exits. Driveway width where the sidewalk crosses the driveway shall not exceed twenty-four feet in width. (R)



2. The sidewalk pattern shall carry across the driveway. (R)

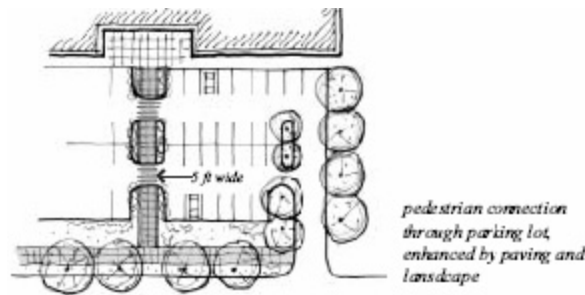


3. Adjacent developments shall share driveways, to the greatest extent possible. (P)
4. Vehicular access shall be designated so that traffic is not directed through an adjoining residential zone. (P)

17C.111.540 Pedestrian Connections in Parking Lots

A. Purpose.

To create a network of safe and attractive linkages for pedestrians.



B. Design Standards.

1. Within parking lots containing more than thirty stalls, clearly defined pedestrian connections shall be provided: (R)
 - a. between a public right-of-way and building entrances;
 - b. between parking lots and building entrances pedestrian connections can be counted toward the amount of required landscaping.
2. Pedestrian connections shall not be less than five feet wide. (R)
3. Pedestrian connections shall be clearly defined by at least two of the following: (R)
 - a. Six-inch vertical curb.
 - b. Textured paving, including across vehicular lanes.
 - c. A continuous landscape area at a minimum of three feet wide on at least one side of the walkway.



6 inch vertical curb defines pedestrian connection



textured paving reinforces pedestrian connection

17C.111.545 Transition Between Institutional and Residential Development

A. Purpose.

To ensure compatibility between the more intensive uses in and lower intensity uses of adjacent residential zones.

B. Design Standards.

Code provisions require lower heights for portions of buildings that are close to single-family residential zones. In addition, any side of the building visible from the ground level of an adjacent single-family residential zone shall be given architectural treatment using two or more of the following: (P)

1. Architectural details such as:
 - a. projecting sills;
 - b. canopies;
 - c. plinths;
 - d. containers for season plantings;
 - e. tilework;
 - f. medallions.
2. Pitched roof form.
3. Windows.

4. Balconies.



17C.111.550 Treatment of Blank Walls

A. Purpose.

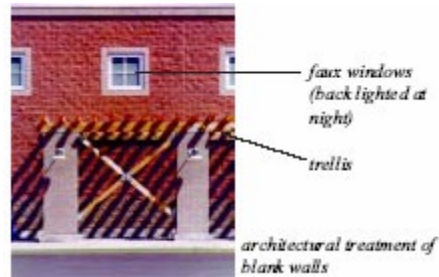
To ensure that buildings do not display blank, unattractive walls to the adjacent street or residential areas.

B. Design Standards.

Walls or portions of walls where windows are not provided shall have architectural treatment wherever they face adjacent streets or adjacent residential areas. At least four of the following elements shall be incorporated into these walls: (P)

1. Masonry (but not flat concrete block).
2. Concrete or masonry plinth at the base of the wall.
3. Belt courses of a different texture and color.
4. Projecting cornice.
5. Projecting metal canopy.
6. Decorative tilework.
7. Trellis containing planting.
8. Medallions.
9. Opaque or translucent glass.
10. Artwork.
11. Vertical articulation.

12. Lighting fixtures.
13. An architectural element not listed above, as approved, that meets the intent.



17C.111.555 Prominent Entrances

A. Purpose.

To ensure that building entrances are easily identifiable and clearly visible from streets and sidewalks.



B. Design Standards.

1. The principal entry to a store/building shall be marked by: (P)
 - a. ornamentation around the door; and
 - b. at least one of the following:
 - i. Recessed entrance (recessed at least three feet).
 - ii. Protruding entrance (protruding at least three feet) .
 - iii. Canopy (extending at least five feet).
 - iv. Portico (extending at least five feet).
 - v. Overhang (extending at least five feet).



entrance with portico and ornamental treatments

17C.111.560 Massing

A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top.”



B. Design Standards.

1. Buildings shall have a distinct “base” at the ground level, using articulation and materials such as stone, masonry or decorative concrete. (P)
2. The “top” of the building shall be treated with a distinct outline with elements such as a projecting parapet, cornice, or projection. (P)

17C.111.565 Roof Form

A. Purpose.

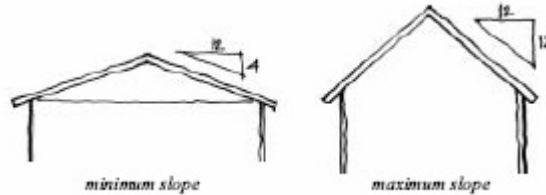
To ensure that rooflines present a distinct profile and appearance for the building and expresses the neighborhood character.

B. Design Standards.

Buildings shall incorporate one of the following roof forms: (P)

1. Pitched roofs with a minimum slope of 4:12 and maximum slope of 12:12, especially to highlight major entrances.

2. Projecting cornices to create a prominent edge when viewed against the sky.
3. Terraced roof forms that complement adjoining development.



17C.111.570 Historic Context Considerations

A. Purpose.

To ensure that infill and rehabilitation, when it is adjacent to existing buildings having historic architectural character, is compatible with the historic context.



B. Design Standards.

1. The new development of public structures shall incorporate historic architectural elements that reinforce the established character of a center or corridor. New semi-public structures should consider this design standard. The following elements constitute potential existing features that could be reflected in new buildings: (P)
 - a. Materials.
 - b. Window proportions.
 - c. Cornice or canopy lines.
 - d. Roof treatment.
 - e. Colors.

2. When rehabilitating existing historic buildings, property owners are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation. (P)
 - a. If original details and ornamentation are intact, they shall be retained and preserved.
 - b. If original details are presently covered, they shall be exposed or repaired.
 - c. If original details are missing, missing parts shall be replaced to match the original in appearance. Remaining pieces or old photos shall be used as a guide.



3. If a proposed building is not adjacent to other buildings having a desirable architectural character, it may be necessary to look at contextual elements found elsewhere within the area. (C)

17C.111.575 Screening

A. Purpose.

The screening standards address specific unsightly features that detract from the appearance of multi-dwelling residential areas.

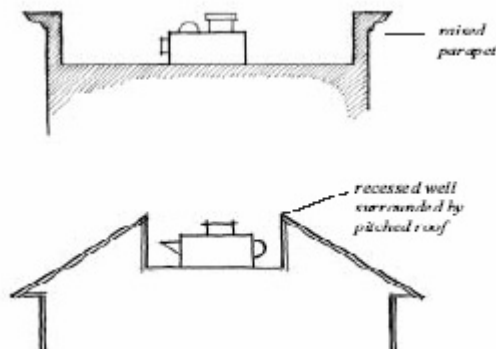


B. Garbage and Recycling Collection Areas.

All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the standards of [chapter 17C.200 SMC](#), Landscaping and Screening. (R)

C. Mechanical Equipment.

Mechanical equipment located on the ground, such as heating or cooling equipment, pumps or generators must be screened from the street and any adjoining residential zones by walls, fences or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining R-zoned lands. (P)



D. Cell Phone Transmission Equipment.

Cell phone equipment should be blended in with the design of the roofs, rather than being merely attached to the roof-deck. (C)

E. Other Screening Requirements.

The screening requirements for parking, exterior storage, and exterior display areas are stated with the standards for those types of development.

17C.111.600 Residential Visitability Standards

A. Purpose.

The purpose of the following section is to encourage the development of housing units for people with disabilities by providing allowances for accessible design and design considerations.

B. Applicability.

The provisions of this section apply to residential development in all zones where permitted. These guidelines encourage residential developments to incorporate visitable designs into at least a portion of the provided units. Any development seeking a reasonable deviation pursuant to 17C.111.600(C) must comply with all standards of 17C.111.600(D) for the unit(s) intended to benefit from the accessibility features requiring the deviation, and clearly note on submitted plans how the project meets each visitable design element. Director may waive full compliance with 17C.111.600(D) in cases of retrofits, commensurate with the significance of changes being made.

C. To encourage the development of housing units for people with disabilities, the Planning Director may allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Such facilities shall be in conformance with the city adopted Building Code.

D. Visitable designs are encouraged for residential development, whether or not such accessible design considerations are required by the city adopted Building Code due to unit count. Elements of a visitable dwelling design include:

1. Visitable entrance. At least one entrance that is accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route does not exceed 1:8 (one foot in height for every 8 feet in length).
2. Visitable bathroom. At least one bathroom with a sink and toilet is designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. The visitable bathroom is on the same floor as the visitable entrance or is accessible from the visitable entrance via a ramp, elevator, or lift.
3. Visitable living area. There is at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area is accessible from the visitable entrance via a ramp, elevator, or lift.

4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom is at least 34 inches wide.
5. Visitable light switches and environmental controls. The first floor contains light switches and environmental controls that are no higher than 48 inches above the interior floor level and outlets.

Section 18. That Section 17C.120.500 SMC is amended to read as follows:

17C.120.500 Design Standards and Implementation

- A. The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. ~~((A#))~~ Except as provided in subsection (B) of this section, all projects must address the pertinent design standards and guidelines. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. An applicant may seek relief through ~~((SMC))~~ chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.
- B. Residential development in Commercial Zones is subject to the residential design standards of SMC 17C.111.300-.465 that are applicable to the proposed housing type.

Section 19. That Section 17C.122.060 SMC is amended to read as follows:

17C.122.060 Design Standards and Guidelines for Centers and Corridors

- A. The document titled “Design Standards and Guidelines for Centers and Corridors” is adopted by reference as a part of the land use code for centers and corridors and incorporated as Attachment “A” to the land use code for centers and corridors. ~~((A#))~~ Except as provided in subsection (C) of this section, all projects must address these standards and guidelines. The applicant assumes the burden of proof to demonstrate how a proposed design addresses these standards and guidelines. For design standards and guidelines in “Attachment A” that are designated Requirement (R), an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.
- B. The design standards and guidelines for all centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone. In addition,

the design standards and guidelines for Type 1 centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone.

- C. Residential development in Centers and Corridor Zones is subject to the residential design standards of SMC 17C.111.300-.465 that are applicable to the proposed housing type.

Section 20. That Section 17C.200.020 SMC is amended to read as follows:

17C.200.020 Plan Submittal Requirements

Landscape plans are ~~((not))~~ required for ~~((a house, an attached houses or a duplex on a lot. For all other types of development on sites, including planned unit developments,))~~ all development of more than seven thousand square feet of lot area ~~((, landscape plans shall:))~~.

- A. ~~((be prepared and stamped by a licensed landscape architect, registered in the state of Washington;))~~ For all development types, landscape plans shall:

1. be submitted at the time of application for a development permit; and
2. include the following elements:
 - a. The footprint of all structures.
 - b. ~~((The final site grading.))~~
 - c. All parking areas and driveways.
 - d. All sidewalks, pedestrian walkways and other pedestrian areas.
 - e. The location, height and materials for all fences and walls.
 - f. The common and scientific names of all plant materials used, along with their size at time of planting.
 - g. The location of all existing and proposed plant materials on the site~~((;))~~ ; and
 - h. A proposed irrigation plan ~~((; and))~~.
 - i. ~~((Location of all overhead utility and communication lines, location of all driveways and street signs.))~~

- B. In addition, for development except residential construction of six or fewer dwelling units on a lot, landscape plane shall:

1. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
2. include the following elements:
 - a. the final site grading;
 - b. location of all overhead utility and community lines; and
 - c. location of all driveways and street signs.

Section 21. That Section 17C.200.040 SMC is amended to read as follows:

17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - b. along all downtown, CC1, CC2, CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - d. in industrial zones, all uses in the commercial categories (see chapter [17C.190 SMC](#), Use Category Descriptions, Article III, Commercial

Categories) are subject to the standards for uses in the general commercial (GC) zone.

- e. along all ~~((RA))~~ R1, ~~((RSF))~~ R2, RTF, RMF, and RHD zones: six feet of L3 open area landscaping and street trees as prescribed in [SMC 17C.200.050](#) are required, except that for ~~((single-family residences and duplexes))~~ single-unit residential and middle housing development, only street trees are required in addition to the landscape design standards of SMC 17C.111.305. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.
2. Within the clear view triangle (defined at [SMC 17A.020.030](#)) at street intersections on corner lots and at driveway entries to public streets, plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches. The City Engineer may further limit the height of plantings, landscaping structures, and other site development features within a particular clear view triangle or may expand the size of the clear view triangle as conditions warrant in a particular case.



B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. In CC zoned properties, the planting strip shall be eight feet in width to enhance the screening between CC and Residential zoned properties. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting and the planting width. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. For example, instead of each property providing a five-foot wide planting strip, adjacent property owners could provide a single, shared five-foot wide planting strip, so long as the required planting type, as indicated in the matrix below, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

**ADJACENT PROPERTY ZONE
(horizontal)**

SUBJECT PROPERTY ZONE (vertical)	RA	RSF	RTF	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, FBC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
RSF	--	--	--	--	--	--	--	--	--	--	--	--	--
RTF	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC, <u>FBC</u>	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [3]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [3]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--

Notes:

[1] In the industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see [SMC 17C.200.080](#)).

E. Parking Lot Landscaping Design.

1. Purpose.

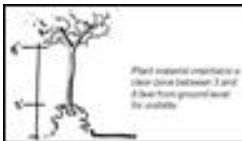
To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.



2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of [SMC 17C.120.015](#), Design Standards Administration.

3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)
4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level. (R)



5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be integrated into the design and complement the architecture or character of other site features. (P)
6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)

F. Parking, Outdoor Sales, and Outdoor Display Areas.

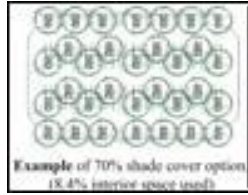
1. In residential, commercial, center and corridor, and FBC zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in [SMC 17C.200.050](#), Street Tree Requirements.
2. In residential, commercial, center and corridor, and FBC zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping. All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.
3. In residential, commercial, center and corridor, and FBC zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:

- a. Option 1.

Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.

- b. Option 2.

Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size, and in addition to the required trees, shall be planted with a living groundcover. See the "Landscape Plants for the Inland Northwest" issued by the Washington State University cooperative extension and the U.S. department of agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.
6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.



7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.
8. In industrial zones, all uses in the commercial categories (see chapter [17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zones.
9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.
 - a. Surface Parking Lot Liner Walls in the Downtown Zones.

Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half

feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking liner walls with plantings contribute to an interesting pedestrian environment. The parking liner wall and screen pictured above is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.

- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).
- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with [SMC 17C.200.050](#) then this landscaping strip may be omitted.
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:
 - i. Monument Features or Artistic Elements along the Street Edge between the Outdoor Display Area and the Sidewalk.

These shall be integrated with display area lighting and pedestrian amenities.

- ii. Additional Streetscape Features in the Sidewalk Environment.

Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of un-compacted soils, and engineered soils to support larger and healthier trees.

Section 22. That Section 17C.200.100 SMC is amended to read as follows:

17C.200.100 Irrigation Requirements

The owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition. For development of ~~((new single family and duplex homes on individual))~~ six or fewer dwelling units on an infill ((lots)) lot and modification of non-conforming development that fall below thresholds found in 17C.210.090, the Planning ~~((and Economic Development Services))~~ Director, in consultation with the Urban Forester, may approve the use of species-specific alternative methods of irrigation. For all other forms of new construction and modification of non-confirming development that meet thresholds found in 17C.210.090 the installation and maintenance of an automatic irrigation system is required.

Section 23. That Section 17C.230.110 SMC is amended to read as follows:

17C.230.120 Minimum Required Parking Spaces

A. Purpose.

Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking it is accessory to. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.

B. Maximum Number of Parking Spaces Allowed.

Standards in a plan district or overlay zone may supersede the standards in this subsection.

1. Surface Parking.

The maximum number of parking spaces allowed is stated in Table 17C.230-1 and Table 17C.230-2, except as specified in subsection (B)(2) of this section.

2. Structure Parking.

Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed

TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, ((RSF)) R1, ((RTF)) R2, RMF, RHD O, OR, NR, NMU, CB, GC, Industrial	All Land Uses	Minimum and maximum standards are shown in Table 17C.230-2 .
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 .

- [1] Standards in a plan district or overlay zone may supersede the standards of this table.
[2] See exceptions in [SMC 17C.230.130](#), CC and Downtown Zone Parking Exceptions.

Section 24. That Section 17C.230.130 SMC is amended to read as follows:

17C.230.130 Parking Exceptions

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The ~~((director))~~ Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the ~~((director))~~ Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the ~~((character))~~ form of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the ~~((director))~~ Planning Director may reduce or waive parking requirements.
- E. ~~((Except in the residential single family and residential two family zones, existing))~~ Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.
- F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.

G. Parking is not required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

TABLE 17C.230-2 PARKING SPACES BY USE [1] (Refer to Table 17C.230-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None
Residential Household Living [2]		1 per unit plus 1 per bedroom after 3 bedrooms [3]; ((1 per)) Accessory Dwelling Unit (ADU) = see Note [4]; Single Resident Occupancy (SRO) are exempt	None
COMMERCIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None

Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area

INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review
INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas
Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High High School	1 per classroom 7 per classroom	2.5 per classroom 10.5 per classroom
OTHER CATEGORIES			

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None
[1] The ((director)) <u>Planning Director</u> may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.			
<u>[2] Parking is not required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.</u>			
<p>[3] For middle housing developed in the R1 and R2 zones, the following standards apply:</p> <ul style="list-style-type: none"> • <u>On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.</u> • <u>On lots 6,000 square feet or larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.</u> 			
[4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).			

Section 25. That Section 17C.300.010 SMC is amended to read as follows:

17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units ~~((while respecting the look and scale of single dwelling development))~~ that complement the principal dwellings on the properties on which they are located. They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and

neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section 26. That Section 17C.300.100 SMC is amended to read as follows:

17C.300.100 General Regulations

A. Where the Regulations Apply.

Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

One accessory dwelling unit is allowed per lot in the RA, ((RSE)) R1, ((RTF)) R2, RMF, and RHD zones subject to the development standards of the underlying zoning district.

C. ADU versus principal dwelling.

Section 17C.300.130(A)(1) establishes the methods by which an ADU may be created. In cases where a proposed dwelling unit meets the definition and criteria of both an ADU and an additional principal dwelling (e.g., the second unit of a duplex or a second single-unit residential building on a lot), applicants may choose whether the proposed dwelling unit is permitted as an ADU or a principal dwelling.

Section 27. That Section 17C.300.110 SMC is amended to read as follows:

17C.300.110 Criteria

A. Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

- a. The internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be not more than eight hundred square feet, excluding any related garage area.
- b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area for an internal ADU specified in subsection (1)(a) of this subsection.

2. Detached ADU.

- a. The maximum detached ADU size is subject to building coverage per SMC 17C.300.130(B)(3) and floor area ratio per subsection (3) of this subsection (A); and
- b. A detached ADU shall not exceed seventy-five percent of the floor area of the principal structure, or nine hundred seventy-five square feet of floor area, whichever is greater.
- c. The maximum detached ADU size is subject to the maximum building footprint standards for ADUs in Table 17C.111.205-2.

~~3. ((FAR.~~

- ~~a. The floor area of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR).~~
- ~~b. To offer greater flexibility in integrating an ADU on smaller lots, the maximum allowable FAR may be increased to 0.6 on lots smaller than seven thousand two hundred square feet in area, with an ADU, and to 0.7 on lots smaller than five thousand square feet in area with an ADU.)~~

B. Occupancy for Short-Term Rentals.

Where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, one of the dwelling units on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;
2. re-occupy the structure; or
3. remove the accessory dwelling unit.

Section 28. That Section 17C.300.130 SMC is amended to read as follows:

17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing ~~((house, attached house, duplex, or manufactured home))~~ residential use.
- d. Constructing a ~~((new house, attached house or manufactured home))~~ residential use with an internal or detached accessory dwelling unit.
- e. In the ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in ~~((both))~~ all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.
- b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

Except for conversion of existing accessory structures, the accessory dwelling unit must be:

- a. as specified for setbacks in [Table 17C.111-3](#) for accessory structures and

~~b. ((in conformance with the forty five degree setback plane:~~

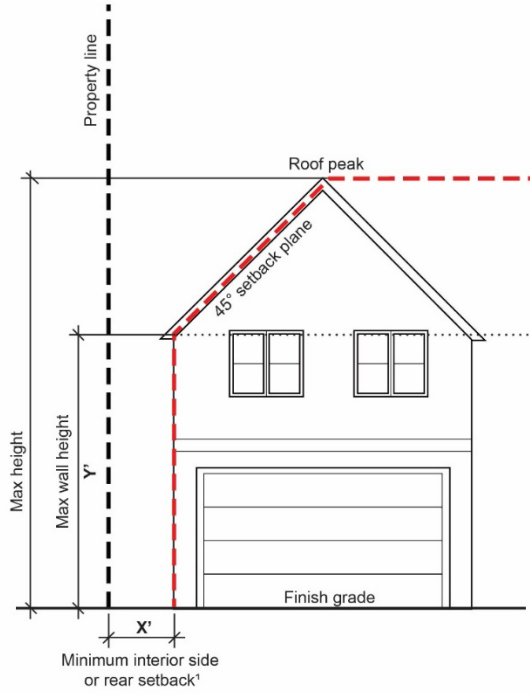
~~i. The forty five degree setback plane is measured at the maximum wall height listed in Table 17C.300-1, from the interior side lot line setback, or rear setback without an alley, as listed in Table 17C.110-3 for accessory structures. The setback plane does not apply on side or rear setbacks measured from alley or street lot lines.~~

~~ii. The setback plane increases at a forty five degree angle away from the interior side and rear lot lines without an alley, up to the maximum roof height in Table 17C.300-1. See Figure 17C.300-A for examples.~~

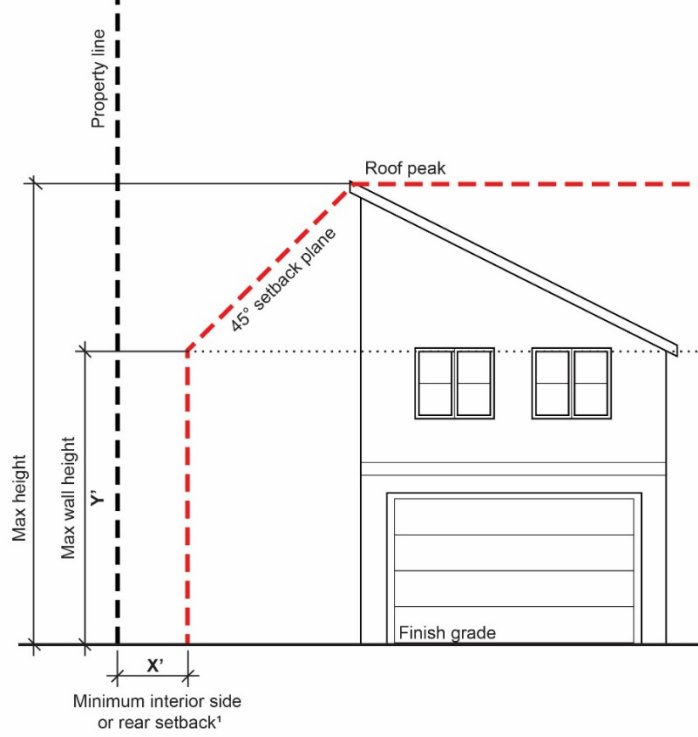
~~iii. No portion of the accessory dwelling unit may project beyond the forty five degree setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1).~~

~~iv. The setback may be reduced to zero feet with a signed waiver from the neighboring property owner. In that case, the forty five degree setback plane would be measured from the maximum wall height and the property line.)~~

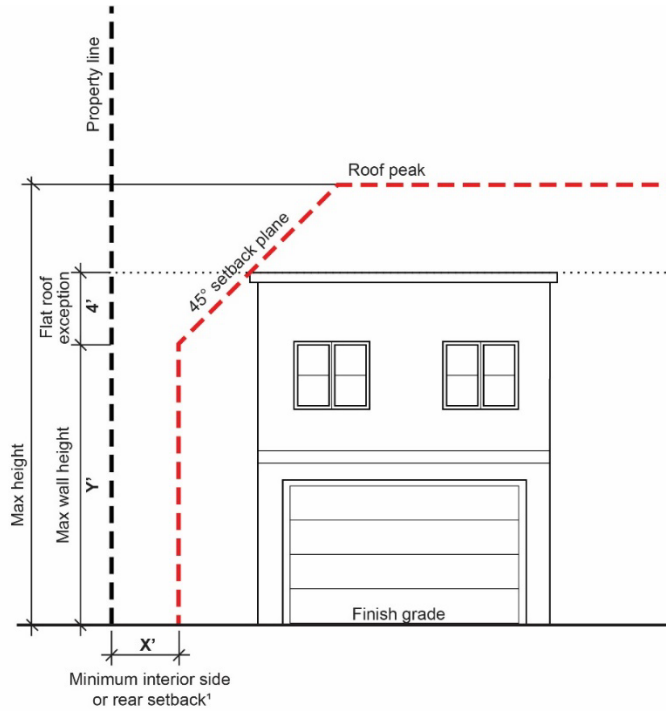
~~((Figure 17C.300-A. Setback Plane [1]))~~



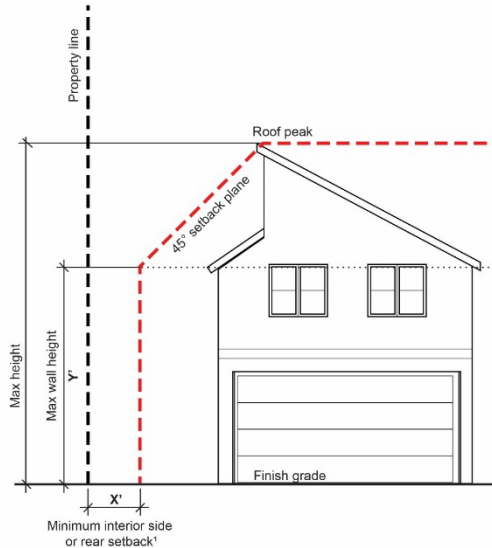
~~[NOTE: Delete graphic above]~~



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2. Height.

The maximum height allowed for a detached accessory dwelling unit is ~~((shown))~~ provided in Table ~~((17C.300-1))~~ 17C.111.205-2. ~~((A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the forty five degree setback plane in subsection (B)(1)(b) of this section may be granted a wall height exception up to four feet.))~~

**((TABLE 17C.300-1
MAXIMUM ROOF AND WALL HEIGHT**

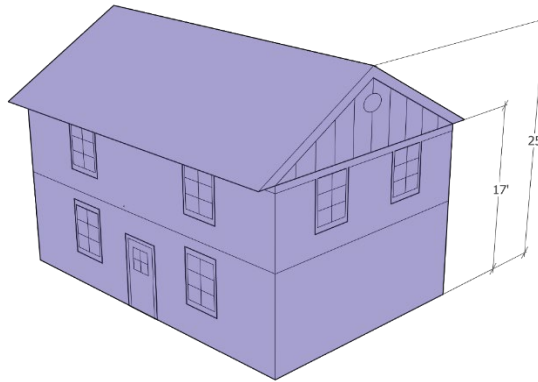
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	17 ft.	17 ft.
Maximum Roof Height [3]	25 ft.	25 ft.

[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six feet eight inches or greater.

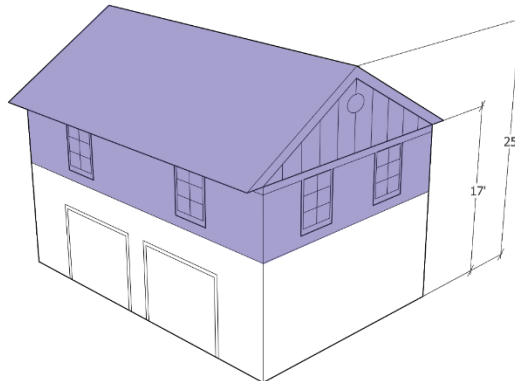
[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.

[3] The height of the ridge of the roof.
See “Figure 17C.300-B” below.)

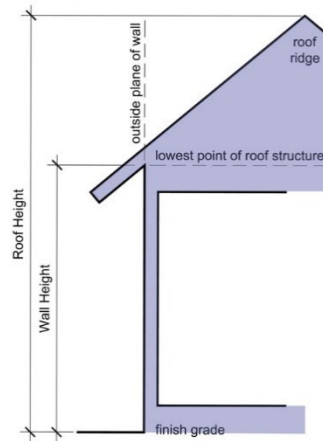
((Figure 17C.300-B))



[NOTE: Delete graphic above]



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3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

- a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.
- b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

- a. ~~((In RA through RTF zones, conversion))~~ Conversion of an existing detached accessory structure that is in a front building setback required by ~~((Table 17C.110-3))~~ Table 17C.111.205-2 is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by SMC ~~((17C.110.220))~~ 17C.111.235, Setbacks, and SMC ~~((17C.110.225))~~ 17C.111.240, Accessory Structures.
- b. ~~((In RMF through RHD zones, conversion of an existing detached accessory structure that is in a front building setback required by~~ Table 17C.110-3 ~~is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is~~

~~allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.))~~

- c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- d. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.

C. Utilities and Addressing.

The ADU must utilize those municipal utilities and address established for the principal dwelling unit.

D. Code Compliance.

The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

Section 29. That Chapter 17C.400 SMC is repealed.

Section 30. That there is adopted a new Section 17D.060.135 to Chapter 17D.060 SMC to read as follows:

17D.060.135 Areas of Drainage Concern

A. Purpose.

Areas of Drainage Concern are identified due to special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events. These impacts may include flooding, direct drainage to waterways, or capacity limitations in the combined sewer overflow system.

B. Identification, Designation, and Mapping of Areas of Drainage Concern.

Data sources are available from the City of Spokane that are used in identifying Areas of Drainage Concern. Public mapping related to Areas of Drainage Concern is not guaranteed to pinpoint a drainage issue that may require submittal of an engineer's drainage plan. Use of maps of Areas of Drainage Concern shall be for informational purposes only. In the event of a conflict between the map and the criteria set forth in this section, the criteria shall prevail.

C. Characteristics.

Areas of Drainage Concern generally have at least one of the following characteristics:

1. Poorly draining soils;
2. Historic overflows of the wastewater system during rainfall events;
3. Direct drainage to waterways;
4. Topography

D. The City Engineer shall determine whether a lot is considered an Area of Drainage Concern and whether an engineer's drainage plan is required.

Section 31. That Section 17G.020 SMC is amended to read as follows:

17G.020.060 Comprehensive Plan Amendment Procedure

A. Threshold Review

1. Pre-application Conference.

A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

2. Map Amendments.

In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

3. Threshold Review Application Deadline.

Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's

Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.

4. Determination of Completeness.

Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Final Review.

1. Final Review Application. An application shall not move ahead for final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning (~~and Economic Development Services~~) Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the (~~planning and economic development services director~~) Planning Director or his/her designee decides an

amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

4. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

5. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence during this time.

6. SEPA Determination.

Following the end of the public comment period, staff will complete the SEPA threshold determination pursuant to ((SMC)) chapter 17E.050 SMC and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a ((planning and economic development services director's)) Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

8. Staff Report.

Prior to the Plan Commission hearing, staff prepares its final report, which address SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are provided to the applicant as well as plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620.

9. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

10. Plan Commission Recommendation.

The plan commission bases its recommendation on the guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

- a. Approval based on support for the proposal and recognition that it is consistent with the comprehensive plan applicable guiding principles, and amendment review criteria.
 - i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.
- b. Denial for the following reason(s):
 - i. The proposal is not consistent with applicable guiding principles and/or amendment review criteria.
 - ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).

- iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

11. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified.

12. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 32. That Section 17G.025.010 SMC is amended to read as follows:

17G.025.010 Text Amendments to the Unified Development Code

A. Purpose.

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

B. Definitions.

1. Construction Standards.

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. Chapter 17F.040 SMC (International Building Code, International Residential Code, International Energy Conservation Code);
- b. Chapter 17F.050 SMC (National Electrical Code);
- c. Chapter 17F.080 SMC (International Fire Code)
- d. Chapter 17F.090 SMC (International Mechanical Code)
- e. Chapter 17F.100 SMC (Uniform Plumbing Code)

C. Applicability.

The requirements of this section apply to all proposed modifications to Title 17 SMC.

D. Amendments to Construction Standards.

1. Adoption Process.

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to Title 17 SMC, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

2. Application of State Code.

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

- a. RCW 43.21C, if any;
- b. RCW 19.27.040; and
- c. RCW 19.27.060.

3. State Building Code Council.

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

E. Initiation.

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood council, or other party; or
3. A ((city)) City department, the ((plan-commission)) Plan Commission, or the ((city council)) City Council.

F. ~~((Applications. Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.))~~

G. ~~((Application Submittal for Amendment))~~ Proposals Initiated by Persons or Entities other than ~~((the))~~ a City department, the Plan Commission, or the City Council.

1. Applications.

Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specific in chapter 8.02 SMC.

2. Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in ~~((chapter))~~ SMC 17G.020.025 ((SMG)), using the following criteria:

- a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan

Amendment Work Program, unless additional supporting information has been generated; or

- f. State law required, or a decision of a court or administrative agency has directed such a change.
3. If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

E. Notice of Public Hearing.

Amendments to Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - b. A statement of how the proposal would change the affected provision;
 - c. The date, time, and place of the public hearing;
 - d. A statement of the availability of the official file; and
 - e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
 - f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.
- ##### 2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following

the public notice requirements outlined in SMC ((17G.060.120)) 17G.061.210
Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in ((~~subsection (E)~~)) (1) or (2) of this ((~~section~~)) subsection, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

H. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. The city council may:

1. Approve the application;

2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington ~~((department of commerce (“commerce”)))~~ Department of Commerce (“Commerce”) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~((commerce))~~ Commerce.

J. ~~((Inapplicability to certain chapters.~~

~~This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the “construction standards”). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council’s regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).))~~

Section 33. That Section 17G.030.010 SMC is amended to read as follows:

17G.030.010 Purpose

The purpose of this chapter is to coordinate the design review and the land use permit review process for projects seeking a design departure. Whenever a design departure is sought from the design standards of the land use code, the following review procedures are to be followed. Design departures are sought in order to modify or waive a design Requirement (R) or waive a design Presumption (P) contained within the design standards.

Section 34. That Section 17G.030.030 SMC is amended to read as follows:

17G.030.030 Review Process

Procedures for the review of design departures vary with the type of proposal being reviewed.

A. Type III Procedure.

The following proposals are processed through a Type III procedure:

1. A permit for a development seeking a design departure, which also requires a discretionary decision of the hearing examiner after a public hearing such as a conditional use permit, zone change, or a variance shall follow the Type III application process.
2. Role of Design Review Board.

The design review board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the discretionary decision permit application.

4. Hearings and Decision.

The hearing examiner considers the recommendation of the design review board regarding the design departure during the public hearing on the permit application. A decision is made on the design departure as a part of the decision on the Type III application. The decision criteria for design departures are provided in SMC 17G.030.040, Decision Criteria.

5. Appeals.

Follows appeal process of the underlying permit application.

B. Type II Procedure.

The following proposals are processed through a Type II procedure:

1. A permit for a development seeking a design departure, which does not require a discretionary decision of the hearing examiner, shall follow the Type II application process.
2. Role of Design Review Board.

The design review board reviews the application and makes a recommendation to the ~~((planning and economic development services director))~~ Planning Director. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Role of Staff.

In instances of minimal complexity and cumulative impact, the urban design or planning staff can review and make recommendations on requests for design departures on behalf of the ~~((design review board))~~ Design Review Board. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review board.

4. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the Type II permit application.

5. Hearings and Decisions.

No hearing is required. A decision is made on the design departure as a part of the decision on the Type II application. The decision criteria for a design departure are provided in SMC 17G.030.040.

6. Appeals.

Follows appeal process of the permit application. The decision on a Type II application may be appealed to the hearing examiner.

Section 35. That Section 17G.030.040 SMC is amended to read as follows:

17G.030.040 Decision Criteria

The decision criteria for a design departure are provided below.

- A. Has the applicant's design team thoroughly examined how the Requirement (R) and/or Presumption (P) could be applied as written?
- B. Does the proposal meet the intent and the general direction set forth by the Requirement (R) and/or Presumption (P) as written?
- C. ~~((Is))~~ For a Requirement (R), is the specific change superior in design quality to that potentially achieved by the Requirement ~~((R) and/or Presumption (P))~~ as written?

- D. For a Presumption (P) is the specific change equal to or superior in design quality to that potentially achieved by the Presumption as written?
- E. Is the departure necessary to better address aspects of the site or its surroundings?
- F. Is the proposed departure part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
- G. Has the applicant responded to the optional Considerations (C), if any, found within the design guideline? Including Considerations may assist in gaining acceptance for the plan.

Section 36. That Chapter 17G.060 SMC is repealed.

Section 37. That Chapter 17G.060T SMC is repealed.

Section 38. That there is adopted Chapter 17G.061 SMC to read as follows:

17G.061 Land Use Application Procedures

17G.061.000 Purpose and Administration

A. Purpose.

The purpose of this chapter is to establish standard procedures for the review and processing of land use applications through the establishment of complete application standards, review procedures, notice requirements, hearing processes, decision criteria and appeal procedures for all applications.

B. Administration.

1. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below.
 - a. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
 - b. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
 - c. The Planning Director or his designee is responsible for Title 17B SMC and Title 17C SMC and chapter 17D.010 SMC, chapter

17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.061 SMC, chapter 17G.070 SMC, and chapter 17G.080 SMC.

2. The procedures for requesting interpretations of the land use codes and development codes shall be made by the department and may be contained under the specific codes.

C. Exclusions per RCW 36.70B.140.

1. The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures:
 - a. Landmark designations;
 - d. street vacations;
 - e. approvals related to the use of public areas or facilities;
 - f. project permits that, by ordinance or resolution, have been determined to present special circumstances warranting a review process different from that provided in this chapter.
 - g. Lot line or boundary adjustments;
 - f. final short subdivisions;
 - g. final binding site plans;
 - h. final plats; and
 - i. building or other construction permits, or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application.
2. Applications for interior alterations are excluded, provided they do not result in the following:
 - c. Additional sleeping quarters or bedrooms;
 - d. Nonconformity with federal emergency management agency substantial improvement thresholds; or

- e. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

D. Conflicting Ordinances.

If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected.

E. Severability.

To the extent there is a conflict between this chapter and other ordinances or resolutions for the City of Spokane regulating project permits, this chapter shall govern.

17G.061.010 Summary of Land Use Application Procedures

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17G.061.010-1 SUMMARY OF APPLICATION TYPES AND REQUIREMENTS								
	Applicati on Type	Notice of Community Meeting	Notice of Applicati on	Notice of Hearing	Notice Conte nt	Review Official	City Council Review	Expi ratio n of Per mit
BUILDING AND CODE ENFORCEMENT								
Building Permit without SEPA	Type I	-	-	-	-	Building Official	-	180 day s
Building Permit with SEPA (Commerci al/Industria l/Other)	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 day s
Demolition Permit without SEPA	Type I	-	- [2]	- [1]	-	Building Official	-	180 day s

Demolition Permit with SEPA [2]	Type I	-	Sign Posted Legal Newspaper	- [1]	-	Building Official	-	180 days
Fence Permit	Excluded	-	-	-	-	Building Official	-	180 days
Grading Permit without SEPA	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Grading Permit with SEPA	Type I	-	-	-	-	Building Official	-	180 days
Manufactured Home Permit	Excluded	-	-	-	-	Building Official	-	180 days
Sign Permit	Excluded	-	-	-	-	Building Official	-	180 days
Residential Building Permit	Excluded	-	-	-	-	Building Official	-	180 days
Remodel Permit	Excluded	-	-	-	-	Building Official	-	180 days
ENGINEERING SERVICES								
Address Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Approach Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Design Deviation – Street Design	Excluded	-	-	-	-	Engineering Director	-	180 days
Encroachment Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
LID Formation	Excluded	-	-	-	-	Engineering Director	-	180 days

Obstruction Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Road Closure	Excluded	-	-	-	-	Engineering Director	-	180 days
Sidewalk Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Stormwater Design Acceptance	Excluded	-	-	-	-	Engineering Director	-	180 days
Street Vacation	Excluded	-	-	-	-	Engineering Director	-	180 days
PLANNING AND ECONOMIC DEVELOPMENT SERVICES								
Accessory Dwelling Unit (ADU)	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Exemptions	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Interpretations/Determinations	Excluded	-	-	-	-	Planning Director	-	180 days
Binding Site Plan (BSP) – Preliminary	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Binding Site Plan (BSP) – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Boundary Line	Excluded	-	-	-	-	Planning Director	-	N/A

Adjustment (BLA)								
Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	N/A
Certificate of Compliance (CC) – Planning Director	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	3 years
Floodplain Development with SEPA	Type I	Individual Sign Posted	Individual Sign Posted	-	Proposed use	Planning Director	-	180 days
Floodplain Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Home Occupation	Excluded	-	-	-	-	Planning Director	-	N/A
Long Plat – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted Newspaper	Project name Proposed use Acreage	Hearing Examiner	-	5 years

					# of lots			
Long Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Planned Unit Development (PUD) – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years [5]
Planned Unit Development (PUD) – Final	Excluded	-	-	-	-	Planning Director	Yes	N/A
Shoreline Exemption/ Determination/ Interpretation	Excluded	-	-	-	-	Planning Director	-	Must comply with WA C 173-27-90
Shoreline Substantial Development Permit (SDP)	Type II	Individual Sign Posted	-	-	Project name Proposed use	Planning Director	-	Must comply with WA C 173-27-90
Shoreline Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Propo	Hearing Examiner	-	Must comply with

					sed use			WA C 173-27-90
Shoreline Conditional Use Permit (CUP)	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WA C 173-27-90
Short Plat – Preliminary with Standard Review and SEPA	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Standard Review and No SEPA	Type II	-	Individual Sign [4] Posted [4]	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Minor Review	Type II	-	-	-	-	Planning Director	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Skywalk	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	-	Hearing Examiner	Yes	Up to 25 year

								agreement
Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed standard	Hearing Examiner	-	3 years
Rezone	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed zone	Hearing Examiner	-	3 years

Footnotes

- [1] Public Hearing is required if the structure is on the National Historic Register.
- [2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten-day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.
- [3] Conditional Use Permits required under SMC 17C.111.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.
- [4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)
- [5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

17G.061.100 Application Types

A. Purpose.

Applications are consolidated into application types to simplify the permitting process for applicants and ensure appropriate opportunity for public comment on proposals.

B. Excluded Application.

Excluded applications are not subject to the requirements of this chapter. Exclusions are listed in SMC 17G.061.000(C).

C. Type I Application.

1. A Type I application is subject to administrative approval.
2. A Type I application must be categorically exempt from environmental review under RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type I applications do not require a public hearing.

D. Type II Application.

1. A Type II application is subject to administrative approval by a department director.
2. A Type II application may or may not be categorically exempt from RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type II applications do not require a public hearing.

E. Type III Application.

1. A Type III application is subject to a quasi-judicial decision of the Hearing Examiner.
2. A Type III application may or may not be categorically exempt from RCW 43.21C (SEPA) and chapter 17E.050 SMC.
3. Type III applications require a public hearing before the Hearing Examiner.

17G.061.110 Application Requirements

A. Predevelopment Meeting.

1. Purpose.

Predevelopment meetings are not intended to be an exhaustive review of all regulations or potential issues for a given application. Predevelopment meetings have two purposes:

- a. acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations, design guidelines and design review processes, and policies impacting the proposal; and
 - b. acquaint the applicant with the applicable provisions of these procedures, minimum submission requirements and other plans or regulations which may impact the proposal.
2. The City may, when applicable, apply additional relevant laws to the application subsequent to a predevelopment meeting.
 3. Predevelopment meetings are required for any development proposal in the central business district. The Planning Director or Building Official, as appropriate, may waive this requirement.
 4. Predevelopment meetings are recommended for Type II and III applications, and Type I project permit applications in the centers and corridors (CC) zones.

B. Community Meeting.

All Type III applications and Type II applications where indicated in Table 17G.061.010-1 are required to hold a community meeting regarding the proposed application. The applicant or their representative shall conduct the community meeting.

1. Timing.

The meeting shall occur no more than one hundred twenty days prior to application and before the application is accepted by the City.

2. Notice.

Notice for the community meeting shall be posted fourteen days prior to the meeting. Public notice of a community meeting shall be provided as required in SMC 17G.061.210.

3. Combining with Traffic Study.

When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting.

4. Meeting Summary.

The applicant shall provide a summary of the meeting at the time of submission of the application. Other attendees of the community meeting may also submit a summary of the meeting issues to the decision-maker. The meeting summary shall consist of the following:

- a. A digital recording of the meeting proceedings; and
- b. List of attendees; and
- c. A copy of the notice of community meeting; and
- d. Affidavits of posting/mailing the notice.

C. General Requirements.

Applications shall include the following:

- 1. Predevelopment meeting summary, if required under subsection (A).
- 2. Filing fees as required under chapter 8.02 SMC.
- 3. Application documents supplied by the City, including but not limited to:
 - a. General application form;
 - b. Supplemental application form;
 - c. Environmental checklist, if required under chapter 17E.050 SMC;
- 4. A site plan drawn to scale showing:
 - a. Property dimensions;
 - b. location and dimensions of all existing and proposed physical improvements;
 - c. location and type of landscaping;
 - d. walkways and pedestrian areas;
 - e. off-street parking areas and access drives;
 - f. refuse facilities; and

- g. significant natural features, such as slopes, trees, rock outcrops, and critical areas.
- 5. Required copies of documents, plans, or maps (as set forth in the application checklist).
- 6. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested.
- 7. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application.
- 8. Additional application information as requested by the permitting department, which may include, but is not limited to, the following:
 - a. geotechnical studies;
 - b. hydrologic studies;
 - c. critical area studies;
 - d. noise studies;
 - e. air quality studies;
 - f. visual analysis; and
 - g. transportation impact studies.

D. Additional Requirements.

The following Type II and III applications shall meet these requirements in addition to the provisions of subsection (B) of this section:

- 1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant.
The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. Name, address, and phone number of the applicant's representative if other than the applicant.

- c. Name, address, and phone number of the property owner, if other than the applicant.
- d. Location of the property.
This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
- e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
- f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
- g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
- h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
- i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. the boundary of the parcels(s) of land upon which the development is proposed;
 - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
 - iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing

character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;

- iv. a delineation of all wetland areas that will be altered or used as a part of the development;
- v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
- vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
- vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
- ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
- x. quantity, composition and destination of any excavated or dredged material;
- xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
- xii. where applicable, a depiction of the impacts to views from existing residential uses;
- xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.

- a. Site plan is to be prepared by a licensed surveyor; and
 - b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.
3. Plans-in-lieu of Compliance.
 - a. Alternative development plan designed in conformance with the applicable development regulations; and
 - b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.
4. Preliminary Plat, Short Plat, and Binding Site Plan.
As provided in chapter 17G.080 SMC.
5. PUD.
 - a. Profiles of any structures more than one story, shown in relation to finished grade.
 - b. Location, dimension, and boundary of proposed open space.
 - c. Site plan demonstrating compliance with Title 17C SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.
6. Skywalk.
 - a. A legal description of airspace to be occupied.
 - b. Architectural and engineering plans.
 - c. Artist's rendering of the proposed skywalk; and
 - d. Written narrative of the access for the public from the street, other buildings, and other skywalks.
 - e. Acceptance of the final design review recommendations.
 - f. Location and design of all wayfinding signage to be placed to ensure public access.
7. Floodplain – Floodplain Development Permit and Variance.
As provided in chapter 17E.030 SMC.

17G.061.120 Determination of a Complete Application

A. Determination of Completeness.

Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070).

B. Procedures for Determination of Completeness.

The following steps outline the process for the department to determine that an application is complete.

1. Counter Complete.

The department shall conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.061.110. If the department determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.

2. Component Screening.

If the application appears to contain required documents, the department shall accept the application and within seven days, conduct a detailed review and determine if any additional information is necessary to process the application. If the department determines the application is missing required components, or is inadequate in other ways, the application including any fees shall be returned to the applicant.

3. Review by Interested Agencies.

If the application, after the detailed review, is found to contain the required components and supporting documents, the application and supporting documents shall be forwarded to (i) interested City departments, (ii) agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application, and (iii) the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located and to any neighborhood council whose geographic boundaries are located within a 600-foot radius of the project, at the address for such departments, agencies, and neighborhood council designee(s) on file with the department, for review to ensure compliance with state laws, ordinances and concurrency requirements. Interested departments, agencies, and the neighborhood council shall be given fourteen days to provide comments on a permit application. All written comments will be forwarded to the applicant

at the end of the fourteen day comment period. Comments submitted after the fourteen day comment period will be forwarded to the applicant, subject to RCW 36.70B.070.

- a. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.
- b. Required information must be provided within sixty days from the notification by the department. The applicant may submit a written request for additional time to the director; any time extensions shall be in writing. If the information is not received within the sixty days (or as otherwise agreed to), the application and a portion of the fees shall be returned to the applicant, pursuant to chapter 8.02 SMC.
- c. Within fourteen days of the submission of the additional information identified by the review agency, the department shall notify the applicant whether the studies are adequate or what additional information is necessary.
- d. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson, with copy to the applicant, no later than the date on which the application is certified complete pursuant to paragraph D herein below.

4. Application Certified Complete.

Within seven days of the expiration of the interested agency comment period, if no additional information was required, or the information required under subsection (3) is acceptable, the department shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.

5. Notice of Application.

Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except that notice of application is not required for short subdivision applications involving minor engineering review as defined in SMC 17G.080.040(C)(2). The notice of application shall follow the public notice requirements contained in SMC 17G.061.210. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).

6. Vesting.

Applications shall be considered vested at the time the application is certified complete, the vesting date shall be the date of application submission. If the application is not complete when filed or information is not timely provided as set forth in subsection (2) or (3), the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

17G.061.130 Application Time Limits

- A. A decision on permit applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in SMC 17G.061.130.
- B. The following shall be excluded when calculating this time period:
 - 1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.
 - 2. Any period during which an environmental impact statement is being prepared.
 - 3. Any period for administrative appeals of land use permits.
 - 4. Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).
 - 5. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, or a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

17G.061.140 Expiration of Application

- A. Any application which has been determined to be counter complete, and for which the applicant fails to complete the next application step for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after the City of Spokane has requested additional information or studies, will expire by limitation and become null and void. The department may grant a one-hundred-eighty-day extension on a one-time basis per application. In no event shall an application be pending for more than three hundred sixty days from the date the application is deemed counter complete; provided, once an applicant provides notice of application pursuant to SMC 17G.061.120, the application shall no longer be considered pending for purposes of this time limitation. For purposes of this section, all time during which the City is reviewing materials submitted by an applicant will be excluded. This subsection shall apply to applications regardless whether the applications were submitted prior to the effective date of this section, as amended.
- B. Applications which have been certified complete by the effective date of the ordinance codified in this title shall have one hundred twenty days to complete the project review, receive a decision, and complete any appeal provisions of this chapter. The department will notify any applicants in writing that are subject to this provision within thirty days of the effective date of the ordinance codified in this title.

17G.061.150 Modification of Applications and Permits

- A. Modification of Complete Application.
1. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 - a. Modifications proposed by the department to an application shall not be considered a new application.
 - b. If the applicant proposes substantial modifications to an application, as determined by the department, the application may be considered a new application. The new application shall conform to the requirements of all statutes and ordinances in effect at the time the new application is submitted. A substantial modification may include but is not limited to the following:
 - i. change in use;
 - ii. increase in density;
 - iii. increase in site area; or
 - iv. changes that increase or significantly modify the traffic pattern for the proposed development.
- B. Limitations on Refiling of Application.
1. Applications for a land use permit pursuant to Title 17 SMC on a specific site shall not be accepted if a similar permit has been denied on the site within the twelve months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed or the date of the original decision if no appeal was filed.
 2. The twelve-month time period may be waived or modified if the director finds that special circumstances warrant earlier reapplication. The director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:
 - a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision.
 - b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
 - c. An application for a variance, exception, or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision. In every instance, the burden of proving that an application is not similar shall be upon the applicant.
- C. Modifications or Revisions to Shoreline Permits.
1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and

- conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
2. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 3. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
 4. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
 5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
 7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
 8. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
 9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under

subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

D. Modification to a Building Permit Subject to a Type II or III Approval.

In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the Planning Director, permit minor adjustments of the location and/or dimensions of buildings, parking areas, and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any perimeter setbacks, or exceed the density authorized in the permit. No modification of an approved application may be considered approved unless specifically provided in writing.

1. The Planning Director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.
 - b. The total site coverage or total area covered by buildings will not increase.
 - c. The use will continue to comply with all conditions of approval imposed by the original decision.
 - d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
2. Any modification of an approved site plan not consistent with the standards of subsection (B)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.

E. Modification of Shoreline Permit.

1. Rescission and Remanding of Shoreline Permit.
 - a. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
 - b. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.
2. Other Modification of Shoreline Permit.
 - a. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.

- b. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
- c. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
- d. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
- e. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- f. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit," the director shall require that the applicant apply for a new permit.
- g. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
- h. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
- i. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.

- j. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

17G.061.210 Public Notice

- A. Purpose.
Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.
- B. General.
 - 1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
 - 2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.
- C. Types of Notice.
 - 1. Individual Notice.
Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:
 - a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
 - b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
 - c. Any agency with jurisdiction identified by the director.
 - d. The individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council

designee(s) that is on file with the City's department of neighborhood services.

2. Sign Notice.

Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

a. The notice sign must meet the following specifications:

- i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
- ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
- iii. It is white with red lettering.

3. Posted Notice.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

- a. The main City public library and the branch library within or nearest to the area subject to the pending action;
- b. The space in City Hall officially designated for posting notices; and
- c. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

4. Newspaper Notice.

Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.

5. Other Notice.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

D. Contents of Notice.

1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

a. All application types:

- i. Location of the property sufficient to clearly locate the site.
- ii. Description of the proposed action and required permits.
- iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.

- iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
 - vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and
 - x. Date of the application and date of the notice of complete application.
- b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.
 - c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.
2. Sign Notice.
- Sign notices must contain the following information:
- a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
 - b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
 - c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."
 - d. The subsequent line(s) of text, in three-inch letters, contain additional details as indicated for the project type in Table 17G.061.010-1.
 - e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
 - f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."
 - g. The following figures illustrate posted notice signs:

Example "A"

NOTICE OF PUBLIC HEARING
 PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC
 PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M.
 LOCATED: COUNCIL BRIEFING RM., CITY HALL
 Proposed Zone: C1
 Proposed Use: Warehouse

Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

Example "B"

NOTICE OF SEPA/APPLICATION
BUILDING PERMIT, FILE #B0300001
PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M.
LOCATED: COUNCIL BRIEFING RM., CITY HALL
Proposed Use: Commercial
Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

- E. Removal of Public Notice.
1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
 2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

17G.061.220 Public Comment Period

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications with minor engineering review as provided in SMC 17G.080.040(C)(2) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. In case of conflicting time periods, the longest public comment period shall prevail.

17G.061.230 Public Hearing

- A. Notice of Public Hearing.
 1. A notice of public hearing is required for Type III applications. At the close of the public comment period initiated by the notice of application, the director consults with the hearing examiner regarding a date and time for the public hearing. No less than fifteen days prior to the public hearing, the director causes the notice of public hearing to be provided, unless notice of public hearing has been provided with the notice of application pursuant to SMC 17G.061.120(B)(5). The notice shall contain the information required under SMC 17G.061.210 and Table 17G.061.010-1.

2. The director makes a written report regarding the application to the hearing examiner. The report of the director is filed with the hearing examiner ten days prior to the scheduled public hearing and copies are mailed to the applicant and applicant's representative. Copies of the report are made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, the hearing examiner may reschedule or continue the hearing, or make a decision without regard to any report.
3. The written report of the director contains a description of the proposal, a summary of the comprehensive plan policies and provisions, a summary of the applicable provisions of the land use codes, the environmental threshold determination, findings and conclusions relating to the proposal to the prescribed decision criteria and a recommendation.

17G.061.240 SEPA Threshold Determination

All permit applications are subject to environmental review pursuant to SMC 17E.050.070 and 17E.050.230. An environmental checklist, along with any supplemental documents needed to fully disclose potential environmental impacts and measures to mitigate those impacts, is submitted as part of the application, if applicable. Review of those environmental documents is conducted concurrent with the other application material.

A. DNS Process for Type I, II and III Permit Applications.

1. The administrative official makes a SEPA threshold decision within ten days of the end of the public comment period initiated by the notice of application.
2. For Type I and II permit applications, the administrative official may issue the permit decision and the SEPA threshold determination simultaneously. However, the department shall not issue a decision on the permit application for fourteen days after the issuance of a determination of nonsignificance (DNS) if the proposal involves:
 - a. another agency with jurisdiction;
 - b. demolition of any structure or facility not exempted by SMC 17E.050.070;
 - c. issuance of clearing or grading permits not exempted by SMC 17E.050.070; or
 - d. a mitigated DNS or determination of significance (DS).
3. The public notice of the DNS shall be integrated with the notice requirements of the underlying project permit application, as prescribed in SMC 17G.061.210.
4. The issuance of a DNS shall follow the process under WAC 197-11-340 and for a mitigated DNS under WAC 197-11-350.

- B. Optional DNS process for Type I, II or III permit applications may be used with the following requirements if the administrative official has a reasonable basis for determining that significant adverse impacts are unlikely as a result of the project:
1. A single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal may be used. The time limits of this subsection (B) do not apply when the optional DNS process is utilized for SEPA.
 2. Provide notice of application as prescribed in SMC 17G.061.210 as set forth for the underlying project permit application. The notice shall include the following:
 - a. The notice of application shall state that the responsible official expects to issue a DNS for the proposal, and that:
 - i. the optional DNS process is being used;
 - ii. this may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - iv. a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
 3. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
 4. Send the notice of application and environmental checklist to:
 - a. agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - b. anyone requesting a copy of the environmental checklist for the specific proposal.

17G.061.310 Decision Criteria

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.

- C. The following decision criteria shall be used for Type II and III permit applications, with the exception of plats, short plats, and binding site plans, which have separate decision criteria provided in 17G.080.025:
1. The proposal is allowed under the provisions of the land use codes.
 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 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.
 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 effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection I of this section:
1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals, and policies of the shoreline master program; and
 - b. Consistency with RCW 90.58 (Shoreline Management Act) and WAC 173-27 (Permits for Development on Shorelines of the State).
 2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

 - a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

- iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
 - b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
 - d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.
3. Shoreline Variance Permit.
- The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
 - b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features

and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.

- iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - iv. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
 - c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
 - d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
 - e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.
- All of the following criteria are met:
- a. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).
 - b. Architectural and Site Design.
The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.
 - c. Transportation System Capacity.

There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

- d. Availability of Public Services.
There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
- e. Protection of Designated Resources.
City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.
- f. Compatibility with Adjacent Uses.
The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.
- g. Mitigation of Off-site Impacts.
All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

E. The following Type II and III applications are not subject to subsections I and (D) of this section; they shall comply with the following decision criteria:

- 1. Variance.
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
 - b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:

- i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
- 2. Certificate of Compliance.
 - a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
- 3. Skywalk Permit and Air Rights Use Permit.
 - a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed air rights use conforms to the standards contained in chapter 12.02 SMC Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

17G.061.320 Notice of Decision

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for

additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.

- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
1. Written notice of decision is provided by the decision-maker concurrent to the decision.
 2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
 3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
 4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.
 - f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.
 - i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.
 - k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For

rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.

- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the “date of filing” by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The Planning Director shall provide notification within seven days of the department of ecology’s final decision to those interested persons having requested notification.

17G.061.330 Decision – When Final

A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to SMC 17G.061.340.

17G.061.340 Appeals

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes.
- B. Appeal of a director’s decision on a project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner’s rules of procedure.
- C. Appeal of a hearing examiner’s decisions is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the “date of filing” or the date of actual receipt by the Department of Ecology; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the “date of filing” or the date the decision of the Department of Ecology is transmitted to the City of

- Spokane. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, appeals or requests for reconsideration from decisions shall be filed within fourteen calendar days of the date of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is issued.
- G. An appeal or request for reconsideration shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
1. file number of the decision;
 2. the names of the appellant(s) and an indication of facts that establish the appellant's right to the relief requested;
 3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
 4. the requested relief from the decision being appealed or reconsidered;
 5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
 6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.
- H. The appeal or request for reconsideration is rejected if:
1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
 2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
 3. it is not timely filed;
 4. the appeal fees have not been paid; or
 5. it is not filed in accordance with the procedures of this chapter.
- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.
Notice of a hearing by the hearing examiner is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail

or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:

1. Location of the property including a map sufficient to clearly locate the site.
2. Description of the proposed action.
3. Name of the applicant.
4. Application name and number.
5. Decision made on the application, including the environmental threshold determination.
6. Name of the appellant if other than the applicant.
7. Date, time, and place of hearing.
8. A statement of whether the appeal is on the record or if new information will be allowed; and
9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

17G.061.350 Expiration of Permit

- A. Table 17G.061.010-1 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision, provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M).

17G.061.400 Design Review

- A. Project permit applications that are subject to design review follow the procedures contained within chapter 17G.040 SMC, Design Review Board Administration and Procedures.
- B. Project permit applications that are subject to design review are listed in SMC 17G.040.020, Development and Applications Subject to Design Review.
- C. Prior to submitting a project permit application that is subject to design review under this title, a project permit applicant must have begun the design review process and may be required to participate in a design review collaborative workshop as defined in SMC 17G.040.050, Design Review Process, and outlined in the Design Review Application Handbook.

- D. Project permit applications that are subject to design review shall contain the information specified in chapter 17G.040 SMC. The design review process is completed prior to the end of the public comment period initiated by notice of application and a recommendation is made to the hearing examiner, Planning Director, Building Official, or other official as appropriate. The report of the design review board is made available to the action-approving authority by the close of the public comment period.

17G.061.510 Optional Consolidated Project Permit Review Process

- A. The optional process allows for the consideration of all discretionary land use, environmental, construction and building permits issued by the City, together with project permits requiring a public hearing as a single project, if requested in writing by the applicant. Permit decisions of other agencies are not included in the process but public meetings and hearings for other agencies may be coordinated with those of the City of Spokane.
- B. When multiple permits are required for a single project, the optional consolidated project permit review process is available as follows:
 1. A permit coordinator shall be designated.
 2. A single determination of complete application, notice of application and notice of final decision is made for all project permits being reviewed through the consolidated process, provide the time limits in this chapter can be met.
 3. Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the consolidated review process shall permit only a single open record hearing and one closed record appeal.
 4. A single open record hearing including appeals of the SEPA threshold determination shall be conducted by the hearing examiner, pursuant to the procedures in chapter 17G.050 SMC. The hearing examiner's decision shall be appealable to superior court except rezones and preliminary long plats that are appealable to the city council and shoreline permits are appealable to the shoreline hearing board. Appeals to the city council shall be conducted as a closed record appeal hearing pursuant to the procedures in chapter 17G.050 SMC.

17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.300 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a

statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.

- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.061.110 with these additional application materials:
 - 1. Written explanation of exemption type as defined in SMC 17E.060.300 and WAC 173-27-040.
 - 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
 - 3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).
- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
 - 1. Letter of exemption.
 - 2. Site plan.
 - 3. What is being approved; and
 - 4. Conditions of approval.It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.300 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).
- F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Section 39. That Section 17G.070.030 SMC is amended to read as follows:

17G.070.030 Development Standards

A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, ~~((RSF))~~ R1, and ~~((RTF))~~ R2 zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
 - a. ~~((Single family attached residential units;~~
 - b. ~~In the RTF zone, duplexes and attached duplexes;))~~
 - c. Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
 - i. community building with indoor and/or outdoor recreation facilities;
 - ii. recreational vehicle and personal storage area;
 - iii. consolidated guest parking facilities.
2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the ~~((RSF))~~ R1, ~~((RTF))~~ R2, RMF and RHD zones together with these additional uses:
 - a. Retail sales and service uses and office uses are permitted subject to the following limitations:
 - i. The PUD site is larger than ten acres,
 - ii. Individual retail sales and service uses and office uses shall not exceed a floor area of three thousand square feet each and the site area developed with retail sales and service uses and office uses shall not exceed five percent of the total PUD site area.
 - iii. Sites developed with retail sales and service uses and office uses shall have frontage on a street that is designated as a collector or higher classified arterial.

- iv. The retail sales and service uses and office uses in the PUD shall not be permitted until sixty percent of the approved residential units are completed.
- v. An one hundred percent increase in the amount of retail sales and service uses and office uses is allowed when retail sales and service uses and office uses are physically built under residential uses in a mixed use building with ground floor retail sales and service uses and office uses.
- vi. Outdoor sales and display and outdoor storage areas are not permitted except outdoor seating is allowed for restaurants and cafes.

3. Commercial Zones.

PUDs are permitted in the commercial zones including center and corridor (CC) and the downtown (DT) zones.

4. Industrial Zones.

In the PI zones, an applicant with a planned unit development approval may develop the site to contain all of the uses permitted by right in the underlying zone and, in addition, up to fifty percent of the total gross floor area may be devoted to housing units provided these are built above the ground floor.

5. More Than One Base Zone.

When a site contains land that is in more than one zoning district, the allowed residential and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district.

B. Density.

1. Densities Required.

An applicant with a planned unit development approval (~~may~~) shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in Title 17C SMC, except as provided in subsection (B)(2) of this section, plus a maximum of ten percent density bonus per the provisions below under SMC 17G.070.030(B)(5).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and
- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.

3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

5. Density Bonuses.

- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.

- c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

C. Dimensional Requirements of the Base Zone.

The dimensional requirements of the base zone standards apply to a PUD except as follows:

1. Lot Dimensional Standards.

- a. The minimum lot size, lot depth and lot width standards may be modified.
- b. The lot frontage requirements may be modified to allow the lots to be served by a private street or private access, rather than a public street as required under SMC ((~~17C.110.200(F)~~) 17C.111.200(F)), provided that the director of engineering services has determined that private streets or private access can serve the subject lots in the planned unit development. A private street or private access that does not conform to chapter 17H.010 SMC, Street Development Standards, may be approved through a design variance request under SMC 17H.010.020.

2. Lot Coverage and FAR.

The lot coverage by buildings and the floor area ratio (FAR) provisions may be modified.

3. Setbacks.

- a. Front and rear yard setbacks.
 - i. Front and rear yard setbacks for structures located within eighty feet of the perimeter of the project shall be the same as required by the base zone.
 - ii. Front and rear yard setbacks in the remainder of the project may be modified, except that a minimum front or rear yard setback of twenty feet is required for any garage or carport that opens facing a street or an alley.
 - iii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify front yard setbacks, if sufficient queuing to enter the structure is provided on-site.

b. Side Yard Setbacks.

- i. Side yard setbacks may be modified, except that a side yard setback of twenty feet is required for any garage or carport that opens facing a street.
- ii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify side yard setbacks, if sufficient queuing to enter the structure is provided on-site.

4. Building Height.

Except as provided below, building height allowed in the base zone cannot be modified, waived or varied through the planned unit development process.

- a. Changes to the height limits in the underlying zone require a rezone processed concurrently with the planned unit development.
- b. In the RMF zone, the wall height for a mixed-use commercial building may be increased to thirty five feet. Such a building is exempt from the height transition requirements of SMC ((17C.110.215(C)(3))) 17C.111.215(C)(3).

5. Off-street Parking.

The minimum number of off-street parking stalls may be modified based upon sufficient evidence that the occupancy of the project will not require the number of off-street parking stalls specified for that use under chapter 17C.230 SMC, Parking and Loading.

6. Signs.

The number, type and size of signs cannot be modified through a planned unit development.

7. Fencing.

Perimeter fencing for a planned unit development is permitted except the maximum height of fencing along a street frontage of the planned unit development may not exceed forty-two inches. When a fence is along a street frontage, usable pedestrian access shall be provided spaced a minimum of one every three hundred feet.

8. Gates.

If the director of engineering services approves of private streets in the planned unit development, based on the criteria of SMC 17H.010.090, gates may be permitted in a planned unit development.

9. Lot Access.

The ~~((lot))~~ alley access requirements of SMC ~~((17C.110.208(D)))~~ 17C.111.335(B) apply to lots in a PUD. If a lot abuts a public alley, then vehicle access shall be from the alley.

D. Infrastructure.

All public or private streets, paving, curbs, sidewalks, utilities, stormwater, lights and similar facilities shall be developed according to City standards, unless specifically modified by the city engineer. Waivers, variances, or modifications to the private or public street standards, utilities, and other infrastructure through a planned unit development shall be approved by the city engineer. An approved design variance request form shall be submitted with the PUD application.

E. Common Open Space.

In exchange for the approval of more intense residential development, higher densities, smaller lots and relaxed development standards, the developer of a planned unit development is required to provide common open space for the active and passive recreational activities of residents, employees, and visitors. Such space shall be aggregated wherever feasible and shall consist of a combination of landscaped and hard-scaped areas. Such common open space shall include some combination of the following: plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.

1. In planned unit developments, the following requirements shall apply:

- a. At least ten percent of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PUDs is prohibited and a variance cannot be sought to reduce this requirement.
- b. Fenced yards associated with buildings immediately adjacent to designated open space, landscaping in parking lots, or fenced stormwater facilities shall not count toward the total open space requirement.
- c. Environmentally-constrained land within the planned unit development, including wetlands, geologically hazardous areas, fish

and wildlife habitats and frequently flooded areas may be used to meet up to fifty percent of the total requirement specified in subsection (E)(1)(a) above, provided that these areas are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.

2. The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:
 - a. A homeowners' or property owners' association as regulated by state law.
 - b. A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.

F. Subdivision.

When a planned unit development is combined with a division of land including a short plat, long plat or binding site plan, the requirements of ~~((SMC)) chapter 17G.080 SMC~~ are required to be met, including ~~((chapter 17C.110.200(C) SMC)) SMC 17C.111.200(C)~~, along with the following:

1. Lot Size Transition.

Transition requirements for lot sizes in the RA and RSF zones cannot be waived or modified through the planned unit development process.

2. Through lots.

Lots shall be configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. A new PUD/subdivisions shall not "turn its back" on a collector, minor or principal arterial street. Through lots are allowed only where both front lot lines are on local access streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

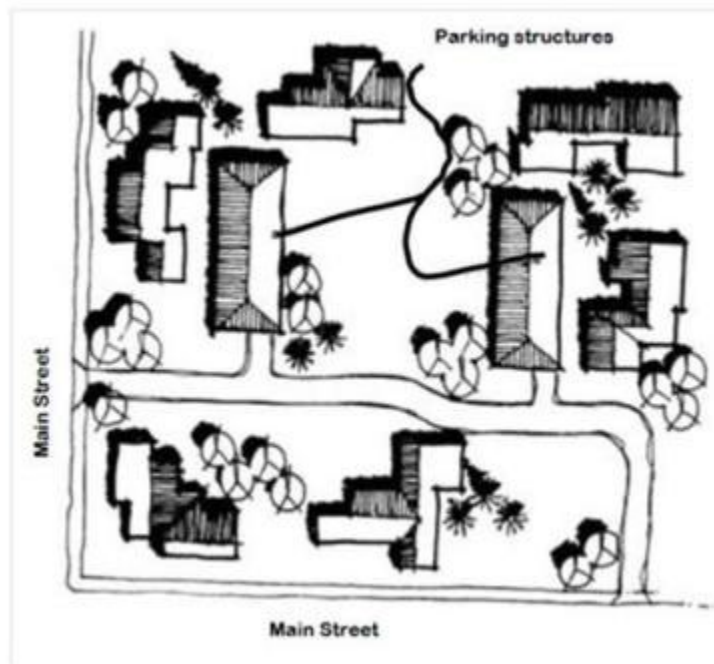
Section 40. That Section 17G.070.135 SMC is amended to read as follows:

17G.070.135 Compatibility with Surrounding Areas

A. Purpose.

For a PUD to be compatible with, and an integral part of the surrounding area. Although a completely homogeneous neighborhood is not necessary or desirable, a reasonable level of compatibility to the surroundings should be achieved. Diversity

in style and density can help create an interesting and vibrant community. When combined with a respect for, and acknowledgment of, existing forms, siting and details, a new development can quickly “belong” in a particular community. A new development should be done in a manner that complements the existing area.



B. Design Standards.

1. The architectural style and detailing of any entrance monument, fencing materials and any structure, other than ~~((single-family))~~ single-unit detached ~~((homes))~~ dwellings, and ~~((duplexes))~~ middle housing, should incorporate significant elements and details of the architecture in the surrounding areas, particularly regarding form, size, color and materials. Chain link fencing is particularly discouraged. (P)
2. The design standards of SMC ~~((17C.110.400))~~ 17C.111.400 shall apply to any ~~((attached housing of three or more units and any multi-family))~~ multi-unit residential building within a PUD. (R)
3. The design standards of SMC ~~((17C.110.500))~~ 17C.111.500 shall apply to any common buildings within a PUD.
4. Driveways and open parking areas should be integrated into the overall design and should not be the dominant features along the street frontages. (P)

5. Parking structure entrances should preferably be accessed from streets within the development rather than from public streets and their appearance should be minimized and integrated into the overall design. (P)
6. Entrance signage shall be in character with the proposed and surrounding developments. (P)

Section 41. That there is adopted Section 17G.080.000 SMC to read as follows:

17G.080.000 Purpose and Administration

A. Purpose.

This chapter is adopted pursuant to RCW 36.70A and RCW 58.17. It implements the provisions of chapter 36.70A RCW and serves the following purposes:

1. Ensures consistency with the City's comprehensive plan
2. Regulates the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with the provisions of chapter 58.17 RCW.
3. Provides for the expeditious review and approval of proposed subdivisions, short subdivisions, and binding site plans which conform to the City's zoning and development regulations and the policies of the City's comprehensive plan.

B. Applicability.

This chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or transfer of ownership.

C. Administration.

The director administers, interprets, and enforces the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

D. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:

- a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
 - b. Additional street right-of-way;
 - 7. an adjustment of boundary lines in accordance with the provisions of this chapter.
- E. Severability.
If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

Section 42. That Section 17G.080.010 SMC is repealed.

Section 43. That Section 17G.080.020 SMC is amended to read as follows:

17G.080.020 General Provisions

~~A. ((Authority and Administration.~~

~~This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.~~

~~B. Exemptions.~~

~~The provisions of this chapter shall not apply to:~~

- ~~1. cemeteries and other burial plots while used for that purpose;~~
- ~~2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;~~
- ~~3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;~~
- ~~4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;~~
- ~~5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;~~
- ~~6. acquisition of land by the City for:~~

~~a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or~~

~~b. Additional street right-of-way;~~

~~7. an adjustment of boundary lines in accordance with the provisions of this chapter.))~~

C. Expiration of Approval.

A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary plat, preliminary short plat or preliminary binding site plan, as provided in subsection (L) of this section.

D. Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.

1. Alteration.

The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

- a. obtain approval from the director of engineering services prior to application for alteration;
- b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.

2. Vacation.

- a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
- b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.

3. Redivision of Platted Lots.

- a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.
- b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
 - i. obtain approval from the director of engineering services prior to application for redivision;
 - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

E. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

1. Short plats: " _____ City Short Plat, File No. _____."
2. Plats:
 - a. City View Addition.
 - b. City View 1st Addition.
 - c. City View 2nd Addition.
 - d. City View 3rd Addition.
3. Binding site plans: " _____ BSP, File No. _____."

F. Street Names.

The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.

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

A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.

1. Substantial Modifications.

Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:

- a. the creation of additional lots or the inclusion of additional area; or
- b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval; or
- c. change of use((-)) ; or
- d. modification of types or locations of Middle Housing that results in an increase in dwelling units on a lot.

2. Minor Modifications.

The following modifications are considered minor and may be approved administratively by the director:

- a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
- b. Changes in lot dimensions that are consistent with the underlying zone;
- c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
- d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.

H. Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.

1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
2. Every final plat, short plat and binding site plan shall show the following:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
 - b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
 - d. Ties to adjoining surveys of record.
3. Every final plat, short plat and binding site plan shall conform to the following standards:
 - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
 - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
 - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
 - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
 - e. Lots along curves shall show arc length and include angle (Δ) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (Δ), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.

5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

I. Fees.

All applications shall include the fees set forth in chapter 8.02 SMC.

J. Enforcement and Penalties.

Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

K. Appeals.

Appeals of this chapter shall be governed by chapters 17G.050 and 17G.061 SMC.

L. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:

- a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
- b. The applicant must have finalized at least one phase.
- c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
- d. The project shall be consistent with the comprehensive plan.

- e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
 - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter ~~((17G-060))~~ 17G.061 SMC.

M. Sunset Provision.

1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
3. Extensions of the Sunset Provision.

The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:

- a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.

- b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
- c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
- d. The application shall demonstrate compliance with all of the following:
 - i. The project is consistent with the comprehensive plan.
 - ii. The project is consistent with current development standards; and
 - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
- e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.
- f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 44. That there is adopted a new Section 17G.080.025 to Chapter 17G.080 SMC to read as follows:

17G.080.025 Decision Criteria

A. Purpose.

This section establishes conditions for approval or disapproval of land divisions.

B. Burden of Evidence.

The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.

C. Concurrency.

The proposed subdivision shall make appropriate (in terms of capacity and concurrency) provisions for:

1. public health, safety and welfare;
2. open spaces;
3. drainage ways;
4. streets, roads, alleys, and other public ways;
5. transit stops;
6. potable water supplies;
7. sanitary wastes;
8. parks, recreation, and playgrounds;
9. schools and school grounds; and
10. sidewalks, pathways, and other features that assure safe walking conditions.

Section 45. That Section 17G.080.040 SMC is amended to read as follows:

17G.080.040 Short Subdivisions

A. Predevelopment Meeting

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Preliminary Short Plat Application and Map Requirements

1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal

requirements determined to be unnecessary for review of the application. The application shall include the following:

- a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under [chapter 17E.050 SMC](#).
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under [chapter 8.02 SMC](#).
 - f. The required number of documents, plans or maps drawn to a minimum scale of one-inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.
 - g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
 - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
 - i. One copy of the predevelopment conference notes (if applicable); and
 - j. One copy of the notification district map.
2. Contents of Preliminary Short Plat Map

The preliminary short plat shall be prepared by a land surveyor and shall show the following:

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address, and phone number.
- d. Legal description.
- e. Section, township, and range.
- f. Vicinity map.

- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots ~~((and))~~, proposed density, and number of housing units.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, ~~((together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.))~~ along with the following information:
 - i. the numbers proposed to be assigned each lot and block;
 - ii. the dimensions, square footage, and acreage of all proposed lots and tracts; and
 - iii. for residential lots zoned R1 or R2, the proposed Middle Housing types, included single-unit detached houses, and total number of proposed units on all proposed lots.
- q. Proposed names of streets.
- r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.

- u. Indicate any street grades in excess of eight percent.
- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters [17E.020](#), [17E.030](#), [17E.070](#) and [17G.030 SMC](#).
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

1. The application shall be reviewed in accordance with the procedures set forth in chapter ~~((17G.060))~~ [17G.061](#) SMC for a Type II application, except an application that meets the requirements for minor engineering review as provided in subsection (2) of this section shall be excluded from the public notice requirements contained in SMC ~~((17G.060.110))~~ [17G.061.210](#) ~~((through 17G.060.120))~~ and public comment period under SMC ~~((17G.060.130))~~ [17G.061.220](#).
2. Minor Engineering Review.
 - a. A preliminary short plat application may qualify for a ~~((minor engineering review))~~ Minor Engineering Review if it meets all of the following conditions:
 - i. The application is categorically exempt from chapter 43.21C RCW (SEPA);
 - ii. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
 - iii. No extensions of public water, sewer, or other utility services will be needed;

- iv. No public easements for water, sewer, or other utility service exists on the lot;
- v. The lot is not situated in a Special Drainage District as defined in [SMC 17D.060.130](#); and
- vi. Public utility mains do not exist on the lot.

b. The City Engineer is authorized to waiver conditions ii through vi of the subsection (a) if the application substantially meets the intent of the Minor Engineering Review.

D. Public Notice And Public Comment.

All public notice of the application and opportunities for public comment shall be given in accordance with the procedures set forth in ~~((chapter 17G.060 SMC))~~ chapter 17G.061 SMC for a Type II application ~~((, except a short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application)).~~

1. Exceptions.

- a. A short plat that meets the requirements of Minor Engineering Review as provided in subsection (C)(2) of this section shall not require a notice of application.
- b. A short plat that is categorically exempt from SEPA and results in four or fewer lots shall not require a posted or signed notice of application.

E. Preliminary Short Plat Approval Criteria₂

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in ~~((chapter 17G.060 SMC))~~ chapter 17G.061 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and ~~((17G.060 SMC))~~ 17G.061 SMC.

F. Final Short Plat Review Procedure

- 1. The subdivider shall submit to the director for review the following:
 - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.

- b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to [chapter 8.02 SMC](#).
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
- a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

- 1. A final short plat shall contain all the information required of the preliminary plat, except the following:

- a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final short plat shall include the following:
- a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed _____(Seal)"

- b. A certification by the city treasurer, as applicable:
 - i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer"
 - ii. "I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this _____ day of _____, 20__.

City of Spokane Treasurer"
 - iii. "A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner's to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this _____ day of _____, 20__.

City of Spokane Treasurer"

- c. The certification by the planning director, as follows:

“This plat has been reviewed on this _____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s/Planning Director’s approval of the preliminary plat # - -PP/SP.

City of Spokane Planning Director”

- d. The certification by the city engineer, as follows:

“Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this _____ day of _____, 20__.

City of Spokane Engineer”

- e. The certification by the Spokane county treasurer, as follows:

“I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved _____ day of _____, 20__.

Spokane County Treasurer”

- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.

- g. Signature of every owner certifying that:

- i. the plat is made with the free consent and in accordance with the desires of the owners of the land;
- ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
- iii. the owners adopt the plan of lots, blocks and streets shown;
- iv. owner dedicates to the City and the City’s permittees the easements shown for utilities and cable television purposes;
- v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all

claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and

- vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.

h. The drawing shall:

- i. be a legibly drawn, printed or reproduced permanent map;
- ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
- iii. have margins that comply with the standards of the Spokane county auditor;
- iv. show in dashed lines the existing plat being replatted, if applicable;
- v. show monuments in accordance with [SMC 17G.080.020\(H\)\(1\)](#);
- vi. include any other information required by the conditions of approval; and
- vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.

H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with [SMC 17G.080.050](#).

Section 46. That Section 17G.080.050 SMC is amended to read as follows:

17G.080.050 Subdivisions

A. Predevelopment Meeting₂

A predevelopment meeting is recommended for any preliminary subdivision proposal. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provision of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Community Meeting and Public Notice₂

Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submittal of the application. The notice and format of the meeting shall be in accordance with chapter ((17G.060)) 17G.061 SMC.

All public notice of the application shall be given in accordance with the procedures set forth in chapter ((17G.060)) 17G.061 SMC for a Type III application.

C. Preliminary Plat Application and Map Requirements

1. Application Requirements.

Applications for approval of a preliminary plat shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and content as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Plat Map.

The preliminary plat shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2).

D. Review of Preliminary Plat₂

The application shall be reviewed in accordance with the procedures set forth in chapter ((17G.060)) 17G.061 SMC for a Type III application.

E. Preliminary Plat Approval Criteria₂

Prior to approval of a plat application, the hearing examiner shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in ((chapter 17G.060)) SMC 17G.080.025. The hearing examiner has the authority to approve or disapprove a proposed preliminary plat under the provisions of this chapter, subject to appeal as provided in chapter ((17G.060)) 17G.061 SMC.

F. Middle Housing Requirements.

1. Purpose.

The Comprehensive Plan promotes a mixture of many housing types and socioeconomic diversity in all areas. These requirements ensure a variety of housing types, including Middle Housing, in new development. Middle Housing types are defined in SMC 17A.020.130.

2. Applicability.

The Middle Housing requirements apply to new housing construction on lots that have been created through an approved final plat within five years. The requirements are limited to plats that are:

- a. in areas zoned R1 or R2; and
- b. exceeding two acres in size; and
- c. where more than fifty percent (50%) of proposed dwelling units are any combination of the following housing types:
 - i. detached single-unit residential building; or
 - ii. duplex; or
 - iii. attached housing

3. Requirements.

- a. At least three housing types shall be identified in the plat.
- b. For purposes of this requirement detached single-unit residential buildings shall be considered distinct housing types according to the follow categories:
 - i. A house with a floor area equal to or less than eight hundred (800) square feet; and
 - ii. A house with a floor area equal to or less than one thousand four hundred (1,400) square feet; and
 - iii. A house with a floor area of greater than one thousand four hundred (1,400) square feet.
- c. Any one housing type shall be limited to no more than seventy percent (70%) of units identified in the plat.

G. Phasing

A subdivision may be developed in phases. A master phasing plan should be submitted with the preliminary plat for approval by the hearing examiner. A preliminary plat that has received preliminary approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan may be approved provided:

1. the phasing plan includes all land identified within the boundary of the plat;

2. the sequence of the phased development is identified on the plan;
3. each phase has reasonable public or private infrastructure to support the number of lots contained in that phase;
4. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire plat;
5. plats subject to the requirements of subsection (F) of this section include at least two (2) housing types in each phase and no more than eighty percent (80%) of units identified consist of a single housing type;
6. any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase; and
7. blocks are wholly contained within any individual phase.

H. Final Plat Review Procedure

The final plat procedures shall be the same in form as the short plat review procedure as provided in SMC 17G.080.040.

I. Final Plat Map Requirements

The subdivider shall submit to the director a final plat in the same form and with the same content as the preliminary plat, with the following exceptions or additional requirements:

1. A final plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including the following:

- a. The certification of the hearing examiner, on behalf of the city council, as follows:

“This plat has been reviewed on this _____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s approval of preliminary plat # -PP/PUD.

Hearing Examiner”

J. Filing

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the plat have been submitted to the planning services department.

Section 47. That Section 17G.080.060 SMC is amended to read as follows:

17G.080.060 Binding Site Plan

A. Purpose.

The purpose of this section is to allow for the more flexible creation of lots within an overall development site plan.

B. Predevelopment Meeting.

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

C. Preliminary Binding Site Plan Application and Map Requirements.

1. A binding site plan may (~~only~~) be used for divisions of land in (~~commercial or industrial~~) all zones. Applications for approval of a preliminary binding site plan shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).

2. Contents of Preliminary Binding Site Plan.

The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:

- a. Proposed building footprints;
- b. Proposed street accesses;
- c. Proposed parking and internal vehicle circulation;
- d. Proposed pedestrian pathways;
- e. Proposed landscaped areas; and
- f. Proposed stormwater facilities.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter ~~((17G.060))~~ 17C.061 SMC for a Type II application.

E. Departmental Review of Preliminary Binding Site Plan

The application shall be reviewed in accordance with the procedures set forth in chapter ~~((17G.060))~~ 17G.061 SMC for a Type II application.

F. Preliminary Binding Site Plan Decision Criteria

Prior to approval of the application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the decision criteria set forth in SMC ~~((17G.060.170(C) and (D)(4)))~~ 17G.080.025. The director has the authority to approve or disapprove a proposed preliminary binding site plan under the provisions of this chapter, subject to appeal as provided in chapter ~~((17G.060))~~ 17G.061 SMC.

G. Final Binding Site Plan Review Procedure

The final binding site plan procedures shall be the same in form ~~((and))~~ as the short plat review procedure as provided in SMC 17G.080.040(G).

H. Final Binding Site Plan Requirements.

The subdivider shall submit to the director a final binding site plan in the same form and with the same content as the preliminary binding site plan, with the following exceptions or additional requirements:

1. A final binding site plan shall contain all the information required of the preliminary plan, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final binding site plan shall include the signatory statements as provided in SMC 17G.080.040(G)(2).

I. Filing

Once the final binding site plan has been reviewed, approved and signed by the applicable departments, the applicant shall file the final binding site plan with the county auditor within ten days of final approval. No permits shall be issued for a proposed lot until the required conformed copies of the binding site plan have been submitted to the (~~planning services~~) department.

J. Creation of Additional Lots in Final Binding Site Plan

A survey may be filed following the recording of a final binding site plan to create additional lots within the boundaries of the final binding site plan, consistent with the preliminary binding site plan approval, conditions and expiration provisions (SMC 17G.080.020(C)). The survey shall be reviewed and approved by the director pursuant to subsections (F) and (G) of this section. In addition, the survey shall conform to the following:

1. Title shall state: "Amendment to BSP-___-___."
2. The binding site plan file number shall be referenced.
3. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
4. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the survey; and

5. A revision block listing all previously recorded surveys and the date of recording.

Section 48. That Section 17G.080.065 SMC is amended to read as follows:

17G.080.065 ~~Alternative Residential Subdivisions~~ Unit Lot Subdivisions

A. Purpose.

The purpose of these provisions is to allow for the more flexible creation of lots ((~~for alternative residential development as described in SMC 17C.110.300~~) of varying sizes and types, including for attached housing, cottage housing, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual lots resulting from the subdivision.

B. Applicability.

~~((The types of development that may use the alternative residential subdivision are:))~~
A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a "child" lot.

- ~~1. ((Cottage housing projects approved under SMC 17C.110.350;~~
- ~~2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or~~
- ~~3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.)~~
4. Unit Lot Subdivisions are allowed for all residential development on parent sites of two acres or less. Subdivisions with a commercial or other non-residential use seeking similar flexibility must be approved through another platting action under chapter 17G.080 SMC.
5. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.
6. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure, subject to the additional standards in subsection F of this section.
7. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.

C. Application Procedure.

~~((Alternative residential))~~ Unit lot subdivisions ~~((of))~~ resulting in nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in ~~((SMC chapter 17G.060))~~ chapter 17G.061 SMC.

D. General Regulations.

1. ~~((An alternative residential))~~ A unit lot subdivision shall meet development standards applicable to the ~~((underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing, SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site))~~ parent lot's zoning, including but not limited to:
 - a. Setbacks;
 - b. Lot size;
 - c. Building frontage; and
 - d. Floor area ratio;
2. All buildings shall meet all applicable provisions of the building and fire code;
3. ~~((Alternative residential))~~ Lots created through a unit lot ~~((subdivisions))~~ subdivision shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
4. Each child lot's area and width for purposes of subdivision may be as small as the footprint of the ~~((individual dwelling unit))~~ building situated upon it, subject to the requirements of the building and fire code;
5. Portions of the parent site not subdivided for ~~((individual))~~ child lots shall be identified as Tracts and owned in common by the owners of the ~~((individual))~~ child lots ~~((, or by))~~. For example, a homeowners association comprised of the owners of the ~~((individual))~~ child lots located within the parent site. This requirement shall be included in deed restrictions as required in ~~((paragraph 7))~~ subsection E of this section;

6. The parent site and each child lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.
7. Separation requirements for utilities must be met.
8. Driveways providing vehicle access to lots shall not serve more than nine (9) units unless approved by the City Engineer.
9. ~~((Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;~~
10. ~~Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;~~
11. ~~Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~
12. ~~Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
 - a. ~~Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);~~~~

- ~~b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;~~
- ~~c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;~~
- ~~d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.)~~

E. ~~((Conflicts.~~

~~Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.))~~

F. Recording.

1. The plat recorded with the county auditor's office shall include the following:

- a. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.
- b. A note that approval of the subdivision was granted by the review of the site as a whole (stating the subject project file number if applicable);
- c. A note that subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
- d. A note stating that if a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
- e. A note that additional development of the individual lots may be limited as a result of the application of development standards to the parent site.

2. The legal description of each lot shall identify it as part of a unit lot subdivision.

G. Accessory Dwelling Units.

A lot with an accessory dwelling unit may be subdivided under this section with the following additional requirements:

1. All utility lines for the accessory dwelling unit must branch from a common line on a portion of the parent site owned in common. A utility line for the accessory dwelling unit shall not cross another child parcel without approval of the City Engineer.
2. The plat recorded with the county auditor's office shall further specify the following:
 - a. The child lot that is associated with the accessory dwelling unit;
 - b. That the child lot associated with the accessory dwelling unit is subject to any and all additional regulations of an accessory dwelling unit under the Spokane Municipal Code.
3. The legal description of a lot for an accessory dwelling unit shall identify the lot as an accessory dwelling unit within a unit lot subdivision.

Section 49. That Section 17G.080.080 SMC is repealed.

Section 50. Effective Date. This ordinance shall take effect and be in force on [TBD].

EXHIBIT C

City of Spokane Building Opportunity for Housing Phase II

Development Feasibility Review & Analysis Memo

Date September 5, 2023
To City of Spokane Residential Code Update Project Management Team
From David Fiske, Jennifer Schuch and Chris Zahas, Leland Consulting Group
CC Matt Hastie, Kate Rogers and Brandon Crawford, MIG | APG

Purpose

Between May and August 2023, Leland Consulting Group (LCG) worked together with City of Spokane staff, in consultation with MIG | APG, to assess potential changes to the City of Spokane Municipal Code (SMC) as a part of the Spokane Building Opportunity for Housing (BOH) Phase II project. The primary purpose of this memo is to summarize LCG's findings from this assessment, and to provide a development feasibility perspective of draft recommended Code changes to the SMC with the goal of helping to ensure market viability and a reduction of barriers to new housing construction for any permanent Code changes, with a particular focus on the production of middle housing types.

Overview

In May 2023, MIG | APG issued a memorandum recommending permanent changes to the SMC that would incorporate the City's Interim Housing Regulations (SMC 17C.400), also known as Building Opportunity and Choices for All (BOCA), into other Code sections, with most changes proposed to provisions of Chapter 17C.110 Residential Zones. This memo focuses on the recommendations made in that previous memo, as well as additional recommendations proposed by City staff and MIG | APG that would further update the SMC beyond what currently exists in BOCA, with a particular focus on how they may impact development feasibility. In addition, this memo summarizes key insights gained from stakeholder interviews conducted by City staff and LCG with members of the Spokane residential development community about their experience working with the interim BOCA standards, and potential barriers or opportunities related to housing production.

The following memo is organized into three parts:

- I. Development feasibility review of draft code changes
- II. Summary of findings from stakeholder interviews
- III. Further consideration in regulating the size of single-unit dwellings

I. Development feasibility review of draft code changes

Most of the recommended changes to Spokane's residential zones will have positive outcomes on development feasibility. The permanent implementation of the BOCA interim regulations, along with the additional changes recommended to site controls in residential zones, will lead to the removal of many existing barriers to middle housing types throughout the City of Spokane. However, certain recommendations will have particular impacts on development feasibility. The following topics are highlighted for consideration:

- Removal of density restrictions
- Maximum building coverage
- Maximum building height
- Outdoor area requirements
- Lot width and access for attached housing
- Effectiveness of density transfer
- Incentives for affordable housing

Assumptions

The following feasibility findings are based on a high-level analysis of the draft recommended development standards in the Community Review Draft of the proposed SMC amendments. These standards apply to residential zones RA, RSF, RTF, RMF and RHD zones. For this analysis, RA was excluded, as it accounts for a very small percentage of residential land within the city.

In addition to these standards, the existing parking minimums of 1 parking space per unit (assuming units are not larger than 3 bedrooms), as stated in table 17C.230-2 of the SMC, are used, though an assumption is also made for lots that qualify for Spokane's recent pilot program to remove parking requirements within ½ mile of transit. Parking is assumed to be surface, as structured or underground parking is typically cost prohibitive for middle housing types. Additionally, an 800 sq. ft. average unit size is assumed for all residential development based on an assessment of recent development in Spokane.

Due to the nature of citywide analyses of development standards, not all lot or building design considerations can be taken into account, and therefore, these findings provide a generalized assessment of outcomes for the recommended code. This analysis focuses on feasibility for new construction under the code, however, the preservation of existing structures along with the addition of new structures or housing units is also viable under these draft standards. Additionally, this assessment did not include any pro forma based financial analysis, so though the development outcomes and viable densities summarized below are achievable in terms of site layout, they do not necessarily represent what the market will provide in terms of new housing construction. The following addresses what *could* be built, not what *will*.

Removal of density restrictions

Consideration: The City is considering the removal of maximum density restrictions on all residential lots 2 acres or less, allowing building, site controls and other standards to control residential density. What potential unit counts could result?

Findings: From a general feasibility standpoint, **the removal of strict density regulations will increase flexibility for a developer**, and thus **increases the ways in which a housing project may become feasible**. Allowing a residential developer to increase the number of units, and to size the units according to their perception of the market, can provide the additional revenue needed to make a project financially viable. It is often the case that even adding one additional unit to a project can make a project feasible that otherwise wouldn't be.

With the removal of maximum density restrictions, **achievable densities will depend largely on the specific lot and form-based controls applied in residential zones, as well as the parking standards** applicable to a particular lot. Assuming the development standards cited above, **a duplex is the only feasible middle housing product on a minimum lot size of 1,800 sq. ft.** for RSF, RTF, RMF and RHD zones, but only when utilizing the **common outdoor area substitute** for private area of 200 sq. ft., as opposed to the 250 sq. ft. per unit required for private area.

If parking requirements are removed, a triplex becomes viable on a minimum lot size within these zones, even with the 250 sq. ft. open area per unit requirement.

When applying the same draft development standards to a more **standard Spokane lot size of 6,000 sq. ft.** (50 ft. x 120 ft.), anything up to **a sixplex becomes viable**, even when accounting for 1 parking space per unit, and the 250 sq. ft. open area requirement, though **parking access and location become a potential limiting factor** in this scenario (see below for more discussion on this topic). If parking requirements are removed, and the common area requirement is utilized, **it may be possible to accommodate up to eight units on one lot**. In these cases, it is assumed that the building would be built at three-stories, and the maximum building footprint of 2,450 sq. ft. is fully utilized. If the maximum allowable **building footprint were increased to 3,700 sq. ft., it is possible up to 12 units could be accommodated** with no allocation of parking.

A summary of potential housing densities is in the table below:

	Residential Zones			
Code Assumptions	RSF	RTF	RMF	RHD
1,800 sq. ft. minimum lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	1	1	1	2
1,800 sq. ft. minimum lot, 800 sq. ft. average unit size, 200 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	2	2	2	2
1,800 sq. ft. minimum lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 0 parking spaces per unit				
Number of units	3	3	3	5
6,000 sq. ft. lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	6	6	6	8
6,000 sq. ft. lot, 800 sq. ft. average unit size, 200 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 1 parking space per unit				
Number of units	7	7	7	8
6,000 sq. ft. lot, 800 sq. ft. average unit size, 250 sq. ft. outdoor area per unit (48 sq. ft. for RHD), 0 parking spaces per unit				
Number of units	8	8	10*	16*
6,000 sq. ft. lot, 800 sq. ft. average unit size, common outdoor area optimized**, 0 parking spaces per unit, increase maximum building footprint to 3,700 sq. ft. in RSF and RTF zones				
Number of units	12	12	12	16
1 acre lot (43,560 sq. ft.), 800 sq. ft. average unit size, common outdoor area optimized**, 0 parking spaces per unit				
Number of units	N/A	N/A	96	122

*due to no restrictions on maximum building footprint

**combined 200 sq. ft. (first six units) and 150 sq. ft. (all units after six) for RMF

Maximum building coverage

Consideration: The City is considering recommending maximum building coverage of 65% in the RSF zone and 80% in the RTF zone for single-unit detached and middle housing. How might this affect development feasibility?

Findings: In the above analysis on potential densities, **building coverage is not a barrier to development.** Rather, on a minimum sized lot of 1,800 sq. ft., the open area and parking requirements limit development to three units in all zones but RHD. Simply put, **an 1,800 sq. ft. lot is likely not big enough to accommodate more than three units** without significantly decreasing the requirements for open area and parking.

On a more standard 6,000 sq. ft., lot, these factors are less limiting, with six 800 sq. ft. units feasible even with base parking and open area requirements. If parking requirements are removed, and open area optimized, eight units are feasible, with building coverage accounting for only 41% of the overall lot size. In this case, **the limiting factor is the maximum allowable building footprint of 2,450 sq. ft.**, as opposed to building coverage.

If attempting to maximize the building footprint for density, **a footprint of roughly 3,700 sq. ft., which is only 62% lot coverage**, is possible before bumping up against open area requirements and the total lot area. This footprint may make it feasible to build up to 12 units on a standard lot if there is no off-street parking. However, if a builder decided to build multiple structures on the same lot (or add an additional structure to a lot with an existing building), the maximum building coverage of 65% could be a limiting factor, in which case it could encourage the lot to be split.

Maximum building height

Consideration: The City is considering recommending maximum height requirements of 40 ft. in all residential zones excluding RA. How might this affect development feasibility?

Findings: For RSF and RTF zones, a **40 ft. base height limit seems reasonable for accommodating middle housing types that may go to three-stories.** For example, a three-story townhome (garage or surface parked), or a three-story 8-to-12-plex, would require such heights.

In the RMF zone, which under current code has a stated intent of, "allowed housing [that] is characterized by one to four story structures..." (SMC 17C.110.030), **a 40 ft. height limit would prevent a four-story structure from being built by right.** In the RHD zone, which is meant to accommodate medium and high-rise apartments, 40 ft. would limit development considerably. With this base height, the code would disallow certain types of apartments that are typical for the region, including 5-over-1 or 5-over-2 podium-style mixed-use development, as well as less expensive four-story walk-up apartments, or single-staircase/point access block housing.

While considerable density can still be achieved with three-story development that will accommodate many middle housing types, **a 40 ft. height limit objectively reduces the options that developers have at their disposal for more intensive multi-unit development, and therefore may reduce the overall housing production in the city.**

Outdoor area requirements

Consideration: The City is considering recommending outdoor area requirements of 250 sq. ft. per unit, with reduced minimums if common outdoor area is provided. How may this affect development feasibility?

Findings: In the above analysis on potential densities, **outdoor area requirements are one of the primary limiting factors (along with parking) to density**, and therefore potential feasibility of a housing project. On a minimum lot size of 1,800 sq. ft., open area minimums of 250 sq. ft. per unit reduces the potential for anything more than a duplex. The reduction to 200 sq. ft. per unit if provided as common outdoor area does not have a major effect on density. **Only when removing parking minimums does it become possible to achieve more than two units on a minimum lot.**

On a standard lot of 6,000 sq. ft., the open area requirements don't appear to limit development in a major way, and the option to create a common outdoor area allows further flexibility to developers, which may positively impact feasibility.

Lot width, access and parking for attached housing

Consideration: The BOCA regulations encourage development that doesn't require curb cuts by reducing minimum lot widths to 16 ft. for lots with alley access/rear-loaded parking and no street curb cut, and a lot width standard of 36 ft. for front-loaded parking. The City is considering reducing the lot width to 15 ft. for lots with no curb cuts. How do these regulations affect development feasibility for attached housing?

Findings: City infill lots in Spokane commonly have alley access on the rear of the lot, whereas newer subdivisions tend not to include alley access or rear-loaded designs. The disparity in minimum lot widths in this case works well for infill developers, as access for rear-loaded parking already exists (meaning they aren't required to build it themselves), while the smaller lot widths promote denser, more vertical styles of townhome or rowhouse development. **This benefits the infill developer in terms of feasibility, and where lots with alley access exist, the city is likely to see an uptake in this style of development.**

On lots that do not have alley access, whether new greenfield development or in parts of the city that weren't built with alleys, rear-loaded access is often not feasible. These projects tend to be further from the center of the city, and therefore more reliant on a car for access, or the lot depth does not allow for rear access, and a front-loaded design is the only solution in the market. While the City's encouragement of utilizing existing alleys can be a boon for feasibility, **the effective discouragement of front-loaded design may dampen the market.** A front-loaded townhome (e.g., a three-story townhome with ground floor garage) may be a desirable outcome in terms of housing production that would not be feasible with a 36 ft. minimum lot width.

If the City would prefer to discourage curb-cuts, they may **consider a lot width reduction for front-loaded designs if the attached housing includes paired driveways.** The City may also consider further developer outreach, exploring additional attached housing types that are common elsewhere in the region, though not necessarily in Spokane, and assisting in developer education around rear-loaded townhomes/rowhouses that are relatively common in both the Seattle and Portland Metros. **The development of stock designs with rear-loaded access that work for common lot dimensions in the city may lead to more of these types of developments.**

Examples of new build, rear-loaded townhomes throughout the Pacific Northwest



Sixth Ave

City: Tacoma State: WA
 Units: 36 Year Built: 2021
 Acres: 0.54 Du/acre: 26
 Construction: Wood Frame Stories: 3
 Parking: Garage (rear)



Pinnacle Townhomes

City: Lynnwood State: WA
 Units: 30 Year Built: 2015
 Acres: 0.73 Du/acre: 41
 Construction: Wood Frame Stories: 3
 Parking: Garage (rear)



87-113 SW Lancaster

City: Troutdale State: OR
 Units: 4 Year Built: 2023
 Acres: 0.2 Du/acre: 20
 Construction: Wood Frame Stories: 2
 Parking: Garage (rear)

In cases where a lot does not have existing alley access, nor the required depth to provide new rear-access, it may be infeasible to achieve the desired densities with recommended development standards. Ultimately, **parking is the largest contributing factor to development feasibility, and in many cases lot dimensions and size may not be conducive to middle housing production on lots without existing alley access or that aren't a larger corner lot.** The City's proposal to eliminate parking requirements within ½ mile of transit stops will help encourage desired housing types and production when alleyways aren't available. While market demand may still dictate the provision of off-street parking in some projects, the removal of parking requirements would certainly improve development opportunity and feasibility, and may lead to certain housing types the city has not yet seen.

Examples of new build, middle housing with no parking throughout the Pacific Northwest



6211 SE 83rd Avenue

City: Portland State: OR
 Units: 6 Year Built: 2023
 Acres: 0.09 Du/acre: 67
 Construction: Wood Frame Stories: 2
 Parking: None



The Sellwood

City: Portland State: OR
 Units: 11 Year Built: 2015
 Acres: 0.11 Du/acre: 100
 Construction: Wood Frame Stories: 2
 Parking: None



Warner Street Apartments

City: Tacoma State: WA
 Units: 8 Year Built: 2022
 Acres: 0.15 Du/acre: 53
 Construction: Wood Frame Stories: 3
 Parking: None

Effectiveness of density transfer

Consideration: With the removal of maximum density requirements for sites 2 acres or less, a density transfer program becomes ineffective. What alternatives may the City consider that achieve similar results?

Findings: Though less common than density transfer, the City could **consider implementing a program that allows for the transfer of building or site allowances**, such as height or building coverage/footprint, that could achieve similar results. However, these types of **transfer programs only work if the market is wanting to build more than the base zoning allows, which is not necessarily the case in Spokane**, therefore it is likely this type of transfer program would go largely unused, and similar outcomes may be achieved with simpler bonus or incentive programs.

Incentives for affordable housing

Consideration: With the removal of maximum density requirements for sites 2 acres or less, a density bonus is no longer a viable option for targeted incentives for middle housing in certain locations (e.g., near transit) or for affordable housing. What types of bonuses or incentives could be utilized to encourage similar outcomes?

Findings: Similar to the above, the City could consider maintaining its base building and site controls, and **offering bonuses to height or building coverage/footprint, as well as reductions in parking and/or open area requirements**, to encourage these specific types of development. As noted above, the 40 ft. height maximum in all residential zones, especially RMF and RHD, may be suppressing more intense housing development. By allowing a height bonus in these zones, perhaps up to 75 ft., the City could promote more density while also achieving goals around affordable housing production.

In addition to a bonus system, the City could consider expanding its General Facilities Connection Waiver (GFCW) program, MFTE or other tax exemptions, and an expedited permitting process.

II. Summary of findings from stakeholder interviews

General feedback received through the interview process pointed to BOCA being a success, having removed previously existing barriers to certain residential development types, and improving upon the existing SMC. Though the interim basis of BOCA was a concern for some developers – some citing the risk of the interim standards being removed before permitting could be completed, particularly for larger multifamily development that has a longer duration of design and approvals – the increased flexibility and clearer design standards under BOCA were generally seen as a boon for housing production. The willingness of the City to be proactive in its collaboration with the development community in drafting more permanent standards was also well received.

Some of the interim standards were flagged during the interviews as impeding development feasibility – particularly related to outdoor area requirements, building height requirements, garage width requirements effectively preventing front-loaded duplexes on certain lot configurations, and lot coverage and frontage standards preventing townhomes from being built. In addition, many of those interviewed mentioned parts of the permit review process hindering development.

A more in-depth summary of these issues is below:

Outdoor area requirements

A number of residential developers noted how the **outdoor area requirements make many projects infeasible on smaller lots in Spokane**. Multiple developers mentioned how open space requirements have forced them to pull the plug on a project before it began because they couldn't make the math work given how much of a lot needed to be reserved for outdoor area. **For small housing developers, the difference between two and three units, or three and four units, can have a major impact on the financial feasibility of a project**, and the requirement for open space meant they could not fit an additional unit on the lot. Some also noted that the 50% landscaped frontage requirements on standard lots was hard to make work.

Though these standards do affect development feasibility in some cases, it should be noted that they assist in achieving other city and community goals.

Building height requirements

Most interviewed stated they had not had many issues with the height requirements on their projects, however, one of the developers more focused on townhome development noted that while 35 ft. is generally fine in the residential zones, a 45 ft. height maximum would allow for easier townhome production, particularly considering the vertical nature of some projects necessitated by small lots.

Garage width requirements

One residential developer cited how the garage width requirements were forcing them to create unusual designs for their duplex projects, in which the requirement of a 50% street face resulting in a narrow garage, and a long entry hallway of unnecessary space. Particularly on narrow lots – including the 50 ft. lot width that is common in Spokane – this resulted in a 10 ft. wide garage that only allows for an 8 ft. garage door. They felt this was not wide enough for many households to get out of their car.

In the opinion of this builder, decreasing the street face percentage to 40% would allow for wider garages, and would allow for easier and more desirable duplex designs.

Lot coverage and frontage standards

One developer that was hoping to see more townhomes built in Spokane cited how the lot coverage and frontage standards in some residential zones made townhome/rowhouse development infeasible. In this developer's opinion, allowing for 100% lot coverage so townhomes could be built on smaller lots would result in many more townhomes being built in the city.

Permit review process

Aside from the standards mentioned above, most developers felt that aside from the code, the permit review process could be improved. With the stated City goal of getting more housing built, many felt there was a disconnect between the long-range policies of the City and implementation during the permitting and review process. Particularly with the ease of greenfield development outside of the City of Spokane, and the demand for housing throughout the region, many felt that the City should be going to greater lengths to streamline the permitting process for residential infill development.

Of particular note is the existing requirement for all three-story buildings to go through the commercial review process, due to Building Code requirements. Though three-stories are not necessary for all middle housing types, for certain types including townhomes and most sixplex or larger projects, three-stories can make a project more feasible on a given lot. Going through the commercial review process adds time and cost to a project that a typical, small-scale residential developer is unable, or unwilling, to accept.

A concern noted by more than one residential developer was how this process may be preventing many developers from building in Spokane, and significantly decreasing the production of new homes in a city that increasingly needs additional workforce housing to meet not only its housing, but also economic goals.

EXHIBIT D



NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Building Opportunity for Housing, 2023-S-6346

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL:

The City Council previously adopted Ordinance No. C36232, an interim zoning ordinance that was adopted to implement the housing options listed in RCW 36.70A.600. Since then, the State legislature has adopted HB1110, Chapter 332, Laws of 2023. This new law requires cities to update their development regulations to allow the housing options implemented by the City in interim Ordinance No. C36232. Since adopting Ordinance No. C36232, the City has updated Chapter 3 (Land Use) of the City's Comprehensive Plan to align policy language in the Comprehensive Plan with these developments and to further facilitate implementation of the middle housing options that are now required under State law.

The current proposal will repeal the interim regulations and replace them with permanent updates to the City's housing regulations that (i) implement the housing options listed in RCW 36.70A.600(1) and (ii) also implement the requirements of section 3 of HB 1110. Because the proposal implements the requirements of HB 1110, the City's adoption of these regulations may not be subject to administrative or judicial appeals under Chapter 43.21C RCW.

These updates are fully consistent with the City's Comprehensive Plan, as amended, and are consistent with the goals of use of existing infrastructure, socioeconomic integration, mixed-income housing, and distribution of housing options throughout all of the City's residential areas.

The updated regulations will also help the City achieve the residential densities envisioned in the City's Comprehensive Plan. Many areas of the city have developed well below the densities envisioned and planned for in the City's Comprehensive Plan. When some areas that platted and developed in the last 20 years were analyzed by staff, the actual density of development fell below the minimum density anticipated in the original Comprehensive Plan. Based on this information, it is clear that the City's existing housing regulations have not facilitated the densities envisioned by the Comprehensive Plan and needed in order to accommodate the City's growth. As such, the City has determined that the proposed updates to the City's housing regulations will not result in densities that exceed the assumed densities within the Comprehensive Plan and fall under the existing Environmental Impact Statement (EIS).

This proposal will amend Spokane Municipal Code (SMC): Chapters 17A.020, 17A.040, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.061, and 17G.080. The proposal will also repeal 17C.110 and replace with a new chapter 17C.111 and repeal chapter 17G.060 and replace with chapter 17G.061. The proposed updates rename Residential zones, expand permitted housing options, adjust dimensional and design standards for single-unit and middle housing development, and modify related process and procedures. The exact amendments to the code will be available online at the following address: <https://my.spokanecity.org/projects/shaping-spokane-housing/building-opportunity-for-housing/>



As indicated above, this proposal will implement the recommendations in RCW 36.70A.600(1) and the requirements in HB 1110, and may not be subject to administrative or judicial appeals under Chapter 43.21C RCW (State Environmental Policy Act). RCW 43.21C.495.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This proposal has a City-wide impact

LEAD AGENCY: City of Spokane

DETERMINATION:

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 4:00 p.m. on October 2, 2023 if they are intended to alter the DNS.**

Responsible Official: Spencer Gardner, AICP **Position/Title:** Director, Planning Services

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201 **Phone:** 509-625-6500

Date Issued: September 18, 2022 **Signature:** 

APPEAL OF THIS DETERMINATION:

You may appeal this determination to:

Responsible Official: City of Spokane Hearing Examiner

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Email: hearingexaminer@spokanecity.org **Phone:** 509-625-6010

Deadline: 21 days from the date of the signed DNS
12:00 p.m. on October 9, 2023



The appeal must be on forms provided by the Responsible Official and make specific factual objections. Appeals must be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

EXHIBIT E

From: [Max Benson](#)
To: [Downey, KayCee](#)
Subject: Building Opportunities For Housing - Section 17C.110.225 and modulation
Date: Friday, September 15, 2023 11:03:08 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image007.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Kacie, Two things:

#1) I wanted to ask about Section 17C.110.225

I noticed that the draft includes reference to a 50 year affordability commitment. I know that there has been leadership change in the City of Spokane HOME program administration, but I believe that they are still requiring a 40 year use restriction, which is consistent with the State Dept of Commerce. Is there some backstory on the 50 year term?

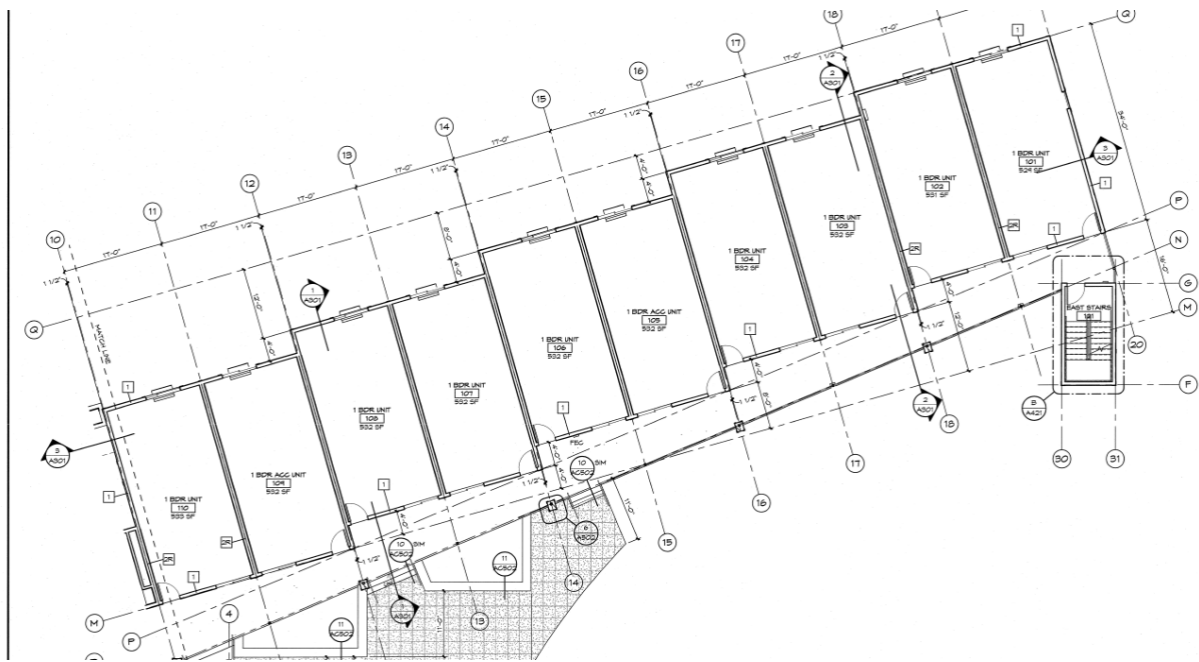
“The affordable units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with RCW 84.14. The applicant must record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in RCW 84.14 for a period of no less than 50 years” . . .

Pending your response, I have a few suggestions for this section that might make implementation and administration a bit easier.

#2) Regarding modulation, I think Section 17C.110.325 Building Articulation is a little overly restrictive.

Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.110.325-A. (R)

Here is an image of 315 W. Mission, <https://maps.app.goo.gl/PpMNAQLYiQCBtivN7> for reference. I realize it is a little larger scale than what is proposed in the regulation, but I thought it was a good concrete example of a highly modulated façade which wouldn't meet the code as written. The units along Mission are 'stacked' and the building is comprised of modest one-bedroom apartments. There is modulation every other unit. If we were to plan a similar building we would need to limit the apartments to a width of less than 15' each, as measured from the exterior which is not feasible. The code as written would require modulation for every individual unit. I would suggest modifying it to every 40' at a minimum or expressly saying or every other unit. Our very modest units were roughly 17' wide, see below as a point of reference see below.



Max Benson

Community Frameworks | Real Estate Development Director

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Bremerton, WA 98337

Direct Line: 360-842-8050

maxb@communityframeworks.org

Website | [YouTube](#) | [Facebook](#) | [LinkedIn](#)

Housing Solutions For The Northwest

From: [Max Benson](#)
To: [Downey, KayCee](#)
Cc: [Deb Elzinga](#)
Subject: RE: Building Opportunities For Housing - Section 17C.110.225 and modulation
Date: Monday, September 18, 2023 11:31:34 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thanks Kaycee, Sorry, I had hoped to submit my comments later after getting the feedback on the origin of the existing language.

Here is the remainder of my comment:

There are a variety of programs and funding sources in Washington state that can help provide for the production of affordable housing. Most of these have a 40 year use restriction including RCW43.185A which is the governing law regarding the state Housing Trust Fund <https://app.leg.wa.gov/RCW/default.aspx?cite=43.185A.060>

In my experience developing affordable housing, we run into situations where we just have an excessive number of different and overlapping affordability restrictions on properties. To minimize paperwork, confusion, staff time, cost and so forth, I recommend that other restrictions held by the City of Spokane, Spokane County, Washington State, or Washington State Housing Finance Commission to be acceptable in lieu of a special restriction for this specific legislation.

So as it pertains to the affordability section, my suggested language is:

“The affordable units must be maintained as affordable for a term of at least ~~50~~ 40 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with either: RCW 84.14; a federal or state housing program administered by the department of commerce; A federal housing program administered by a city or county government; An affordable housing levy authorized under RCW 84.52.105; The surcharges authorized by RCW 36.22.250 and any of the surcharges authorized in chapter 43.185C RCW. The applicant must record a covenant, or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions either in RCW 84.14; ; a federal or state housing program administered by the department of commerce; A federal housing program administered by a city or county government; An affordable housing levy authorized under RCW 84.52.105; The surcharges authorized by RCW 36.22.250 and any of the surcharges authorized in chapter 43.185C RCW for a period of no less than ~~50~~40 years

Max Benson

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Housing Solutions For The Northwest

From: Downey, KayCee <kdowney@spokanecity.org>
Sent: Monday, September 18, 2023 10:46 AM
To: Max Benson <maxb@communityframeworks.org>
Subject: RE: Building Opportunities For Housing - Section 17C.110.225 and modulation

Good morning Max,

Thank you for reaching out. Your comments have been recorded and will be presented to both Plan Commission and City Council to assist them in making their final decision.

As for your question about the 50 year affordability commitment: HB 1110, which was the Middle Housing legislation passed by the state this year, uses the 50 year language. There has been discussion about reducing the requirement within the draft code to 40 years to align with more of the affordability programs that are in place. Please feel free to provide additional comments about that language.

Thank you again and please reach out if you have any other questions.



KayCee Downey, AICP (*she/her*) | City of Spokane | Planner II | Planning & Economic Development
509.625.6194 | dept. 509.625.6500 | kdowney@spokanecity.org | spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Max Benson <maxb@communityframeworks.org>
Sent: Friday, September 15, 2023 11:03 AM
To: Downey, KayCee <kdowney@spokanecity.org>
Subject: Building Opportunities For Housing - Section 17C.110.225 and modulation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

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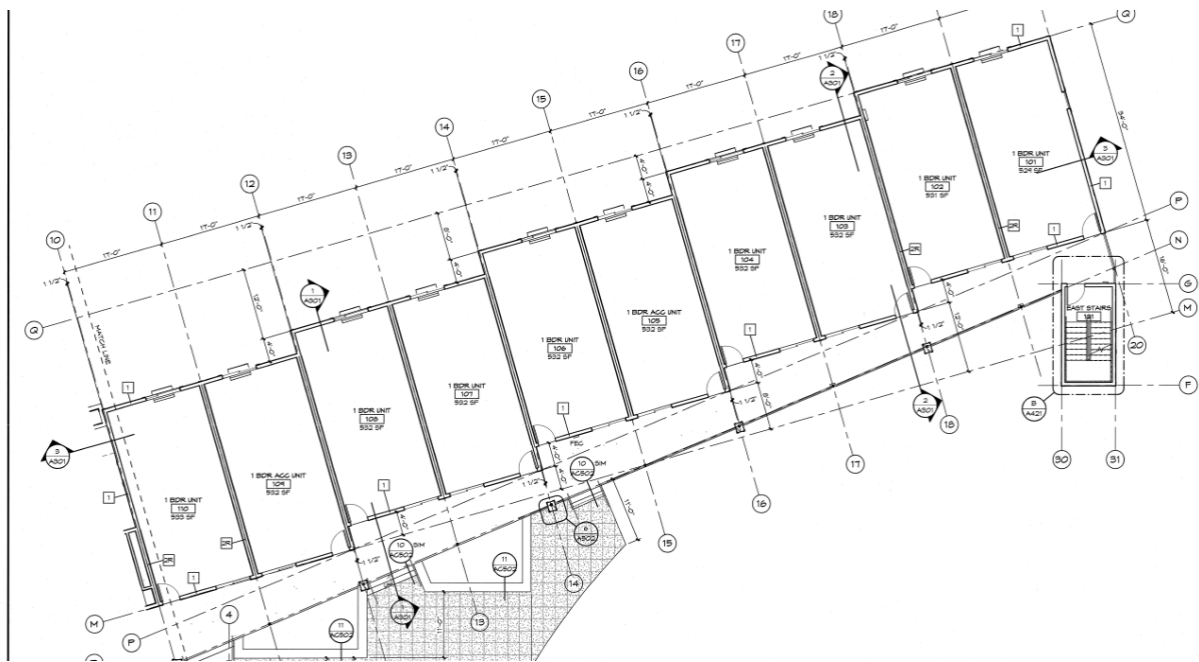
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Housing Solutions For The Northwest

From: [Frank](#)
To: [Downey, KayCee](#)
Subject: Building opportunity for Housing process
Date: Tuesday, October 3, 2023 3:46:03 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Bethany Presbyterian Church

PO Box 31375

Spokane, WA 99223

Dear Ms. Downee,

The Bethany congregation is grateful for the work that has been put into changing the planning rules to make affordable housing more available and easier to develop in Spokane. We have been following the process and are glad that the options for religious organizations are being expanded. We are hoping that this will include and enable our proposed affordable housing plan for low income families, including refugees, and our new church building project at 2607 S. Ray Street to proceed at the beginning of 2024.

Our non-profit partner for this project is Proclaim Liberty, a 501(c)(3) organization that was created by the Presbyterian Church in Spokane. They have built other low income housing in the Perry Street area.

Sincerely,

Kristen Cejka

Bethany Elder & Treasurer

From: [Charlene Faoro](#)
To: [Planning Services Development Code](#)
Subject: BOH comment
Date: Sunday, October 1, 2023 5:44:06 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Regarding HB1110

I have a concern for your resolution of BOH in that it does not include a waiver for areas in the city that lack public infrastructure.

Please consider including a waiver in the resolution for our city for areas that currently have very inadequate infrastructure, fire dept., public transportation, schools, police, libraries ,etc.

I request you do not add more housing to an area that does not support current residents.

Sincerely,
Charlene Faoro

From: [Dennis Flynn](#)
To: [Downey, KayCee](#)
Subject: Community Feedback on Proposed Housing Code Changes
Date: Wednesday, September 6, 2023 10:28:57 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Why do we think more government intervention is the "solution", when it is government intervention that created the "problem" in the first place? That's rhetorical, obviously, because what I've found in communication with City Council, State legislators, and federal legislators is that they all have hubris enough to think they "know better", which is preposterous when you look at the results. Instead they need to learn they are "no better" than the rest of us at figuring out solutions, and their job should focus on eliminating government interference, which always results in picking winners and losers, and most commonly exacerbates the "problem" by implementing their inefficient "solutions".

Obvious case in point: the Growth Management Act. The GMA crippled local communities' ability to decide where to allow expanding housing development. This perversion of the natural order restricted the supply. Basic ECON101 information us that restricted supply leads to increased prices. You see, there are natural laws at play here, and those in power might think they "know better", but anyone with two brain cells to rub together can see the disastrous results in housing prices that are unnaturally high, leading to unaffordability, leading to the rich buying housing and then renting it out, leading to increasing rents as the population of actual "owners" declines, leading to increasing the "poor" who no longer even get the benefit of mild housing equity increases, because they can no longer afford to buy. But I guess we're just not supposed to see the obvious and instead we're told we will "own nothing and be happy". Yeah, right...

I contacted my state legislators, asking them to make it an OPTION for a local municipality to modify zoning to allow 2/4/6-plexes. But no, no option for us plebes, because I guess they "know better" in Olympia, so they MANDATED all of Washington State to allow multi-family dwelling units in RSF zones. But I guess we don't need to worry about it, because now we're going to change the names of the zones so that all of this can be swept under the rug and plausible deniability by our Council will be the soup d'jeur.

And isn't it interesting that at the same time we're having these zoning changes stuffed down our throats by a Council who well knows they will be term-limited out before their constituency realizes what we've been force-fed...that the Council has also eliminated all off-street parking requirements for basically the entire city? Oh, but don't worry, because most of the City is already developed so there already is off-street parking. Yeah, until everything becomes 4-plexes with Accessory Dwelling Units put in where the driveway used to be!

So, instead of actually fixing the root problem, which again is government corruption of the free-market system into a crony-capitalism of government diktat, our "leaders" think MORE government is the answer!?! How does that saying go: doing the same thing over and over again while expecting a different result is the definition of insanity?

Get [Outlook for Android](#)

From: [Steven Hartling](#)
To: [Planning Services Development Code](#)
Subject: Housing Action Plan
Date: Tuesday, December 6, 2022 1:48:41 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi my name is Steven Hartling. I think the Housing Action Plan is great. I appreciate the emails with updates. The city could sure use more housing and I really like what I have seen over the last couple years.

I am concerned about my neighborhood activity recently. I live on the lower south hill and my home is in the historic street car neighborhood. I think this district is a bad idea and it will make improvements and additional units more expensive and take longer to build.

I own historic homes here like many of my neighbors, but lately I feel like the only homeowner against the historic district. I think the recent opening up in building regulation is wonderful. The city must grow, and the interim rules are a great idea. Yet at the same time as the city cuts regulation, this potential historic neighborhood hopes to add on a lot of new regulation. Seems wrong to me.

I hope this proposed district does not become law soon. The district rules and city seem to be moving in opposite directions. In emergency housing times it is not appropriate for neighborhoods to add their own rules. Besides, the neighbors that voted for it are going to preserve their own homes without new rules.

What if this passes and then another neighborhood copies the idea? And then another and another and so on. Just my feed back. Thanks for all the hard work getting this city building again.

Steven Hartling
509-599-5689

From: [David Hay](#)
To: [Planning Services Development Code](#)
Subject: Question about BOH background
Date: Friday, August 25, 2023 3:11:29 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I was watching the two recent Plan Commission meetings on Youtube and am interested in getting more info to put a proposal for a maximum 20' setback in context. I understand Spokane is trying to build denser housing, but this would seem to force houses quite close to the street on larger lots. Am I incorrect to assume that towards the city limits there are still larger residential lots of, say, a half acre or more available?

Is there some built-in presumption about the size of lot this would apply to? The discussion seemed to be mainly of duplexes and townhomes. Is there any information about the min/max/average lot size in the city? And does the plan commission have any influence over lot size?

Hopefully the gist of my question makes sense. This may not be a realistic example given the building that has already occurred here, but if I have a 2 acre lot, forcing the home to be 20 ft from the road seems not quite right.

Thanks,
David

From: [David Jones](#)
To: [Downey, KayCee](#)
Subject: from David Jones
Date: Tuesday, September 5, 2023 3:00:06 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

KayCee

Hello. I received an email from the city asking for any feedback regarding the new BOCA zoning regulations. I thought I would submit one thing.

The new zoning rules are supposed to make sure the proposed new housing is compatible with the existing neighborhoods. To quote from the email I just got:

The intent of the collective text amendments is to increase housing choice and feasibility throughout Spokane while ensuring compatibility within existing neighborhoods and the community's vision.

I don't know who gets to decide what is compatible and what is not. Behind my house, a developer wants to build an apartment complex that is definitely not compatible with the existing single-family neighborhood. The proposed project is at 7601 N Five Mile Rd. Yet, the proposal was approved by the city anyway. Is there a definition of "compatible"? What makes something not compatible or is it all subjective? I think it would be a good idea to spell out what kind of proposed new projects must do to be compatible with existing neighborhoods. For me and my neighbors, it will be a tragedy to see the proposed apartments built. It seems like this type of project shouldn't be allowed just on the compatibility test alone.

David

--



DAVID JONES

Realtor® at John L. Scott

509.990.8552

david.jonescb@gmail.com

davidjones.johnlscott.com

[**What's my home worth?**](#)

From: [Claudia Lobb](#)
To: [Planning Services Development Code](#)
Subject: Public Comment on Update of city's Comprehensive Plan/municipal code
Date: Tuesday, October 3, 2023 4:32:19 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Citizen commentary on use of BOCA in Spokane:

As residents of Spokane for over 50 years, we adamantly urge the city of Spokane to include a waiver restricting the use of BOCA in areas of Spokane that lack adequate infrastructure.

As twenty-three (23) year residents of Grandview-Thorpe neighborhood, of the greater Latah Valley region, we live every day with risk to our safety. That risk is from "failing" transportation ingress and egress from our streets, lack of adequate police protection, no fully equipped and staffed fire station, to no schools requiring our children to be bused miles from their neighborhood through traffic corridors also deemed "failing" by WDOT.

In 2003, the city of Spokane was to have completed a fully equipped and staffed fire station for the Latah Valley but it did not happen. Instead, developers were allowed to build more neighborhoods that now have "below standard" fire protection. In the new Comprehensive Plan (2024 - 2029) there is still NO funding for a fully equipped fire station for Latah Valley. This last summer of fires brought the vulnerability of Latah Valley to the forefront and the front page. During a Level 3 evacuation, residents were UNABLE to evacuate and were trapped in their cars. Fortunately, the wind did not shift and those trying to evacuate were not burned alive like the Maui residents. The biggest risk to all Latah Valley residents would be to allow more development without the existing infrastructure deficits being corrected. We urge you to include a waiver to restrict the use of BOCA in areas of Spokane that lack adequate infrastructure.

Fire Captain Daniel Lobb, Retired S.F.D.

Claudia Lobb, M.Ed., Retired Spokane Public Schools

Public comment for BOH

I am concerned that the changes you are making to the comp plan and municipal code do not include a waiver of BOCA for areas in the city of Spokane that lack adequate public services. Many outlying areas of Spokane are lacking infrastructure to support current residents and adding more homes would pressure a system that cannot meet this operational increase.

Thank you,

Molly Marshall

Spokane, WA 99224

From: [Kmartin6](#)
To: [Downey, KayCee](#)
Subject: Building Code Amendments
Date: Saturday, September 30, 2023 11:45:23 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

While I agree we need more housing for renters and home buyers, I do not agree with blanket changes in zoning and increasing the number of units per lot in any residential neighborhood. I have seen this done in the Los Angeles Neighborhoods, and they are never the same again. First, many individuals bought into these areas for the single family homes and the quiet neighborhoods. After these changes in LA any house could be converted to have 4+ rental units. Now, I believe it's even more. This leads to major issues when a structure is built on the edge of a property and now looks into the neighbors home and invades privacy. Most home builders think about privacy when building in the suburbs, such as minimizing windows looking into neighbors windows. With these added structures that can be built, that is not a consideration.

Also parking becomes an issue. If you have 4-6 rental units in one lot or single family home, that could result in potentially 8 cars or more, for that one lot, which will park where? In many cases garages are turned into an added unit. Up in Indian Trail, many streets do not even have stop signs, and it's expected everyone knows the right of way rules, which they do NOT. If you continue to increase density you NEED to consider safety. Having stop signs is critical at this stage you are already at in density in 90+% of our city neighborhoods. Additionally we don't have side walks. That means we walk on the street and when we have cars on the streets it becomes unsafe for pedestrians and children. Snowplowing should also be a major consideration as this would make it even more difficult.

Spokane is NOT LA. Please reconsider these zoning changes. We have a lot of open land still..we are not in a situation where we need to destroy our neighborhoods and turn them into high density areas without first considering the impact this will have. Already Indian Trail and Frances are overwhelmed during rush hours, and yet, we continue to build without considering how to reroute that traffic or expand those roads.

In N. Indian Trail area off Skyline and Wieber, all that traffic..all the new houses, that were rezoned and rezoned, have to go through our neighborhoods to get to the county land. The fire trucks, the school buses all need to go down barnes hill and into our neighborhood when an easy access street could have been made near the middle school. Instead we all have to have 500-1000 more cars traveling in front of our houses on Fleetwood and Seminole, yet still no road improvements or new roads to reroute the large trucks and cars. This is just an example of how we put the cart before the horse. Please consider fixing our roads and getting those up to par before we continue to rezone and add more density to areas that are already overwhelmed with traffic and large trucks on a daily basis.

We have plenty of open space around Spokane, a master planned community that meets the needs of our growing city and is planned with better roads and freeway access is what is needed. Not more units in existing single family homes/neighborhoods.

Thank you,
Karen Martin
N Seminole Dr
Spokane

Sent from my iPad

From: [barbara morrissey](#)
To: [Planning Services Development Code](#)
Subject: my housing journey
Date: Saturday, September 23, 2023 12:55:18 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

first independent living during college and work was in one or two bedroom apartments with one to three room mates. This is what I could afford.
Second “house” was sharing a duplex unit with three other room mates. First time I ever had my own bedroom!!
Got a dog, moved out to a converted chicken coop on the outskirts of Denver. Good place for parks and dog wolks
New jobs,rented apartments in private home basments, once in a cabin, once in a mobile home
Another job, moved into a triplex in Browne’s addition, then my own house(rental) in East Central. Still had pets.
In Seattle I found rentals that would accept pets mainy in low income neighborhoods.
Still a renter when I taught at a college in California. Stiil had pets.
Moved back to Spokane in the 80’s. Finally bought my first house in Peaceful Valley for 25K., where I still live after 40 years. Retired. Had a stroke. Currently living with a relative who is on a TOD deed . Lot size is 50X100.
House built in 1906.

I think many “homeless” have problems getting along with others, for any number of reasons, which might rule out sharing a house or apartment with room mates.Only knew one person who lived in his car for awhile when he had a job, but could not afford to live in Seattle. People who have campers have a problem finding a place to park in Spokane. Happy to see that Mobile Homes are allowed in some areas.

Barbara Morrissey
age 82
taslin10@earthlink.net

From: [Aidan Nascimento](#)
To: [Planning Services Development Code](#)
Subject: Zoning changes
Date: Wednesday, August 9, 2023 3:56:36 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello,

I want to provide some feedback on the proposed changes, and offer suggestions.

To start, I am heavily in favor of the proposed rezonings, I really like allowing for higher densities everywhere in the city, and especially around Gonzaga University, I only wish the upzoning was greater: higher height limit, greater density, greater FAR, and no setbacks.

The upzoning of single family parcels of land is also a great change, but I had some suggestions to make a sixplex more of a viable project.

First concern and my biggest concern is that FAR would be increased to match the proposed density, or the limit on FAR removed entirely. I don't understand why FAR limits exist in the first place, so if you know why, I would like to know. I ask why should we limit how much land could or should be developed. A single family house already destroys the natural environment and replaces it with an artificial, invasive one, so allowing more to be built wouldn't change that much. Other than environmental, it would probably help both developers and increase the living area of the residents. A 5k sq ft lot under a 0.5 FAR would only allow 2.5k for living, barely enough for three small homes, much less 6. The height limit being at three stories already limits the amount of space that can be built, meaning that with no setbacks or any other restrictions, the max FAR would be 3 anyways. The FAR limit only serves to limit the living space of the residents, and does nothing to increase their standard of living, or the viability of projects. By removing the FAR limit, it gives developers the option to build as much as they want, within the land and height limit, and would give people more space.

I also want to suggest the removal of the coverage limit, for many of the same reasons as described above. It does nothing for the resident, restricts the developer, and there are already limits on how much a developer can build. This just adds more restrictions, and has no benefit that I can see. If there is one, I would love to hear it.

Next, I want to talk about setbacks. In order to make projects easier they should be reduced or removed. Perhaps a developer wants to make a building with a courtyard, surrounded by 4 units. Having as much space as possible in the back and sides would go a long way to make these cool types of housing possible. No developer has to build all the way to the property line, but it gives them the option to if they want. If the concern is fire, maybe any wall within that setback is mandated to be made from some fireproof or resistant material, such as cement, stone, or metal. I don't see how keeping back and side setbacks would increase the living standard of the residents in some way that the developer wouldn't already consider and want to provide.

The front setback is also extremely important for walkability. Walking is nicer, more interesting, more fun when the building is right next to you. When the windows, doors, architecture is right next to you, the walk becomes easier, and becomes more likely. It also has a secondary psychological effect on drivers. A street with large setbacks on either side

influences drivers to think they can go faster. Although that setback might make it safer, it also makes the street more dangerous for walkers, and people who ride bicycles. A smaller setback encloses the street, meaning drivers won't want to drive as fast, and in residential neighborhoods, this will save lives. Remember, developers wouldn't be forced to build all the way to the front of the property, but they should be able to if they want.

As for the greenspace, it doesn't get used to its full capacity when it's a narrow strip of grass. Turning it into inside space would make homes bigger, and increase standard of living. If you want, you can mandate garden space,(ex: 2sq ft of personal garden space per unit) but mandating greenspace through setbacks is not a good idea. Having a yard is nice, but parks can and should serve that purpose much more efficiently. Not having setbacks have worked in cities for hundreds of years and have created awesome, vibrant, walkable cities, and I would very much like for that to be Spokane someday.

Lastly, a comment about parking garages.I think that if a residence is along an alley, the garage should absolutely be required to open into the alley. Garages reduce walkability by creating sidewalk cutouts, reducing the greenspace between the sidewalk and the street and (even if only occasionally) mean that cars need to pass through the sidewalk. If a property has alley access, the garage MUST open into the alley.

Also I heard that you were making it easier to build small commercial buildings in residential areas, and I really like that idea. Corner stores and neighborhood restaurants will make walkability way better, and provide a huge amount of character. Please go far with that.

The proposed rezoning is really cool, I'm very excited to see how it turns out. But I think these problems would put a pretty big dampener on what could be city-defining. It might be difficult to change the zoning code later, and so I want things to be as perfect as they can the first time.

Thank you for taking my considerations,

Aidan Nascimento

From: [Gardner, Spencer](#)
To: [Downey, KayCee](#); [Thompson, Tim](#)
Subject: Fw: HB1110 Comment
Date: Monday, September 18, 2023 9:10:15 AM

See email below. Ms Neff has requested that we replace her previous comments with this new version.

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Ramos, Virginia <vramos@spokanecity.org>
Sent: Monday, September 18, 2023 8:58 AM
To: Kinnear, Lori <lkinnear@spokanecity.org>; Gardner, Spencer <sgardner@spokanecity.org>
Subject: FW: HB1110 Comment

Hello,

Please see below for the statement Julie Neff would like to be placed on the record in lieu of her previous statement.

Ginny

Virginia “Ginny” Ramos, She/Her
Legislative Assistant to Council President Lori Kinnear
808 W. Spokane Falls Boulevard, Spokane WA 99201-3335
Office (509) 625-6714 | Cell (509) 564-1914

From: Julie Neff <julieneff9@gmail.com>
Sent: Sunday, September 17, 2023 6:04 PM
To: Ramos, Virginia <vramos@spokanecity.org>
Subject: Re: HB1110 Comment

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you Ginny, and please thank CP Kinnear for me as well. Please see the message below to replace the e-mail I sent on Sept. 10.

Council President Kinnear,

Once again, I wish I didn't feel the need to write this. But, to follow on my March 24, 2023 e-mail, the "BOCA" project under construction is worse than I imagined it would be. Please take a few minutes to read this webpage [Urban Infill | Erik Dordal](#) describing Urban Empire Home's new "investment plex" concept that takes advantage of BOCA and single family neighborhoods as opportunities for investors to charge higher rents. The decreased livability of the adjacent single

family homes, or the eventual neighborhood decline that may result, does not appear to be of concern. Please, take a few minutes to drive by 3018 S. Manito Blvd. and take a look at it from all 4 sides. The outdoor living areas on the building's side property lines look rudely into the neighbor's windows to the south, and the neighbor's back entry to the north. First and second story windows stare directly into the neighboring properties' outdoor living spaces. The setback from the street diminishes the presence and views from the neighboring home on the corner. The extreme lot coverage and 3' side setbacks make me wonder about so many things - including what happens to snow? Will accumulations on the side yards melt into neighbors' basements? Across the street, look at the physical damage to the trees and boulevard. I do appreciate that the city required the building's automobile approach to come from the back alley, because this could have been even worse.

After spending years working for the City of Spokane with you and others interested in protecting neighborhood quality and looking for opportunities to revitalize neighborhoods that had been damaged by poor land use decisions and absentee landlords, I'm horrified to see my own formerly stable neighborhood damaged with the passage of a pilot code that needs a lot more work.

Admittedly, I am not entirely familiar with what is required or allowed with the passage of HB1110. But, I hope the city can take this as an opportunity to improve, not degrade, established neighborhoods. Infill is not the same as an entirely new housing development, and the same rules don't apply. Unlike a new housing development controlled by one developer, Spokane's historic neighborhoods are occupied by residents who paid a premium and then spent years fixing up and maintaining vintage homes. Most are invested in the quality of our community. So, please help ensure that infill respects residents and established neighborhood features such as street setbacks, height, scale, architectural character, and backyard privacy. Please do not allow excesses such as additional roof heights, reduced setbacks, and increased lot coverage. Many developers will take advantage of every inch and loophole allowed and the combined result is a building that doesn't fit. I keep thinking about the book "Housing as if People Mattered" published in 1988 on the topic of medium-density housing. The authors stress the importance of housing that allows dignity. Even a building's tenants will try to disassociate themselves from a structure that sticks out like a sore thumb or doesn't allow for basic privacy. Imagine how disheartening it is for the neighbors.

Spokane's historic neighborhoods and quality housing stock are part of the reason people move here. Please implement mandates that help ensure that infill housing will be designed to improve neighborhood quality, not just benefit from it. Unless Spokane residents have some assurance that their housing investment and quality of life will not be degraded by the next developer next door, I don't doubt that many who want it, and can afford it will move to the outskirts.

At this point, is there anything Council can do to help mitigate at least part of the damage that has been done with the release of the pilot code that resulted in this oversized building (or investment plex)? Compensation for adjacent residences so they can pay for much needed landscape screening and window treatments? Street trees in the front (to replace the many mature ponderosas that were just removed)? Repairing the damage to the boulevard curb, grass and trees?

Thank you for your consideration,

Julie Neff
3006 S. Manito Blvd.

From: [Richard Repp](#)
To: [Planning Services Development Code](#)
Subject: RE: Public Comment
Date: Saturday, September 30, 2023 6:53:09 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

A BOCA waiver is needed unless and until the long-overdue infrastructure is in place. Thank you!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Richard Repp <RRepp@hawleytroxell.com>
Date: 9/30/23 7:49 PM (GMT-06:00)
To: developmentcode@spokanecity.org
Subject: Public Comment

Allowing housing in Latah Valley before adequate infrastructure is in place is short-sighted and dangerous. Please ensure infrastructure is funded and in place before making a bad situation worse!

Thank you.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Carlo Ruth Architect](#)
To: [Downey, KayCee](#)
Subject: Public Comment for Proposed Housing Code
Date: Thursday, September 28, 2023 3:51:23 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

KayCee, just my quick two cents—

-This is great, really. Density is good.

-So many people are scared of density, though, unfortunately —hopefully policy changes are coupled w/ public education—a picture speaks a thousand words. Emphasize smaller lots is more social, and less time and money spent on lawn care, also good for the planet (if anyone cares ha).

-If there is any way for the policy to favor further development of alleys, that would be great as well. (This might not be relevant, I get it.)

-Biggest thing is, can the policy be written to favor multifamily development downtown, as opposed to where I do see so much recent multifamily development, far from downtown. That would be my #1 recommendation.

Thanks!

-Carlo Ruth

From: [Melissa Schade](#)
To: [Downey, KayCee](#)
Cc: [Thompson, Tim](#); [Deborah Irving](#)
Subject: Comment for Consideration | Middle Housing Discussion
Date: Thursday, September 28, 2023 7:31:31 AM
Attachments: [Screenshot 2023-09-28 at 7.05.11 AM.png](#)
[Screenshot 2023-09-28 at 7.11.41 AM.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello KayCee and Tim,

Please find the following comments and concerns with the forthcoming codes and plans for creating middle housing for city council to consider:

Parking Minimums on New Development:

Recommendation: At least one off street spot per home must be provided

No parking at a home or property is a spiraling effect that may save developers, but becomes costly to a city and its safety and enforcement departments.

No parking in building codes does not create more public transportation use - this needs to be a separate, social effort.

Even if we move to a heavier public transportation model over time, Spokane has a long way to go. We have no major train or rail system, and no parking in developments could also lead to challenges for buses to navigate narrowing streets.

If you push more cars on the streets, you also limit the ability to institute bike lanes without forcing streets to become one way or the like.

No parking can create a spiral effect for other departments, including parking enforcement and calls into crime check or the understaffed police departments, due to an increase in car prowling as cars become "sitting ducks" on the street. Off street parking is far more secure, even if not in a garage.

Just one article for consideration:

<https://popcenter.asu.edu/content/thefts-and-cars-residential-streets-driveways-0>

<https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-p117-pub.pdf>

On the street. National Crime Survey data indicate that most car thefts (37 percent) occurs on the street outside the victim's home.² A study conducted in the United Kingdom revealed that a car parked on the street is much more likely to be targeted by criminals than a car parked in a driveway, as can be seen in Table 1.³ Hampshire (United Kingdom) police discovered that nearly one-half of all car crimes in Portsmouth occurred on only about 10 percent of the city's streets and that the pattern was even further concentrated within those streets.⁴

Table 1. Risk of Car Theft by Parking Location in England and Wales (1982-1994)

Location	Thefts per 100,000 cars per 24 hours
Home garage	2
Home carport/drive	40
Home street	117

Building codes and planning codes should consider true resources at this time and be adjusted

as resources evolve. Developing a no parking policy benefits only developers, not future tenants, neighbors or city departments, as shown in example of increase in stakeholders when cars are forced to the streets:

For Driveways

- homeowners or tenants
- home insurance companies.

For Streets

- town supervisors
- building surveyors
- traffic engineers
- urban planners
- local community groups.

For Both Locations

- auto insurance companies
- car owners.

Recommendation: At least one off street spot per home must be provided to reduce spiraling impact on city departments and current and future residents

Minimum Lot size for a single family dwelling:

Recommendation: Minimum single family lot size for any current plat can be divided only into lots that are sized at 50% of the average of current neighboring lots.

Good neighbor efforts such as building design and height have already been implemented by the city planning departments, however minimum lot size has failed to be addressed.

12 tiny homes on 750 sq ft lots between two homes with 5-7,000 sq ft lots do not create neighborhood fluidity or design, but this is easily addressed while still supporting middle housing efforts. Plus, as a city, we should be considering what we're committing to greenspace for each home, for the residents that live within and the message we send when no outdoor space is available to these tenants.

Example: Four lots - 5,000 sq ft, 7500 sq ft, 3500 sq ft and 5,000 sq ft. - average is 5,250. Minimum lot size is 2,625 sq ft., rounded to the nearest 500.

- This accommodates multiple homes on an average lot of .23 acres (10,000 sq ft) lot while maintaining neighborhood design fluidity and providing density.

Examining Scout, between Manito, East and West Central, the average lot size is .15 acres, or 6,534 sq ft. This creates a healthy, but divided lost size of 3,267 ft.

This policy does not adhere to townhomes or duplex policy, but specifically addresses the capabilities within the current building code for 12 tiny individual homes to be placed in a residential neighborhood, degrading the fluidity of housing and negatively impacting property

values and thus tax revenue for the City of Spokane and Spokane County.

Recommendation: Minimum single family home lot size for any current plat can be divided only into lots that are sized at 50% of the average of current neighboring lots.

Any questions, please let me know!

Melissa

From: [Bonnie Schamber](#)
To: [Downey, KayCee](#)
Subject: New housing construction
Date: Wednesday, September 6, 2023 5:59:42 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning,

I've noticed a lot of new apartments being construction but if the monthly rental is too high what good is it for low income families?

I live on Nevada and it has become a hwy with racing, loud vehicles. New construction apartments just north on Magnesium are going in unbelievably close to the road on Nevada. Why is this allowed? It's hazardous in many ways besides noisy, polluted exhaust air and subject to cars driving into them. I know because vehicles have driven thru our fencing several times.

There must be regulations on how close people have to live to these hazardous conditions.

Thank you for your time and consideration,
Bonnie Schamber

From: [Munir Shah](#)
To: [Planning Services Development Code](#)
Subject: BOCA use comment
Date: Friday, September 29, 2023 7:08:28 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I live in Eagle Ridge in Spokane Washington and would like to request a waiver for Eagle Ridge to not participate in BOCA until infrastructure is added to this area. If folks keep developing in Eagle Ridge without adding infrastructure it is going to be a bigger and bigger mess for the residents of this area. Please consider granting a waiver for Eagle ridge to not participate in BOCA until the infrastructure problem is addressed adequately.

Thank you,

Munir Shah MA., ABD., LMHC.

From: [Vadim Smelik](#)
To: [Downey, KayCee](#)
Cc: [Brast, Ali](#); [Owen, Melissa](#); [Gardner, Spencer](#); [Planning Services Development Code](#)
Subject: BOCA Duplex Final Product - 2502 N Magnolia
Date: Thursday, September 14, 2023 12:56:39 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

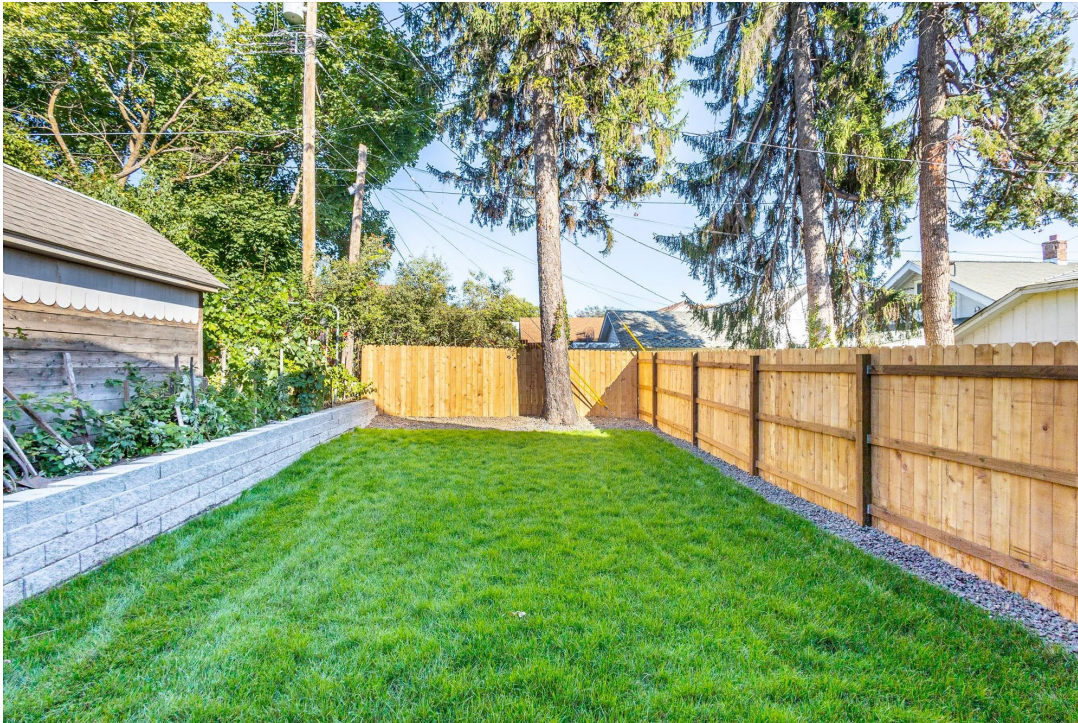
Good afternoon,
from my understanding I believe this duplex was the first one approved under boca (but probably not the first one finished).

Wanted to thank you guys and your hard work in making this happen. Look forward to whatever else you guys can bring that would benefit this city.

Below are the photos of the finished product. We are pretty happy with how it turned out.

If you would like to use any of the photos, please reach out to Grand Showing for licensing info.

Thank you









--
Vadim Smelik
509-981-7292
Vadim@kodiakgeneral.com
Project Manager
Kodiak General Contracting

From: [Sharon Smith](#)
To: [Downey, KayCee](#)
Subject: Zoning
Date: Monday, October 2, 2023 12:58:16 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear Ms. Downey,

At Bethany Presbyterian, we have been anxiously awaiting the results of the Zoning regulations as they are evaluated and modified. As a religious entity, we are very interested in using our property to help support the need for housing in our city. We believe that our sanctuary could be a part of a living community, including said housing. It is with great appreciation that we reflect on all of our dealings with the Zoning board, as well as City Council members about our ideas. It seems that our dream in collaboration with Proclaim Liberty (another Presbyterian non-profit entity that has built properties in the Perry District) will be able to create viable apartments in the Lincoln Heights area.

We are very excited to hear the results of the months of planning. Thank you for your interest in these projects throughout the city.

Sincerely yours,

Sharon Smith

Sharon Rodkey Smith
1403 W. Courtland Ave
Spokane, WA 99205
C - 509-714-0555

From: [Liam Taylor](#)
To: [Downey, KayCee](#)
Subject: Comments, Building Opportunity for Housing
Date: Wednesday, October 4, 2023 12:13:36 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello KayCee,

Hope you're doing well - sorry to send a comment so late.

It's great to see the City of Spokane progress their development code to allow more building opportunities for housing, exactly as the name suggests. My only hope is that the City continues to advance in this direction, and that this is just the tip of the iceberg in eliminating exclusionary zoning.

Why not go all out? It appears Floor Area Ratio (FAR) requirements were eliminated, why not eliminate all building setback standards? They're not really necessary for residential uses. Also, building heights. It's a little disappointing to still see 35' as the cap. If the City is so focused on infill development, they should recognize the limited infill opportunities, and allow developers to build higher to accommodate more fill.

Anyways, I'm probably too late to the party. Looking forward to seeing how this turns out, and if you or any other members of the planning staff want to chat about exclusionary zoning and why I think it's bad, let me know. I'd love it some day if the City legalized small commercial businesses everywhere, which would incentives walkability, among other things. I'm going on a bit of a rant now, but I would HIGHLY recommend the book "Arbitrary Lines" by M. Nolan Gray, which discusses the history of zoning and how it broke America, and how we can fix it. Let me know if you have any questions.

Sincerely,

Liam

From: [Jene Ray](#)
To: [Downey, KayCee](#)
Subject: My endorsement
Date: Tuesday, September 5, 2023 3:14:50 PM
Attachments: [image001.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

As Director of The ZONE supporting thriving households in Northeast Spokane, I endorse making permanent the interim regulations below:

The Interim Regulations make the following temporary changes to Title 17: • Allow between 1 and 4 units on all residential lots citywide. • Allow attached homes (i.e., "townhouses") on all residential lots and remove the maximum attached unit limits in all zoning districts for attached homes. • Modify lot development standards that control the size, placement, and physical design of attached houses, detached single-family homes, duplexes, triplexes, and fourplexes. This helps remove barriers to construction for all low-scale housing types. Community Review Draft Code Amendments 8/14/2023 MIG | APG Spokane Building Opportunities for Housing Phase II 2 • Apply uniform design standards based on existing multifamily standards, with modifications appropriate to low-scale residential projects. The proposed amendments make permanent Code changes based on the Interim Regulations and take further steps to support housing production and expand housing options.

Warmly -Jene

Jene Ray

Director | The ZONE at NECC

Associate Director | Northeast Community Center

Primary: 509.209.7227 Desk: 509.487.1603, x224

Email: JRay@NECommunityCenter.com

4001 N Cook Street, Spokane, WA 99207

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TheZoneSpokane.org | [Facebook](#) | [Linkedin](#)

Kaycee Downee
Planning Department
City of Spokane

RE: Building Opportunity for Housing process

Dear Ms. Downee,

We are grateful for the work you all have put into changing the planning rules to make affordable housing more available and easier to develop in Spokane. As members of Bethany Presbyterian Church we have been meeting with City Councilpersons, planning staff attending meetings and following this process. I am that the options for religious organizations are being expanded. We hope that this includes and enables our proposed affordable housing for refugees and our new church building project at 2607 S. Ray Street to proceed with an application in January based upon these new regulations.

Our non profit partner for this is Proclaim Liberty, a 501© organization that was created by Presbyterians. We hope that our project being done jointly with them will qualify for these changes be approved within the 1st several months of 2024.

Sincerely,

Brian Thompson-Royer
Chair person
Bethany Presbyterian Church Rebuilding Team

Delivered by email to kdowney@spokanecity.org

From: [Carol Tomsic](#)
To: [Downey, KayCee](#)
Cc: [Freibott, Kevin](#)
Subject: Building Opportunities for Housing SMC Comment
Date: Tuesday, October 3, 2023 9:53:50 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you for working on the text amendments!

I have a few comments and questions.

Section 17C.110.010 -page 11

Thank you for keeping the Use Standards to create and maintain residential neighborhoods and not to sacrifice overall residential neighborhood form and function.

Thank you keeping the Developing Standards and stating "ensuring new development complements existing development."

Section 17C.110.110 Limited Use Standards -page 20

B. Office - please clarify Office requires a Conditional Use permit in RMF and RHD?

Section 17C.110.225 Development Near Major Transit Stop or Center & Corridor Zone, or with Qualifying Affordable Units -page 46

Thank you for stating 25 percent of units are low-income housing and must remain for a term of at least 50 years.

Section 17C.110.230215 Height -page 52

I did not see any notation on building heights having to complement existing development, just 150 feet from residential unit? A building height significantly affects and impacts adjacent neighbors. Is it possible to add more restrictions?

Can any neighborhoods request to be a 'special heights district'?

Section 17C.110.315 Entrances -page 65

Thank you for stating the purpose (and importance) of an entrance, "to encourage pedestrian activity and enliven the street."

Section 17C.230.130 Parking Exceptions

It says, The proposed changes to this section (subsection G) and in Table 17C.230-2 are intended to make those interim regulations permanent.

I would really like to see a requirement of reduced parking in residential development 1/2 mile of major transit stops. The above statements does not allow for any changes in the interim regulations.

Chapter 17G.020 Comprehensive Plan Amendment Procedure -page 90

I may of missed it, but I want to make sure neighborhood councils are still required to be notified of any amendments in their neighborhood.

Section 17G.061.010 Summary of Land Use Application Procedures - page 100

I didn't see any mention of neighborhood councils being notified on 'notice of application' graph. I am requesting neighborhood councils still be notified of proposed land use changes.

Section 17G.061.315 Rezone Decision Criteria -page 129

Is this rezoning separate from the comprehensive plan amendment process? Is this decided by the planning director?

Section 17G.061.315 Rezone Decision Criteria -page 131

I am a bit worried by the criteria for an office designation. Our neighborhood has historic residential buffers near a center and corridor. How are residential neighborhoods protected by this rezone criteria?

Thank you!
Carol Tomsic

From: [Harold Vanderpool](#)
To: [Downey, KayCee](#)
Subject: public comment on proposed text amendments as part of Phase 2 of Building Opportunity for Housing
Date: Sunday, October 1, 2023 10:00:26 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello KayCee

Here are some of my comments focused on R1 and R2 changes in the draft revised regulations:

1. Generally the concepts and changes of these regulations are thoughtful and appropriate. The project team has been doing a great job soliciting and taking input to generate sensible changes to the current regulations. The following comments provide some recommendations for a small but important number of those proposed changes.
2. RMF and RHD changes. Since the focus of this round of changes has been primarily on the R1 and R2 zones, and the planning team is recommending deferring discussion of RMF and RHD changes citing an intention to review those zones in detail in the near future, I recommend that all changes other than reorganization of the regulations for RMF and RHD be removed and tabled until a full discussion of those zone regulations is available for public comment. If unwilling to do that, then recommend that the timetable be extended and discussion opened to review those zone regulation changes in detail. I have a large number of comments on the RMF (transition zone between R1/R2 and RHD) that are not included in this comment email.
3. Table 17C.110.205-2
 1. Maximum building height - I agree with the elimination of separate wall and roof height, but allowing the extra 5' allows 4 stories instead of 3 in R1 and R2. Allowing a 4th story adjacent to existing 2 or 3 story would be ok. But 4 stories next to a single level house is a very abrupt change.
 2. ADU - Front setback missing - refer to primary? Seems like an ADU could go fine in a lot with primary structure currently set all the way to the back of the lot
4. 17C.110.215 - Density
 1. Section D - Minimum Density - In the R2 zone on a .25 acre lot, a duplex or old larger home previously converted into apartments would be precluded from reverting to a single family unit even if that was consistent with the adjacent properties. It likely isn't economically feasible, but do we want to prevent someone from buying a historic property and restoring it to its original condition? I agree that we want to regulate someone from purchasing a large block of lots and building a single family on several acres as that would be inconsistent with the zone, but allowing a return to the original character of the neighborhood seems like it should not be prevented. Is removal of ADU also potentially prohibited by this?
5. 17C.110.230 - Height
 1. Section B - Height Standards - Seems like the C.3 basement parking 3' exclusion might conflict with B.3 Average Grade which calls out for using the lowest point between building and 6' away.
 2. Section C.1 - Typo as there is no 35' height limit under proposed regs
 3. Section C.2 - While not including most of my comments on RMF (per direction

by planning team), I have to comment on the egregious loophole in this section which allows for an additional 15' height in RMF and RHD zones when adding a pitched roof. It is very easy to build at minimum pitch at a 'cost' of only 5' of height for which one gets a total of 15' extra height allowed...enough for another floor. Pitched roof allowances should allow the pitched roof above the max height not to exceed 15'

4. Section C.3 - Basement parking seems to require a sloped entry of less than 50% of the wall length (based on B.5). Probably warrants a diagram to avoid confusion.
5. Section E - typo? with limit of ADU at 23' instead of 25' in Table 110.205-2
6. I cannot find a definition for the front of a lot other than the inferred requirement that it face a street. For properties that do not face a street, the front is not well defined. Furthermore, the good regulations that require architectural features on fronts of buildings are not applicable when a lot line other than the front faces the established (possibly for many decades if not a century) front of a landlocked property (one without street frontage) but this case is defined under Lot in the Glossary. So it seems to warrant some recognition to receive the same benefit of the development regulations on neighboring properties they face.
7. 17C.110.325
 1. Section C.1 - The modulation of long facades requiring breaking up of the plane every 30' is good. But an overall max limit should be set. 160' for example as in some existing buildings is too much for any residential zone.
 2. Section C.5 - This section is the only "should" requirement in Section C. The building Massing and proportionality that it discusses are some of the most important aspects when evaluating impact on neighboring properties and overall "compatibility" and just how "complementary" a new construction is. This needs to be a required regulation. Additionally, "established and historic neighborhoods" warrants a definition.
8. 17C.110.335 - Parking Facilities
 1. Section B.1 has a drawing that conflicts with the 4' setback requirement of the immediately following B.2
9. Table 17C.230-2 - Minimum Parking for Residential Household has typo in that footnote 3 should be before the semicolon as it applies to the 'after 3 bedrooms' bit
10. 17C.300.130 - ADUs
 1. Section B.2 - Height - A wall height exception is granted when wall height is no longer part of the regulations. Should be a height exception
 2. Section B.3 - Bulk Limitation - Are the percent of total square foot restrictions inconsistent with the other new lot intensity/coverage approaches?
 3. Section B.4.c - Refers to 'floor area' and I believe the intent is 'footprint' of building.
 4. Sections C and D - Does C supercede D? For example if a water line of primary structure is not a full code required depth, may the ADU still connect to that utility as required by C?

I do hope those comments are clear. If not, please don't hesitate to reach out.

Additionally, if the suggested delay on RMF and RHD changes is not likely to happen, please let me know so I can provide RMF and RHD comments as well.

Thanks,

Harold Vanderpool

From: [Jene Ray](#)
To: [Downey, KayCee](#)
Subject: RE: Please increase ADU allowable size
Date: Wednesday, September 6, 2023 10:36:45 AM
Attachments: [image001.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Oh super cool! 975 sq ft or 75% of the existing house is even *better*.

Please amend the ZONE Resident Steering Committee input to be:

Our top priority from our 2023 strategic planning is Affordable Housing for Larger Families

Warmly -Jene

Jene Ray

Director | The ZONE at NECC

Associate Director | Northeast Community Center

Primary: 509.209.7227 Desk: 509.487.1603, x224

Email: JRay@NECommunityCenter.com

4001 N Cook Street, Spokane, WA 99207

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From: Downey, KayCee <kdowney@spokanecity.org>

Sent: Wednesday, September 6, 2023 7:31 AM

To: Jene Ray <jray@necommunitycenter.com>

Subject: RE: Please increase ADU allowable size

Good morning Jene,

Thank you for your comment. I just wanted to let you know about the ADU code regulations that were approved last year that increased the size of an ADU from 600 s.f. to 975 s.f. or 75% of the existing house, whichever is larger.

The changes were part of [Phase 1 of Housing Action Plan Code Changes](#).



KayCee Downey, AICP (*she/her*) | City of Spokane | Planner II | Planning & Economic Development

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Jene Ray <jray@necommunitycenter.com>
Sent: Tuesday, September 5, 2023 3:12 PM
To: Downey, KayCee <kdowney@spokanecity.org>
Subject: Please increase ADU allowable size

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear KayCee,

The ZONE Resident Steering Committee supports increasing ADU size from 600 to 800 sq feet, and allowing other roof lines in order to provide more affordable housing options for families.

Thank you.

Warmly -Jene

Jene Ray
Director | The ZONE at NECC
Associate Director | Northeast Community Center
Primary: 509.209.7227 Desk: 509.487.1603, x224
Email: JRay@NECommunityCenter.com
4001 N Cook Street, Spokane, WA 99207

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EXHIBIT F



Spokane Tribe of Indians
Tribal Historic Preservation Office
PO Box 100 Wellpinit WA 99040

August 24, 2023

To: Ryan Benzie, Planning

RE: City of Spokane, Proposed Amendment of Residential Zones and Procedures in SMC sections- Citywide

Mr. Benzie,

Thank you for contacting the Tribe's Historic Preservation Office, we appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

As you already know, these areas maybe sacred, religious and cultural significance to the Spokane Tribe these sites are very limited and irreplaceable.

RE: Case by case review on each project and may require cultural surveys and monitoring on these projects

We are looking forward to working with you and your staff towards these projects

Again, thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared heritage.

If questions arise, please contact me at (509) 258 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer (T.H.P.O.)



Spokane Tribe of Indians
Tribal Historic Preservation Office
Po Box 100 Wellpinit WA 99040

September 19, 2023

To: Kaycee Downey, Planner

RE: City of Spokane – Building Opportunity for Housing Code Update

Ms. Downey,

Thank you for contacting the Tribe's Historic Preservation Office, we appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

The Spokane Tribe of Indians does express interest in projects that impacts cultural resources and Traditional Cultural properties (TCP).

While surface evidence or artifacts and human remains may be sparse after years of non-Indian occupation and development, evidence below the surface may still be in place and artifact and human remains may be entering the site through hydrological processes, and other means.

RE: These projects will have to be inventoried on case-by-case basis

As always if any artifacts or human remains are found during construction, this office should be notified and the work in the immediate area cease.

Should additional information become available, or scope of work change our assessment may be revised. Our tribe considers this a positive action that will assist us in protecting our shared heritage.

If question arise, contact my office at (509) 258 – 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer.

From: [Eliason, Joelle](#)
To: [Downey, KayCee](#)
Cc: [Nilsson, Mike](#); [Johnson, Erik D.](#); [Kells, Patty](#)
Subject: SEPA Proposed amendment of Residential Zones and procedures
Date: Thursday, August 31, 2023 4:59:13 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

KayCee,

DSC Engineering has the following comments regarding the subject SEPA:

1. Regarding Section B.3.c.(1): Stormwater is subject to the requirements of Chapter 17D.060 Stormwater Facilities SMC.

Thank you,



Joelle Eliason | City of Spokane | Engineering Technician IV Development Services Center

509.625-6385 | 808 W Spokane Falls Blvd, Spokane, WA 99201 | jeliason@spokanecity.org | my.spokanecity.org



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From: [Gardner, Spencer](#)
To: [Owen, Melissa](#); [Downey, KayCee](#); [Thompson, Tim](#)
Cc: [Palmquist, Tami](#)
Subject: Re: 3" side street lot line setbacks on narrow lots
Date: Tuesday, September 5, 2023 5:47:24 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks, Melissa. If you and Tami are OK with it, we'll consider this as part of agency comment on our BOH work since that is what precipitated the conversation for us. I'll have Tim and KayCee take a look at the relevant code section and see if there's something we can adjust to make this clearer.

Thanks,

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Owen, Melissa <mowen@spokanecity.org>
Sent: Tuesday, September 5, 2023 3:53 PM
To: Gardner, Spencer <sgardner@spokanecity.org>
Cc: Palmquist, Tami <tpalmquist@spokanecity.org>
Subject: 3' side street lot line setbacks on narrow lots

Spencer,

One code clarification we think we may need is related to the side street setback on narrower lots 40' wide or less. A strict application of the code appears to suggest that a 5' side yard setback would be required for a side street lot line. When I spoke to Tami about this last week, we didn't believe that we had been applying the code this way (if the lot was permitted a 3' side yard setback we were allowing this on the street side lot line as well). I did find both recent and old historic situations where a 3' setback is allowed/implemented; however, one concern may be about clear view triangles at the intersection or where there is very little right of way between the curb and the street side lot line. Perhaps a solution would be to clarify the allowance for a 3' street side lot line setback assuming the structure is not in the clear view triangle and located at least 12' from the side street curb line (similar to development in all other zoning districts). See parcel 25121.1617 for one recent example.

Development Services Center is open Monday-Friday 8 am – 5 pm in person, [online](#) or over the phone at 509.625.6300!



Melissa Owen | City of Spokane | Planning & Development Services
509.625.6063 | mowen@spokanecity.org

EXHIBIT G



IMPLEMENTATION OF COMPREHENSIVE PLAN POLICIES

Department of Planning and Economic Development

The following policies of the Comprehensive Plan relate to the proposed updates to the residential development and related sections of the Spokane Municipal Code. The full text of the Comprehensive Plan can be found at www.shapingspokane.org.

Chapter 3 – Land Use

Goal 1 – Citywide Land Use, Policy LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city's residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city's neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas

Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type.

Discussion: Higher intensity housing of various types is the critical component of a Center. Without substantially increasing population in a center's immediate vicinity, there is insufficient market demand for goods and services at a level to sustain more intense commercial development. Residential uses in and around Centers generally consist of multi-story condominiums and apartments. In some cases, smaller-scale residential development may be interspersed among those higher intensity uses, but

generally uses of higher scale and height should predominate in these areas, especially as proximity to designated Centers or Corridors increases. Likewise, residential development should increase in height, mass, and lot coverage as properties are located closer to commercial areas or where employment is higher.

To ensure that the market for higher intensity residential use is directed to Centers, future housing of higher scale and form is generally limited in other areas. Whenever more intense residential uses are proposed outside the general vicinity of Centers and Corridors, topics such as the proximity of those areas to uses like commercial or downtown uses should be considered. Design and site requirements should be considered that minimize conflict between these areas and other uses.

Goal 3 – Efficient Land Use, Policy LU 3.6 Compact Residential Patterns

Allow more compact and affordable housing in all neighborhoods, in accordance with design guidelines.

Discussion: Compact and affordable housing includes such choices as townhouses, accessory dwelling units (granny flats), live-work housing, triplexes, zero-lot line, starter, small-lot, and row houses. Middle housing types such as these are compatible with all residential areas, commensurate with Policy LU 1.3 above.

Goal 3 – Efficient Land Use, Policy LU 3.7 Maximum and Minimum Lot Sizes

Prescribe maximum, as well as minimum, lot size standards to achieve the desired residential density for all areas of the city.

Discussion: One of the ways to use the remaining usable land more efficiently is to increase the overall housing density. Increased density promotes efficient and cost-effective provision of city facilities, services, and transportation systems and enables the provision of affordable housing.

Goal 5 – Development Character, Policy LU 5.5 Complementary Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Chapter 6 – Housing

Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves public resources that can then be redirected to other needs such as adding amenities to these projects.

Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Promote socioeconomic integration throughout the city.

Discussion: Socioeconomic integration includes people of all races, color, religion, sex, national origin, handicap, disability, economic status, familial status, age, sexual orientation, or other arbitrary factors. Often, housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community.

Goal H1 – Housing Choice and Diversity, Policy H 1.9 Mixed-Income Housing

Encourage mixed-income developments throughout the city.

Discussion: Mixed-income housing provides housing for people with a broad range of incomes on the same site, development, or immediate neighborhood. Mixed-income housing provides socioeconomic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty.

Goal H1 – Housing Choice and Diversity, Policy H 1.18 Distribution of Housing Options

Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.

Discussion: A variety of housing types should be available in each neighborhood. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must take into account the context of the area and should result in an improvement to the existing surrounding neighborhood.

Chapter 8 – Urban Design and Historic Preservation

Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations

Adopt regulations and design guidelines consistent with current definitions of good urban design.

Discussion: The city should use development standards that encourage creativity while ensuring compatibility with the surrounding area and enhancing local character. Maintaining or enhancing the neighborhood's character, livability, and property value is a benefit to the residents of an area and provides business owners with some assurance of community stability. Adopted standards that are adhered to, even when some flexibility is included, offer protection and instill confidence in established and prospective residents and business owners.

Design guidelines should be understandable, enforceable, predictable, and consistent in order to measure and evaluate proposed development. Effective design guidelines include graphic depiction and written text that are clear, understandable, and unambiguous. They function specifically to guide the physical development of projects that require design review. The desire is to create and maintain an attractive and efficient city.

Options such as form based codes and a design review process should be utilized to ensure that new development is compatible with its neighbors and will meet the city's urban design goals.

Goal DP 2 – Urban Design, Policy DP 2.6, Building and Site Design

Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate neighborhood, responds to the site's unique features - including topography, hydrology, and microclimate - and considers intensity of use.

Discussion: New and remodeled projects can have a major impact on a specific area. Site placement, setbacks, landscaping, intensity of use, and other design considerations should be compatible with the visual character of the surrounding environment. This applies to all new commercial, public, multifamily structures, high density single-family projects, and exterior remodels of existing commercial structures. An accessory structure should be of a lesser square footage and volume and should utilize materials and colors less dominant than the principal structure.

Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

EXHIBIT H



ALTERNATIVE PARKING REGULATIONS

Department of Planning and Economic Development

To recommend approval of parking regulations that implement the requirements approved through ORD C36405, the City Council passed parking interim ordinance, the following language may be used.

Section 17C.230.130

G. Parking is not required for residential development on sites located within one-half mile of a transit stop.

Table 17C.230-2

[2] Parking is not required for residential development on sites located within one-half mile of a transit stop.

EXHIBIT I

This tracked change document highlights the modified sections of the SMC in a truncated format. The tracked change document is substantively compliant with the hearing draft. However, numbering, clerical changes, and minor adjustments may not be consistent.

Exhibit B of the Staff Report is the full proposed draft text amendments and is the formal proposal.

memo

to City of Spokane Staff
from Kate Rogers, Brandon Crawford, and Matt Hastie, MIG|APG
re City of Spokane Building Opportunities for Housing (BOH) Phase II
Revised Community Review Draft Code Amendments
date 9/1/2023

Introduction

This document contains draft amendments to Title 17 of the Spokane Municipal Code (SMC) as part of the Spokane Building Opportunity for Housing (BOH) Phase 2 project. The primary intent of these amendments is to make permanent changes to the SMC to allow middle housing types (e.g., duplexes, triplexes, and attached housing) in Spokane's single-family residential zones by incorporating the City's Interim Housing Regulations (SMC 17C.400) into other sections of the Code. Further proposed changes to the SMC are intended to support housing production, expand housing options, and improve the Code's readability and administration. These Code updates will also support the City's work toward compliance with House Bill 1110, which is described in the Background section below.

Background

The City of Spokane adopted the Interim Housing Regulations in 2022 to modify permitted housing types in residential zones to accelerate construction of more housing and allow for a greater variety of housing types throughout Spokane. The ordinance, named Building Opportunities and Choices for All (BOCA), builds on several years of engagement and outreach around the need for housing, through the adopted Housing Action Plan and the on-going Shaping Spokane Housing effort. The Interim Housing Regulations went into effect in August 2022 and expire in December 2023.

The Interim Regulations make the following temporary changes to Title 17:

- Allow between 1 and 4 units on all residential lots citywide.
- Allow attached homes (i.e., "townhouses") on all residential lots and remove the maximum attached unit limits in all zoning districts for attached homes.
- Modify lot development standards that control the size, placement, and physical design of attached houses, detached single-family homes, duplexes, triplexes, and fourplexes. This helps remove barriers to construction for all low-scale housing types.

- Apply uniform design standards based on existing multifamily standards, with modifications appropriate to low-scale residential projects.

The proposed amendments make permanent Code changes based on the Interim Regulations and take further steps to support housing production and expand housing options.

House Bill 1110

In July 2023, the Washington State Legislature passed House Bill 1110 (HB 1110), which requires cities to allow certain middle housing types in all residential zones, including zones that only allow single-family detached housing.¹ Large cities like Spokane must allow up to four units per lot in all such zones, plus up to six units per lot in areas near transit and where some of the units are dedicated as affordable housing. The legislation also requires cities to generally treat middle housing the same as single-family housing in terms of regulations and review procedures.

The City of Spokane is not required to comply with HB 1110 until six months after its next periodic update in 2026; however, the City is using the BOH Phase 2 project as an opportunity to work toward compliance with the legislation. The City's BOCA regulations already had resulted in compliance with many of the baseline HB 1110 requirements. The proposed approach to middle housing allowances in the current effort goes well above and beyond HB 1110 by allowing all middle housing types, including fiveplexes and sixplexes, throughout the RSF and RTF zones (proposed to be renamed as R1 and R2). The City also proposes to increase flexibility and promote more attainable housing options by focusing less on maximum density and using form-based standards such as height, setbacks, and building coverage to regulate development intensity.

Document Format

The draft SMC amendments are presented as underlined [added text] and ~~strikeout~~ [removed text]. Sections that are not being amended have been omitted, as indicated by "[...]".

Commentary Boxes

Explanations for the proposed amendments in various sections of the Code are provided in blue commentary boxes.

¹ House Bill 1110, 2023. <https://app.leg.wa.gov/bills/summary?BillNumber=1110&Initiative=false&Year=2023>

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TITLE 17A ADMINISTRATION**Chapter 17A.020 Definitions****Commentary**

The proposed amendments to definitions in this chapter are intended to achieve the following:

- Add definitions for the Building Official, City Engineer, and Planning Director.
- Add a new definition of “affordable housing” consistent with the RCW that will be used in proposed new incentives provisions for single-unit and middle housing in Section 17C.110.225.
- Create a new definition for “middle housing” that can be referenced throughout the Code. The City’s proposed approach for middle housing is to allow any configuration of building types containing 6 or fewer units. The units could be all be detached, all attached, or a mixture of attached and detached units.
- Redefine multi-family housing as “multi-unit housing,” which must contain more than 6 units (to distinguish multi-unit buildings from middle housing).
- Add definitions for building types in the middle housing category that are not yet defined – including triplex, fourplex, fiveplex, sixplex, courtyard apartments, and stacked flat. The proposed definitions are consistent with HB 1110.
- Revise the “cottage housing” definition to make it more flexible and consistent with HB 1110.
- Add a definition for “religious organization” to implement the requirements of RCW 35A.21.360, which allows development bonuses for housing developed on sites owned by religious organizations.
- Add or clarify other terms used in the proposed Code amendments.

Section 17A.020.010 “A” Definitions

[...]

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 structure(s), on a residential lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

[...]

M. Affordable Housing.

Affordable housing means residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income for a single person, family, or unrelated persons living together whose adjusted incomes meet the following income brackets:

1. Extremely low-income (RCW 36.70A.030(11)) – 30% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
2. Very low-income (RCW 36.70A.030(30)) – 50% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
3. Low-income (RCW 36.70A.030(16)) – 80% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.
4. Moderate-income (RCW 36.70A.030(18)) – 120% of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development.

[...]

AR. Attached Housing.

Two or more dwelling units that are single-unit residences on individual lots attached by a common wall at a shared property line. Attached housing is also sometimes known as townhouses, townhomes, or row houses.

[...]

Section 17A.020.020 “B” Definitions

[...]

AE. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

[...]

Section 17A.020.030 “C” Definitions

[...]

L. City Engineer.

The Director of the Engineering Services department, or their designee for approval authority.

[...]

AR. Cottage Housing.

A grouping of residential units with a common open space.[...]

AU. Courtyard apartments

Three or more attached dwelling units arranged on two or three sides of a yard or court.

[...]

Section 17A.020.040 “D” Definitions

[...]

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 Building Official, the City Engineer, and the Planning Director.

AD. Director, Planning.

The Director of the Planning and Economic Development department.

AR. Driveway approach.

The edge of a driveway where it abuts a public right-of-way.

[...]

AS. Duplex

A building that contains two primary dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

AT. 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. A dwelling unit shall not contain more than one kitchen. 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 17A.020.060 “F” Definitions

[...]

M. Fiveplex

A building that contains five dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

AB. Fourplex.

A building that contains four primary dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

Section 17A.020.120 “L” Definitions

[...]

M. Living ground cover.

Living plant species which reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground. Areas that meet Spokanescape guidelines with drought tolerant plants covering at least half of the project area at maturity and bark or rock mulch covering all exposed soil are considered to meet this definition.

Section 17A.020.130 “M” Definitions

[...]

C. Major Transit Stop.

1. A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. A stop on bus rapid transit routes or routes that run on high occupancy vehicle lanes.
3. A stop for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

[...]

J. Middle Housing

A residential development that contains two or more attached, stacked, or clustered dwelling units. Middle housing is compatible in scale, form, and character with individual detached single-unit houses and may include any combination of the housing types listed below. (A middle housing development could meet more than one building type definition – e.g., it could be both a stacked flat and a triplex.)

1. Single-Unit Residential Building
2. Duplex

- 3. Triplex
- 4. Fourplex
- 5. Fiveplex
- 6. Sixplex
- 7. Attached housing
- 8. Cottage housing
- 9. Accessory Dwelling Unit
- 10. Stacked flat
- 11. Courtyard apartments

[...]

V. Multi-Unit Residential Building (or “Multi-unit Residential”).

A common wall dwelling or apartment house that consists of three or more dwelling units on the same lot.

[...]

Section 17A.020.180 “R” Definitions

M. Religious Organization (or Faith Based Organization)

A federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (see RCW 36.01.290).

[...]

Section 17A.020.190 “S” Definitions

AU. Single-Unit Residential Building

A building containing only one dwelling unit.

[...]

AZ. Sixplex

A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

[...]

BN. Stacked flat

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

[...]

Section 17A.020.200 “T” Definitions

N. Triplex

A building that contains three dwelling units on the same lot that share a common wall or common floor/ceiling.

Chapter 17A.040 Map and Text Interpretation

Commentary

The proposed amendments to this chapter are more clerical in nature and either modify terminology or update a code reference to be consistent with proposed changes elsewhere.

Section 17A.040.020 Establishment of Map and Text

To accomplish the intent and purpose outlined in SMC 17A.010.002, this development code includes both a map, by which the City of Spokane is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. The map and text are found to provide proper zoning for the City and to meet all criteria of this development code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled zoning map of the City of Spokane, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the City, and as amended, is hereinafter referred to as the Zoning Map or Official Zoning Map.

Section 17A.040.030 Maintenance of the Map

The original signed copy of the zoning map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk and a duplicate shall be filed in the Planning and Economic Development Services department to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the Planning and Economic Development Services department.

Section 17A.040.040 Amendments to Map and Text

A. Amendments.

Amendments may be proposed by the city council on its own motion or may be proposed by the plan commission on its own motion, or the amendment may be proposed by an applicant or City staff pursuant to chapter 17G.061 SMC. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the Planning and Economic Development Services department.

[...]

Section 17A.040.050 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning Director shall make an interpretation in writing of said map upon request of any person pursuant to chapter 17A.050 SMC. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under SMC 17G.061.340. The director, in interpreting the zoning map or the hearings examiner in deciding any appeal, shall apply the following standards:

TITLE 17C LAND USE STANDARDS

Chapter 17C.110 Residential Zones

Section 17C.110.000 Purpose and Administration

Commentary

The proposed amendments in this section are consistent with the Comprehensive Plan updates in Phase I of the Building Opportunities for Housing project. Those updates shifted away from low-versus-high density and single-family versus multi-family distinctions to allow more flexibility, account for middle housing allowances, and focus more on development intensity rather than density.

Section 17C.110.010 Purpose

The residential zones implement the residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the permitted uses and the housing types and intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired form for the residential area. The standards are intended to provide certainty to property owners, developers, and neighbors of what is allowed in the various categories.

A. Use Standards.

The use standards are intended to create and maintain residential neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood form and function.

B. Development Standards.

The development standards preserve the characteristics of neighborhoods by providing six different zones with different intensities and development standards. The development

standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. The site development standards allow for flexibility of development while ensuring new development complements existing development and maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

Section 17C.110.015 Design Standards Administration

Commentary

The Design Standards Administration is proposed to be reworked for increased clarity, consistency with current practice, and consistency with HB 1110. The legislation requires local governments to apply only objective design and development standards to middle housing (i.e., standards that involve no discretion or interpretation by staff when applied to a proposal), unless an applicant opts into a discretionary review path. The residential design standards in this chapter have been updated to meet this requirement, which is reflected below.

All projects must address the pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the Planning Director following an administrative design review process. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. The City will expect to see how the design of a project has responded to every one of the guidelines. An applicant may seek to deviate from eligible standards and guidelines through the design departure process; see chapter 17G.030 SMC, Design Departures.

A. Requirements (R).

1. Requirements are objective standards that involve no discretion by the reviewer, using language such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.

2. Design departures from Requirements.

An applicant may seek a deviation from certain Requirements through the design departure process, chapter 17G.030 SMC, Design Departures.

- a. A design departure to a Requirement may only be approved if the proposed design is found to be an improvement over the non-discretionary standards – so long as the purpose of the Requirement is satisfied.
- b. Design departures for Requirements are typically reviewed by the City's Urban Design staff. At the discretion of the applicant, a request to deviate from a Requirement may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases of involving projects of

unusual complexity and/or situations where it is not clear whether or not the proposal satisfies the intent of the design standards, City staff may refer the project application to the Design Review Board.

B. Presumptions (P).

1. Presumptions are objective standards that involve no discretion by the reviewer, but may include some flexibility for how the standards may be met. For example, some Presumptions offer a list or menu of options for meeting the standard. Presumptions must be satisfied by any plan prior to building permit approval. Presumptions are listed with an (P) after the standard.

2. Design departures and waivers from Presumptions.

An applicant may seek a waiver of a Presumption, as provided in subsections (a) and (b), or may request a design departure pursuant to subsection (c) and chapter 17G.030 SMC, Design Departures.

- a. Waiving a Presumption.

A Presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate that there is a good reason why the Presumption is inappropriate. An alternative may be approved that achieves the intent of the Presumption.

- b. Appropriate reasons for waiving a Presumption include:

- i. demonstrating that in this instance the underlying design principles will not be furthered by the application of the Presumption;
- ii. showing that another design principle is enhanced by not applying the Presumption;
- iii. demonstrating an alternative method for achieving the intent of the Presumption;
- iv. explaining the unique site factors that make the Presumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development and/or compliance with applicable standards generally will not be an acceptable reason to waive a Presumption or determine that a Presumption is inappropriate.

- c. A design departure to a Presumption may only be approved if the proposed design is found to be either equal to or better than the non-discretionary standards – so long as the purpose of the Presumption is satisfied.

- d. Waivers and design departures for Presumptions are typically reviewed by the Planning Director through an administrative review. At the discretion of the applicant, a request to waive or deviate from a Presumption may be referred to the Design Review Board pursuant to the procedures set forth in chapter 17G.030 SMC. In cases involving projects of unusual complexity and/or situations where it is not clear to the Planning Director whether or not the proposal satisfies the intent of the Presumption, the Director may also refer the project application to the design review board.

C. Considerations (C).

Design standards listed as Considerations are features and concepts that an applicant should consider in preparing a plan. Considerations are only reviewed as part of the design departure process, pursuant to chapter 17G.030 SMC. In reviewing a design departure request, the Design Review Board, Urban Design staff, or Planning Director (as applicable) will review an applicant’s response to a consideration, which may assist in gaining acceptance for a plan. Outside of a design departure, Considerations are encouraged, but not required or enforceable. Considerations are listed with an (C) after the standard.

Section 17C.110.020 List of the Residential Zones

Commentary

Because all middle housing types will be permitted in the City’s low-intensity (i.e., “single-family”) zones, the zone names for Residential Single-family (RSF) and Residential Two-family (RTF) are proposed to be renamed as R1 and R2. Also, the Residential Single-family Compact (RSF-C) zone is proposed to be removed; because the RSF (now R1) zone will be made more flexible and will allow smaller lots, the RSF-C zone is no longer necessary.

The zone descriptions in Section 17C.110.030 are proposed to be updated to reflect the increased flexibility and additional housing allowances in the R1 and R2 zones and the focus on intensity rather than density.

The full names, short names and map symbols of the residential zones are listed below. When this chapter refers to the low-intensity residential zones, it is referring to the RA, R1, and R2 zones listed herein. When this chapter refers to the residential zones, it is referring to the low-intensity residential and higher-intensity residential zones in this chapter.

Full Name	Short Name/Map Symbol
Residential Agricultural	RA
Residential 1	R1

Residential 2	R2
Residential Multifamily	RMF
Residential High Density	RHD

Section 17C.110.030 Characteristics of Residential Zones

- A. Residential Agriculture (RA).
The RA zone is a low-intensity residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses allowed in this zone include farming, green house farming, single-unit residences and minor structures used for sales of agricultural products produced on the premises.
- B. Residential 1 (R1)
The R1 zone is a low-intensity residential zone. The zone allows a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and middle housing types.
- C. Residential 2 (R2)
The R2 zone is a low-intensity residential zone. It allows a range of housing choices built at the general scale and height of detached houses—including both detached and attached homes and middle housing types—but at a slightly larger development intensity than the R1 zone.
- D. Residential Multifamily (RMF).
The RMF zone is a medium-intensity residential zone. Allowed housing includes larger multi-unit structures while also including a mix of lower intensity middle housing and detached housing. The RMF zone allows higher development intensity as compared to the R2 zone.
- E. Residential High Density (RHD).
The RHD is a high-intensity residential zone that allows the highest intensity and scale of housing in the residential zones. The allowed housing developments including those found in the RMF zone but also including taller and more intense apartment complexes.

Section 17C.110.040 Other Zoning Standards

[...]

Section 17C.110.100 Land Use

Commentary

The only proposed changes in the next few sections are to update the section numbers, table numbers, and zone names.

Section 17C.110.105 Residential Zone Primary Uses

- A. Permitted Uses (P). Uses permitted in the residential zones are listed in [Table 17C.110.105-1](#) with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses (L). Uses permitted that are subject to limitations are listed in [Table 17C.110.105-1](#) with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in [SMC 17C.320.080](#), Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.110.105-1](#).
- C. Conditional Uses (CU). Uses that are allowed if approved through the conditional use review process are listed in [Table 17C.110.105-1](#) with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in [SMC 17C.320.080](#), Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted (N). Uses listed in [Table 17C.110.105-1](#) with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.110.105-1 RESIDENTIAL ZONE PRIMARY USES (Click here to view PDF)					
Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	R1	R2	RMF	RHD
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N

Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	P	P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
<p>Notes:</p> <ul style="list-style-type: none"> * The use categories are described in chapter 17C.190 SMC. * Standards that correspond to the bracketed numbers [] are stated in SMC 17C.110.110. * Specific uses and development may be subject to the standards in SMC 17C.320.080. 					

Section 17C.110.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.110.105-1](#).

A. Group Living.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [1]. Group living uses are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

1. General Standards.

All group living uses in RA, R1, R2, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of [chapter 17C.330 SMC](#), Group Living, including the maximum residential density provisions of [Table 17C.330-1](#).
- b. Group living uses for more than six residents are a conditional use in the RA and R1 zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).
- c. Group living uses for more than twelve residents are a conditional use in the R2 and RMF zones, subject to the standards of [chapter 17C.320 SMC](#), Conditional Uses, and the spacing requirements of [SMC 17C.330.120\(B\)\(2\)](#).

d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses. They are also subject to the standards of [chapter 17C.330 SMC](#), Group Living.

B. Office.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of [chapter 17C.320 SMC](#), Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, R1 and R2 zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [4]. In the RA, R1 and R2 zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [5]. Daycare uses are allowed by right if locating within a building or residence, and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, R1 and R2 zones. However, in the R1 zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [6]. In the RA, R1 and R2 zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in [SMC](#)

[17G.061.110](#) prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the [Table 17C.110.105-1](#) that have a note [7]. In the RA, R1 and R2 zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The Planning Director may require a Type II conditional use permit application be processed as a Type III application when the Director issues written findings that the Type III process is in the public interest. Applicants must comply with the community meeting requirements set forth in [SMC 17G.061.110](#) prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of [Table 17C.110.105-1](#) that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See [chapter 17C.310 SMC](#), Animal Keeping, for specific standards.

I. [Deleted]

Section 17C.110.115 Housing Types Allowed

Commentary

The Housing Types table is proposed to be updated to include Middle Housing and remove specific housing types that fall into that category.

A. Purpose.

Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.110.030. The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including large multifamily buildings, are allowed in the higher intensity zones under the RMF and RHD categories.

B. The kinds of housing types allowed in the residential zones are stated in Table 17C.110.115-1.

TABLE 17C.110.115-1
RESIDENTIAL ZONE HOUSING TYPES ALLOWED
 (Click here to view PDF)

P – Permitted N – Not Permitted CU – Conditional Use review required	RA	R1	R2	RMF	RHD
Single-Unit Residential Building	P	P	P	P	P
Middle housing [1]	N	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multi-Unit Residential Building [1]	N	P	P	P	P
Short Term Rentals [4]	P/CU	P/CU	P/CU	P/CU	P/CU
Notes: [1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building. [2] See chapter 17C.300 SMC , Accessory Dwelling Units. [3] See chapter 17C.345 SMC , Manufactured Homes and Mobile Home Parks. [4] See chapter 17C.316 SMC , Short Term Rentals.					

[...]

Commentary

In the current Code, the Development Standards table (Table 17C.110-3) is organized under Section 17C.110.200, Lot Size. For clearer organization of the Development Standards section, the following changes are proposed:

- Add a new header Section, 17C.110.200 Development Standards.
- Move the Development Standards summary tables to the top of the section.
- Separate the lot standards (lot size, lot coverage, etc. – proposed Table 17C.110.205-1) from the building and siting standards (height, setbacks, etc. – proposed Table 17C.110.205-2).
- Also add a separate table that allows increased development intensity for housing developed on sites owned by religious organizations, consistent with RCW 35A.21.360.

In terms of the substance of the Lot Development Standards, the following changes are proposed:

- Remove maximum density limits on sites two acres or less. The proposal is to allow any number of units on these smaller sites and to allow form-based standards (height, setbacks, building coverage, maximum building footprint, outdoor areas, etc.), as well as parking requirements to control the intensity of development. Density limitations would continue to apply to larger developments, such as subdivisions over two acres.
- Reduce minimum lot size in the R1 zone.
- Increase building coverage limits when an engineered stormwater drainage plan is provided and impose restrictions on total impervious coverage when a drainage plan is not provided.

Section 17C.110.200 Development Standards

Section 17C.110.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.110.205-1 through 17C.110.205-3.

TABLE 17C.110.205-1					
LOT DEVELOPMENT STANDARDS [1]					
	RA	R1	R2	RMF	RHD

DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A
Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					
Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
Notes:					
[1] Plan district, overlay zone, or other development standards contained in SMC 17C may supersede these standards.					

- [2] See SMC 17C.110.215 for applicability of minimum and maximum density standards in the residential zones.
- [3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.
- [4] Lots with vehicle access only from an alley are not considered to have a “driveway approach” for the purposes of this standard.
- [5] Lot and building coverage calculation includes all primary and accessory structures.
- [6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.
- [7] Development within one-half mile of a Major Transit Stop or Center & Corridor zone, or that includes qualifying affordable units, is allowed building coverage up to 80% in R1 and 90% in R2. See SMC 17C.110.235 for detailed eligibility criteria.
- [8] Projects may exceed impervious coverage requirements by including an engineer’s drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. “ADC” means Area of Drainage Concern.

Commentary

The following changes to Building and Siting Standards are proposed:

- Establish standards for maximum building footprint per primary building to preclude out-of-scale buildings in the R1 and R2 zones.
- Reduce front setbacks to 10 feet.
- Establish new angled setback standards to limit building bulk on the sides of lots – see Section 17C.110.235 for more info.
- Increase requirements for outdoor area per unit.
- Incorporate standards specific to ADUs, consistent with Section 17C.300.

TABLE 17C.110.205-2					
BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building – lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building – lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum Setbacks					
Front [3]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line – lot width 40 ft or less [4]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line – lot width more than 40 ft [4]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit – lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit – lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side lot line setbacks [4]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					

Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Minimum side lot line setbacks	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE					
Minimum outdoor area per unit [5]	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area – first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	150 sq. ft.	48 sq. ft.
Minimum common outdoor area per unit as a substitute for private area – all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	100 sq. ft.	48 sq. ft.
Notes:					
[1] Plan district, overlay zone, or other development standards contained in SMC 17C may supersede these standards.					
[2] Base zone height may be modified according to SMC 17C.110.230, Height.					
[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.110.235, Setbacks.					
[4] There is an additional angled setback from the interior side lot line. Refer to Section 17C.110.230 for more detail.					
[5] Common outdoor area may be substituted for private outdoor area according to SMC 17C.110.310.					

TABLE 17C.110.205-3 DEVELOPMENT STANDARDS FOR LAND OWNED BY RELIGIOUS ORGANIZATIONS [1]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes: [1] Standards not addressed in this table are consistent with the general standards in Tables 17C.110.205-1 and 17C.110.205-2.					

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Section 17C.110.210 Lot Size and Dimensions

Commentary

The purpose statements for lot dimensions, below, are relocated here from current Section 17C.110.208.

Under subsection (B) Existing Lot Size, the proposed changes allow development on existing lots even if they don't meet current lot dimension standards. Other updates are proposed for clarity.

A. Purpose.

The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

The lot dimension standards further ensure that:

1. Each lot has enough room for a reasonably-sized house;
2. Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
4. Housing units have access to private or shared open space;
6. Lots don't narrow to an unbuildable width close to the street;
7. Lots have access from public rights-of-way;
8. Each lot has access for utilities and services;
10. Lots are an appropriate size and shape so that development can be oriented toward the street;
12. Housing goals for the City are met; and
13. To avoid having the garage door as the dominant feature of the front of a house on narrow lots.

B. Existing Lot Size.

11. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage or area per dwelling unit is less than that required by this chapter, except as follows:

- a. Through a Planned Unit Development as described in Chapter 17G.070.
- b. Through a unit lot subdivision pursuant to Section 17G.080.065.

2. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110.205-1.
2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and R1 zones pursuant to [SMC 17G.070.030\(C\)\(1\)](#).

D. Ownership of Multiple Lots.

Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under [chapter 17G.080 SMC](#), Subdivisions.
2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).

E. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110.205-1 except as follows:

1. For lots created through unit lot subdivisions approved under [SMC 17G.080.065](#)
2. For lots approved in a planned unit development approved under SMC 17G.070
3. For lots in a manufactured home park approved under [SMC 17H.010.090](#).

DRAFT

Section 17C.110.215 Density

Commentary

As noted above, the City's proposed new approach to regulating density is to only limit maximum density for sites over 2 acres. That approach is reflected below, in addition to amendments intended to clarify how the density regulations are administered.

A. Purpose.

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. The use of density minimums ensures that in areas with the highest level of public services, that the service capacity is not wasted and that the City's housing goals are met.

B. Calculating Density.

The calculation of density for a subdivision or residential development is net area, and is based on the total area of the subject property, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities. Land within a critical area (see definitions under [chapter 17A.020 SMC](#)) may be subtracted from the calculation of density. When the calculation of density results in a fraction, the density allowed is rounded up to the next whole number. For example, a calculation in which lot area, divided by minimum unit area equals 4.35 units, the number is rounded up to five units.

C. Maximum Density Applicability and Calculation.

1. The maximum density standards in Table 17C.110.205-1 shall be met only when the development site exceeds 2 acres in area. In such cases, the following apply:

- a. If a land division is proposed, the applicant must demonstrate how the proposed lots can meet maximum density once construction is completed.
- b. If no land division is proposed, maximum density must be met at the time of development.
- c. Maximum density is based on the zone and size of the site. The following formula is used to determine the maximum number of units allowed on the site:

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by maximum density from [Table 17C.110.205-1](#);

Equals maximum number of units allowed. If this formula results in a decimal fraction, the resulting maximum number of units allowed is rounded up to the

next whole number. Decimal fractions of five tenths or greater are rounded up. Fractions less than five tenths are rounded down.

2. If the development site is 2 acres or less in area, the maximum density standards do not apply.
3. The number of units allowed on a site is based on the presumption that all site development standards will be met.

D. Minimum Density Applicability and Calculation.

1. The minimum density standards in Table 17C.110.205-1 shall be met under the following circumstances:
 - a. A land division is proposed.
 - i. In such cases, the applicant must demonstrate how the proposed lots can meet minimum density once construction is completed.
 - ii. Minimum density standards can be modified by a PUD under SMC 17G.070.030(B)(2).
 - b. Development is proposed in the RMF or RHD zones. In such cases, minimum density must be met at the time of development.
2. Except as provided in subsection (3), when development is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density standards do not apply.
3. A site with pre-existing development may not move out of conformance or further out of conformance with the minimum density standard, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).
4. Minimum density is based on the zone and size of the site, and whether there are critical areas (see definitions under [chapter 17A.020 SMC](#)). Land within a critical area may be subtracted from the calculation of density. The following formula is used to determine the minimum number of lots required on the site.

Square footage of site, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density from [Table 17C.110.205-1](#);

Equals minimum number of units required.

E. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of [chapter 17G.070 SMC](#), Planned Unit Developments.

Commentary

Section 17C.110.208, Lot Dimension Standards is proposed to be removed. As noted above, the purpose statements in this section have been moved to the consolidated section 17C.110.210, Lot Size and Dimensions, above. The remainder of the text in this section simply points to the development standards tables, which is not necessary.

Commentary

Section 17C.110.209 Compact Lot Standards is proposed to be removed. Because the general lot standards in the RSF (now R1) zone are being made more flexible and will allow smaller lots, the compact lot standards are no longer necessary.

Commentary

The proposed updates to Section 17C.110.220, below, are intended to explain the applicability of the proposed new Impervious Coverage standards in Table 17C.110.205-1. .

Section 17C.110.220 Building Coverage and Impervious Coverage

A. Purpose.

The building coverage standards, together with the floor area ratio (FAR), height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. The standards also help define the form of the different zones by limiting the amount of building area allowed on a site. Additionally, the impervious coverage standards ensure that there is adequate space on a site for stormwater infiltration.

B. Building Coverage and Impervious Coverage Standards.

The maximum combined building coverage allowed on a site for all covered structures is stated in [Table 17C.110.205-1](#).

1. "Impervious surface" is defined in SMC 17A.020.090.
2. For development applications that submit an engineer's stormwater drainage plan pursuant to SMC 17C.060.140, total impervious coverage on a lot is not limited by this chapter, and the building coverage standards control.
3. For development applications that do not submit an engineer's stormwater drainage plan, the maximum impervious coverage standards in Table 17C.110.205-1 must be met. The impervious coverage standards vary depending on whether or not the subject site is located in an Area of Drainage Concern pursuant to SMC 17D.060.135.

C. How to Use FAR with Building Coverage.

The FAR determines the total amount of living space within a residential structure while the maximum building site coverage determines the maximum building footprint for all structures, including garages and the primary residence(s). The FAR is defined under [chapter 17A.020 SMC](#), Definitions. FAR does not apply to Residentially zoned areas.

Section 17C.110.225 Development Bonuses

Commentary

This is a new proposed section in the Code. The intent is to allow increased development intensity for sites in the R1 and R2 zones that are located near transit, near Center and Corridor Zones, or that include affordable units. The increased development intensity would be achieved through increased building coverage.

These development bonuses are in the spirit of HB 1110, which requires local governments to allow additional density (up to six units per lot) on sites within ¼ mile walking distance of transit or for projects that include affordable housing units. However, Spokane is proposing to go above and beyond the legislation by allowing six units per lot (or more – density would not be limited) throughout the R1 and R2 zones – so the increased density required by HB 1110 does not apply. Therefore, the proposal is instead to allow development bonuses in areas near transit and for projects that include affordable units.

A. Purpose.

This section implements development bonuses on property that meets certain criteria. The provisions for Religious Organizations are given to meet the requirements of RCW 36.70A.545 for bonuses on property owned by a Religious Organization.

B. Bonus.

C. For lots qualifying for the standards of this section, development standards listed in Table 17C.110.205-3 shall apply. Requirements.

Any one of the following conditions shall qualify a property for the bonuses in this section

1. Transit.

The property is within one half mile of a major transit stop, as defined in SMC 17A.020.130.

2. Center & Corridor.

The property is within one half mile of a Center & Corridor Zone.

3. Religious Organization.

The property is owned by a Religious Organization as defined in SMC 17A.020.180 and the property meets the affordability requirements in subsection (D) of this section.

4. Affordable Units.

The property meets the affordability requirements in subsection (D) of this section.

D. Affordability.

A development shall satisfy the affordability standards of this section if it meets the requirements of one of the following programs for affordable housing:

1. State or Federal Funding.

A development receiving funding through state or federal programs for affordable housing shall meet the affordability standards of this section.

2. Multiple-Family Housing Property Tax Exemption.

A development that qualifies for the twenty (20) year exemption under the Multiple-Family Housing Property Tax Exemption pursuant to SMC 08.15.090 shall meet the affordability standards of this section.

3. Sales and Use Tax Deferral Program for Affordable Housing.

A development that qualifies for the Sales and Use Tax Deferral Program for Affordable Housing under SMC 08.07D shall meet the affordability standards of this section.

4. Other Affordability Programs.

A development that doesn't match the above programs shall satisfy the affordability standards of this section if it includes the following characteristics:

a. Percentage of Affordable Units.

At least 25 percent of the units shall be dedicated as affordable for low-income households, as defined in SMC 17A.020.010. When the calculation results in a fraction the number of units shall be rounded up to the next whole number.

b. Rental.

Designated affordable units shall be rented at a rate that is affordable to low-income households.

c. Sale.

The initial sale of an affordable unit upon completion of construction shall not exceed a purchase price that is affordable to a low-income household. Upon completion of an affordable unit and prior to the initial sale, the property owner shall file with the City a report indicating the unit will be purchased by a qualifying low-income household. The Planning Director shall establish a standard form for this purpose and include such information as is deemed necessary or useful.

d. Deed Restriction.

The applicant must record a covenant or deed restriction with the county auditor's office identifying the units subject to these affordability requirements. The deed restriction shall include a definition for low-income household consistent with the definition in SMC 17A.020.010. The deed restriction shall make provision for the following:

- I. These affordability requirements shall be in effect for at least forty (40) years from the time of filing; and

- II. Rental rates for affordable units shall not exceed levels that are affordable to a low-income household; and
 - III. The initial sale of units from a developer to an owner-occupant shall not exceed a purchase price that is affordable to a low-income household. Subsequent purchases are not subject to a price restriction.
- e. Size.
The units dedicated as affordable shall be no smaller in size than the smallest market rate unit in the development.
 - f. Number of Bedrooms.
The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.
 - g. Distribution.
The affordable units shall be distributed throughout the development.
 - h. Functionality.
The affordable units shall have the same functionality as the other units in the development.

Section 17C.110.230 Height

Commentary

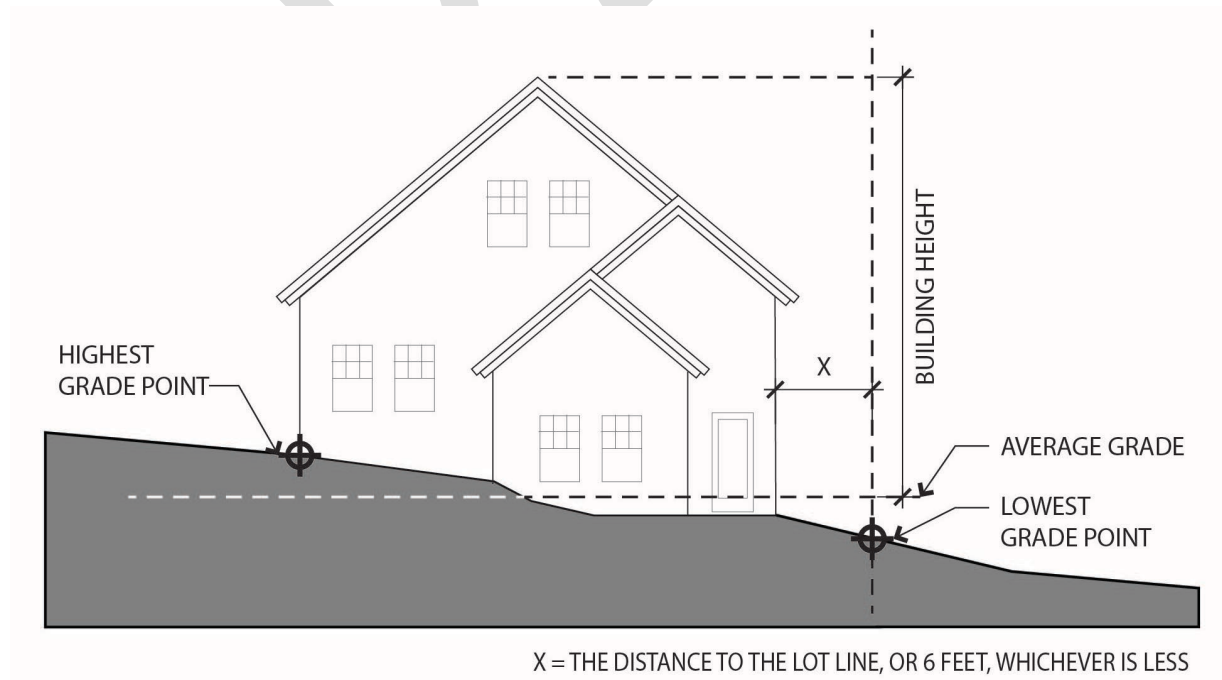
The current method of calculating and regulating building height is rather confusing and has been challenging for both staff and applicants to interpret. The proposed amendments to the height regulations would simplify the calculation method and bring it more in line with how the Building Code measures height.

The proposed changes also remove the differentiation between wall height and building height and would simply regulate the total roof height of a building. The current wall height standards help limit the scale and bulk of buildings near side property lines. However, the proposed new Angled Setback provisions in Section 17C.110.235(E) will make the wall height standards unnecessary in the R1 and R2 zones.

- A. Purpose.
The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.
- B. Height Standards.
The maximum height standards for all structures are stated in [Table 17C.110.205-2](#). The building height shall be measured using the following method (see Figure 17C.110.230-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.110.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

Figure 17C.110.230-A Height Measurement

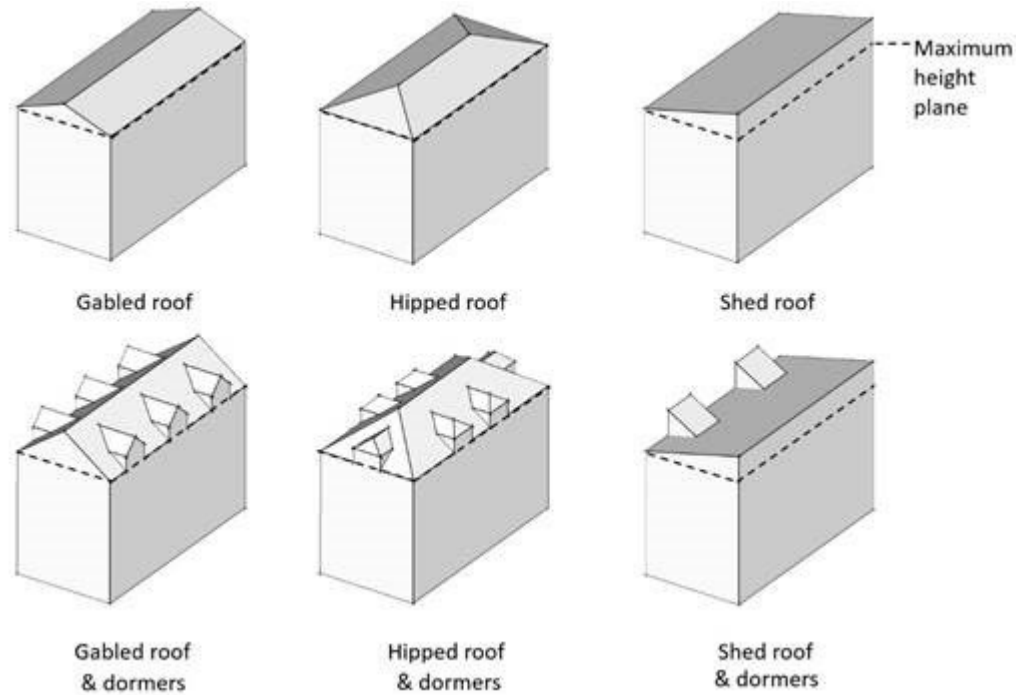


6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
 - b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - c. "Finished grade" means the grade upon completion of the fill or excavation.
 - d. "Excavation" means the mechanical removal of earth material.
 - e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.
-

C. Exceptions to the maximum height standard are stated below:

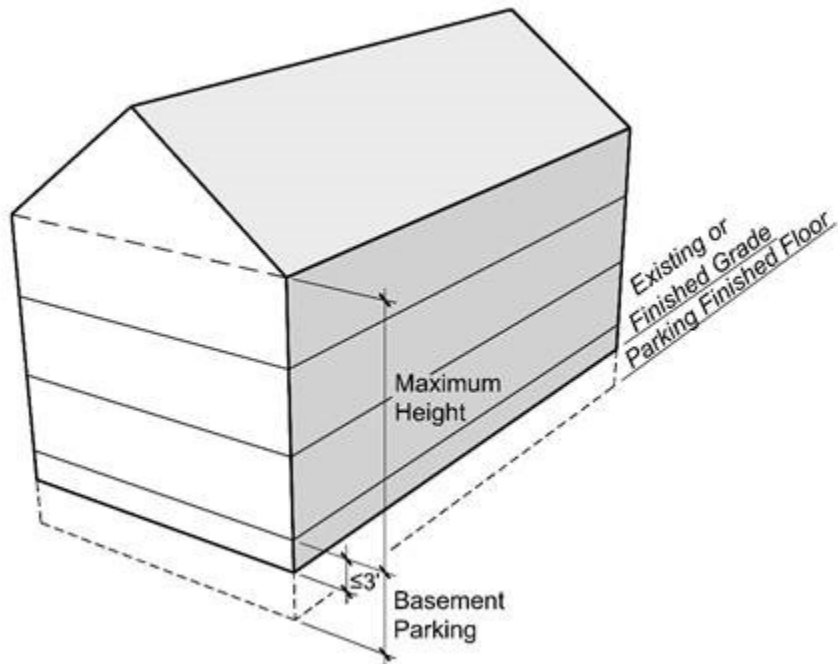
1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.
2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.110.205-2, provided that the roof incorporates all of the following:
 - a. pitched roof forms having slopes between 4:12 and 12:12; and
 - b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.110.230-B for eligible examples); and
 - c. establishes sense of "top" per SMC 17C.110.455.

Figure 17C.110.230-B: Roof Type Examples for Height Exception

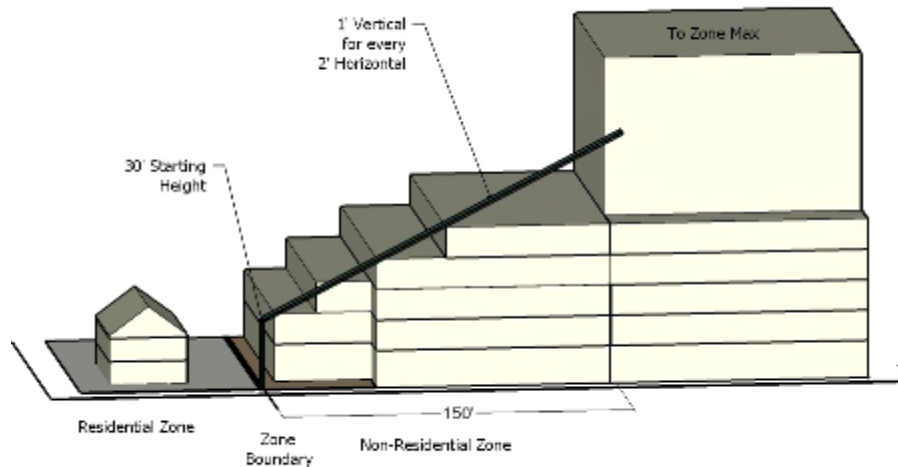


3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure 17C.110.230-C.

Figure 17C.110.230-C: Basement Parking Excluded from Height



4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards
5. Adjacent to R1 and R2 Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:
 - a. For all development within one hundred fifty feet of any R1 or R2 residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the R1 or R2 residential zone and then full building height allowed in the zone applies.



6. In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.
7. Projections Allowed.
Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.
8. In addition to the projections allowed under subsection (5) above, in the RMF and RHD zones, the following projections above the roof height are allowed:
 - a. Parapets and rooftop railings may extend four feet above the height limit.
 - b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.
 - c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.
9. Farm Buildings.
Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

10. Utility power poles and public safety facilities are exempt from the height limit.
 11. Radio and television antennas are subject to the height limit of the applicable zoning category.
 12. Wireless communication support towers are subject to the height requirements of chapter 17C.355A SMC, Wireless Communication Facilities.
 13. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.
- D. Special Height Districts.
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- E. Accessory Structures.
The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

Section 17C.110.235 Setbacks

Commentary

There are two proposed changes to the setbacks section:

- Remove the Setback Averaging section. This section currently requires development on infill sites match the average setbacks for existing residences on either side. In existing neighborhoods where setbacks are very large, this would require any infill development to also have a large front yard, which is not an efficient use of a site. The intent is to allow more flexibility by simply applying the standard setback requirement in Table 17C.110.205-2.
- Add new Angled Setbacks standards, similar to the angled setback plane standards for ADUs in Chapter 17C.300. The intent of these standards is to help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties. Above 25 feet, buildings must be further set from side property lines. This can either be achieved by angling the roof or by setting the whole building back further from the property line.

The angled setbacks function somewhat similarly to the current wall height regulations – this is why wall height limitations are proposed to be removed, as discussed above.

A. Purpose

The setback standards for primary and accessory structures serve several purposes. They maintain light, air, separation for fire protection, and access for fire fighting. They reflect the general building scale and placement of houses in the City's neighborhoods. They promote options for privacy for neighboring properties. They provide adequate flexibility to site a building so that it may be complementary to the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Applicability.

1. Setbacks are applied to all primary and accessory structures, including Accessory Dwelling Units. Setbacks for structures are applied relative to property lines. Separation between multiple structures on a lot is governed by the requirements of Title 17F SMC. Child lots created via Unit Lot Subdivision under Section 17G.080.065 SMC are only subject to the standards of this section inasmuch as they are applied to the parent lot.
2. Additional setback requirements may be applied through other sections of Title 17C SMC, including but not limited to:
 - a. Parking areas under Chapter 17C.230 SMC
 - b. Fences under Section 17C.110.230 SMC
 - c. Signs under Chapter 17C.240 SMC

C. Front, Side, and Rear Setbacks

The required Front, Side, and Rear Setbacks for primary and accessory structures are stated in [Table 17C.110.205-2](#). Angled setback standards are described in Section 17C.110.235(E) and listed in Table 17C.110.235-1.

1. Extensions into Front, Side, and Rear Building Setbacks
 - a. Minor features of a structure such as eaves, awnings, chimneys, fire escapes, bay windows and uncovered balconies may extend into a Front, Side, or Rear Setback up to twenty-four inches.
 - b. Bays, bay windows, and uncovered balconies may extend into the Front, Side, or Rear Setback up to twenty four (24) inches, subject to the following requirements:
 - I. Each bay, bay window, and uncovered balcony may be up to twelve (12) feet long.
 - II. The total area of all bays and bay windows on a building facade shall not be more than thirty percent (30%) of the area of the facade.

- III. The total length of all uncovered balconies shall not be more than thirty percent (30%) of the facade.
- IV. Bays and bay windows that project into the setback must cantilever beyond the foundation of the building; and
- V. The bay shall not include any doors.

A. Exceptions to the Front, Side, and Rear Setbacks

- 1. The rear yard of a lot established as of May 27, 1929, may be reduced to provide a building depth of thirty feet.

E. Angled Setbacks.

1. Purpose.

To help new development respond to the scale and form of existing residential areas and to limit the perceived bulk and scale of buildings from adjoining properties.

2. Applicability.

Angled setbacks apply in the R1 and R2 zones.

a. Exceptions

- i. Angled Setbacks shall not apply to alley or street lot lines.
- ii. Angled Setbacks shall not apply to any side lot lines interior to a development of attached houses.

3. Angled Setback Implementation.

Buildings are subject to an angled setback plane as follows:

- a. Starting at a height of 25 feet, the setback plane increases along a slope of 2:1 (a rate of 2 feet vertically for every 1 foot horizontally) away from the interior side setback, up to the maximum building height in Table 17C.110.205-2. The minimum setbacks that are paired with each height measurement are provided in Table 17C.110.235-1. See Figure 17C.110.235-A for examples.
- b. No portion of the building shall project beyond the Angled Setback plane described in this subsection, except as follows:
 - I. Minor extensions allowed by SMC 17C.110.235(C)(1) may project into the Angled Setback.
 - II. Elements of the roof structure such as joists, rafters, flashing, and shingles may project into the Angled Setback.

- III. Dormer windows may project into the Angled Setback if the cumulative length of dormer windows is no more than fifty percent (50%) of the length of the roof line.

Figure 17C.110.235-A. Angled Setback Plane Examples

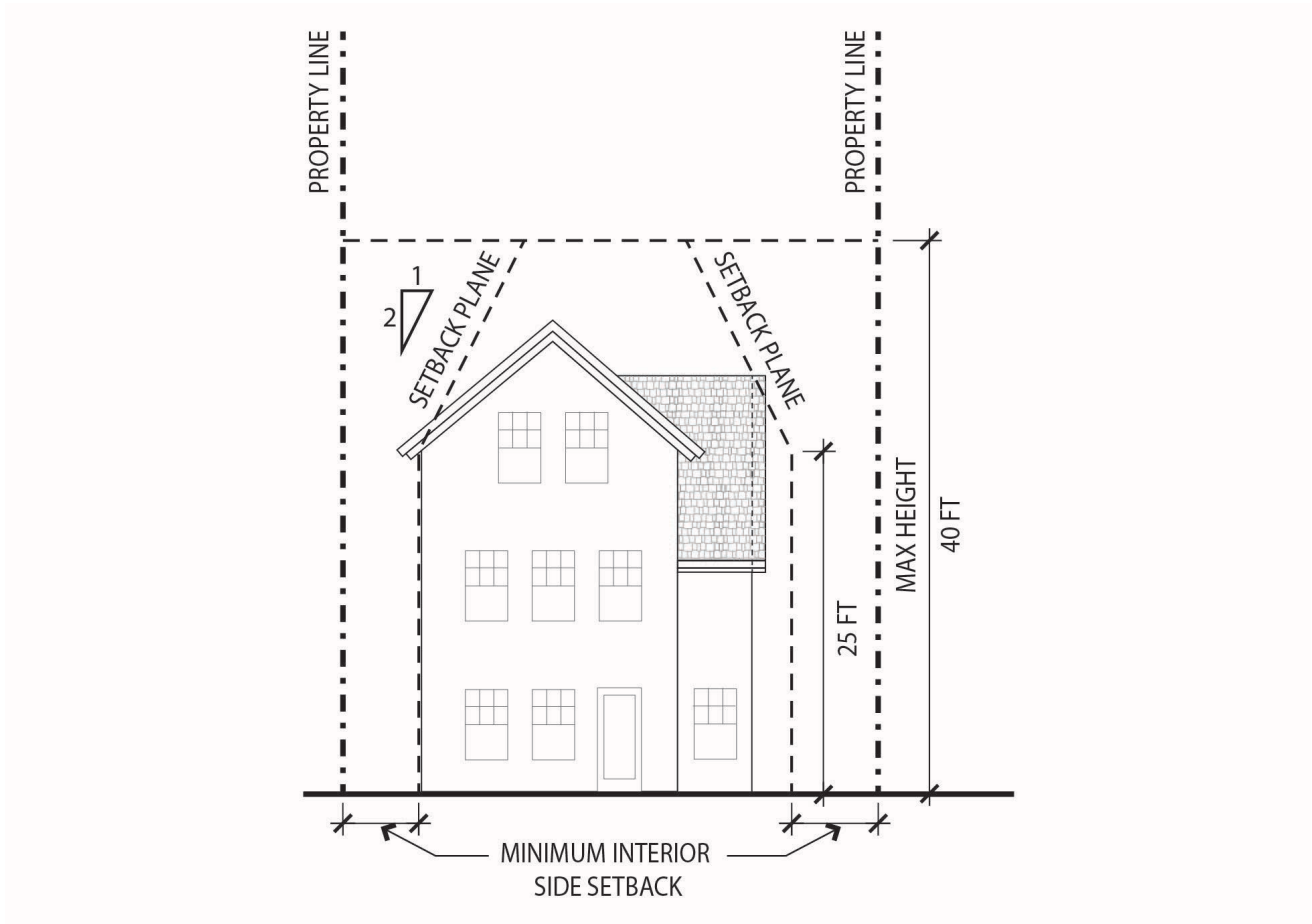


TABLE 17C.110.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 ft.	8 ft.
33 ft.	9 ft.
35 ft.	10 ft.
40 ft.	12.5 ft.

Commentary

The Outdoor Areas regulations are proposed to be moved to the new design standards section for single-unit and middle housing (Section 17C.110.300).

Section 17C.110.240 Accessory Structures

A. Purpose.

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks. This section does not apply to accessory dwelling units (ADUs).

[...]

Section 17C.110.245 Fences

[...]

Commentary

The sections for Demolitions, Nonconforming Situations, Parking, Signs, and Landscaping mostly point to other sections of the SMC. For the sake of clarity and better organization, these sections are proposed to be consolidated into a new section 17C.110.255 for “Other Applicable Standards.”

The Access to Parking provisions in Section 17C.110.245 are proposed to be relocated to the design standards in Section 17C.110.300.

Section 17C.110.250 Exterior Storage - Residential Zones

[...]

Section 17C.110.255 Parking, Demolitions, Signs, and Other Applicable Standards

The following additional standards also apply to development in residential zones:

- A. Demolitions. The demolition of historic structures is regulated by [chapter 17D.040 SMC](#), Landmarks Commission.
- B. Nonconforming Situations. Existing developments that do not conform to the development standards of this chapter are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.
- C. Parking and Loading. The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in [chapter 17C.230 SMC](#), Parking and Loading.
- D. Signs. The sign standards are stated in [chapter 17C.240 SMC](#), Signs.
- E. Landscaping and Screening. The landscaping and screening standards are stated in [chapter 17C.200 SMC](#), Landscaping and Screening.

Commentary

Because the RSF and RTF (now R1 and R2) zones are being made much more flexible and will allow all types of middle housing, the Alternative Residential Development provisions are no longer necessary. For example, attached housing and duplexes will be permitted throughout R1 and R2, so Section 17C.110.310 is not needed to provide special standards for these housing types. Also, the cottage housing provisions are no longer needed since multiple detached units will already be permitted on any lot. Cottage housing will still be allowed, but it has been redefined to be consistent with HB 1110, which defines it as residential units on a lot with common open space.

Section 17C.110.300 Alternative Residential Development

[Repealed]

Section 17C.110.310 Attached Housing, Detached Houses on Lots Less than Forty Feet Wide, and Duplexes

[Repealed]Section 17C.110.320 Planned Unit Developments

[Repealed]

Section 17C.110.330 Transitional Sites

[Repealed]

Section 17C.110.340 Zero Lot Line

[Repealed]

Section 17C.110.350 Cottage Housing

[Repealed]

Section 17C.110.360 Pocket Residential Development

[Repealed]

Section 17C.110.300 Single-Unit Residential and Middle Housing Design Standards

Commentary

The standards in this section are mostly pulled from Section 17C.400.030 Pilot Low-Intensity Residential Design Standards. Those interim regulations (from the BOCA ordinance) were adopted in 2022 to allow middle housing development (up to four units per lot) in the RSF and RTF (now R1 and R2) zones and are set to expire in 2023. The design standards for single-unit dwellings and middle housing are proposed to be made permanent in this section, with the following changes:

- The Requirements (R) and Presumptions (R) have been updated to be objective, as required by HB 1110. This includes replacing discretionary language such as “should provide” with unambiguous terms (such as “shall provide”), and clarifying how requirements are defined or measured.
- Some of the menus of options for meeting a standard have been expanded to provide more flexibility. For example, features were added to the list of building articulation options.
- The standards have been adjusted to work for a wider range of middle housing types (up to six units per building).
- Standards that are unnecessary or redundant have been removed, such as the Front Yard requirements in Section 17C.400.030.

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to [SMC 17C.110.015](#), Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section.

Section 17C.110.305 Landscaping

A. Purpose.

The standards for landscaped areas are intended to enhance the overall appearance of residential developments. Landscaping improves the residential characteristics of the area, breaks up large expanses of paved areas and structures, provides privacy for residents, and provides separation from streets. Landscaped areas also reduce stormwater run-off by providing a pervious surface.

B. Landscaping Implementation.

1. Fifty percent of the area between the front lot line and the front building line must be planted with living ground cover or landscaped to the L3 standard, per SMC 17C.200.030 and 17C.200.040. A patio or porch may be included in the calculation of ground cover area. (R)
2. The front landscaped area may be counted towards required outdoor areas, pursuant to Section 17C.110.310. (R)
3. Landscaping is encouraged to follow the Spokanescape guidelines for design, soil and compost, drip irrigation, planting & mulch, raised beds, maintenance, and plant list. (C)
4. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. (C)

Section 17C.110.310 Outdoor Areas

A. Purpose.

To create usable areas through the use of engaging outdoor spaces for the enjoyment and health of the residents.

B. Outdoor Areas Implementation.

1. Developments shall provide outdoor areas in the quantity required by Table 17C.110.205-2. (R)
2. The outdoor area may be configured as either:
 - a. A private outdoor area, such as a balcony or patio directly accessible from the unit;
 - b. A common outdoor area accessible by all units in the building. (R)

3. If a common outdoor area is provided, it shall meet the following:
 - a. Connected to each unit by pedestrian paths. (R)
 - b. At least 50 percent of units shall have windows or doors that face the common outdoor area. (R)
 - c. Common outdoor areas shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities may include, but are not limited to: (P)
 - Site furnishings (benches, tables, bike racks when not required for the development type, etc.);
 - Picnic areas;
 - Patios, plazas or courtyards;
 - Shaded playgrounds;
 - Rooftop gardens, planter boxes, or garden plots; or
 - Fenced pet area.
4. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service, areas or other incompatible uses that are known to cause smell or noise nuisances. (P)

Section 17C.110.315 Entrances

A. Purpose.

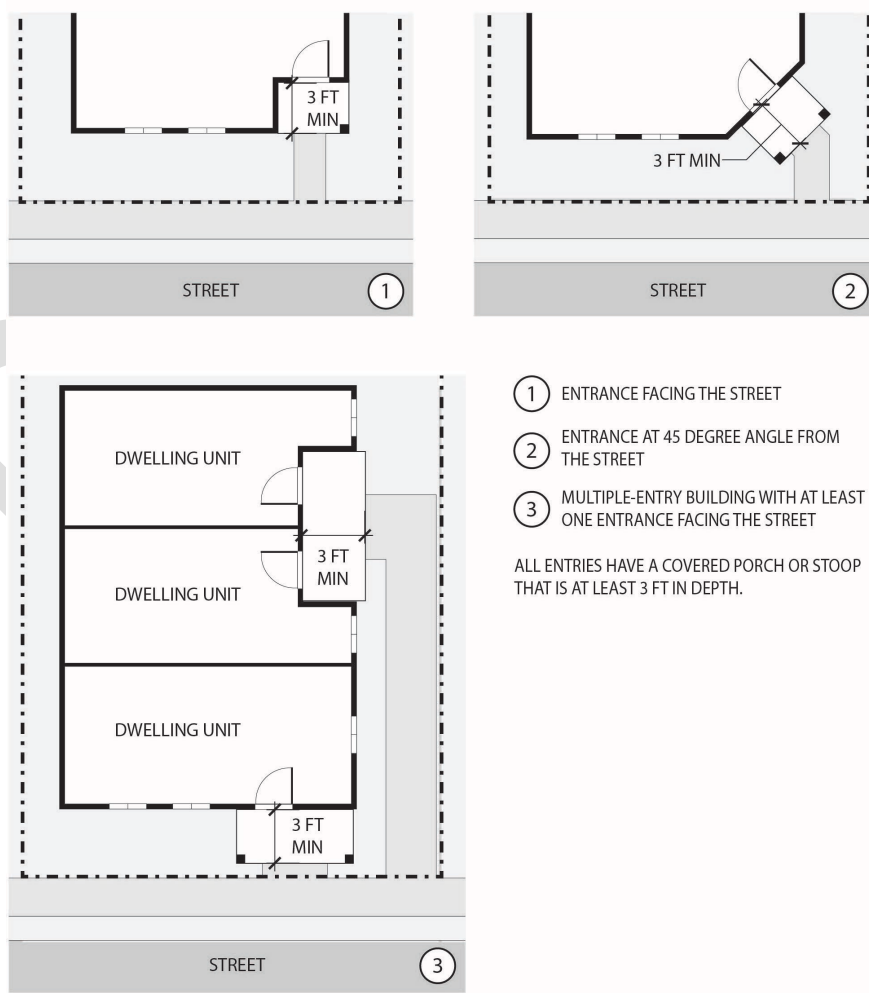
To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Entrances Implementation. See Figure 17C.110.315-A.

1. Each residential structure fronting a public or private street must have at least one address and main entrance facing or within a 45 degree angle of a street frontage. Buildings with multiple units may have shared entries. (R)
2. Each unit with individual ground-floor entry and all shared entries must have a porch or stoop cover that is at least 3-feet deep. (P)
3. On corner lots, buildings with multiple units must have at least one entrance facing or within a 45 degree angle on each street frontage. (C)

Figure 17C.110.315-A. Building Entrances



Section 17C.110.320 Windows

A. Purpose.

To maintain a lively and active street face while increasing safety and general visibility to the public realm.

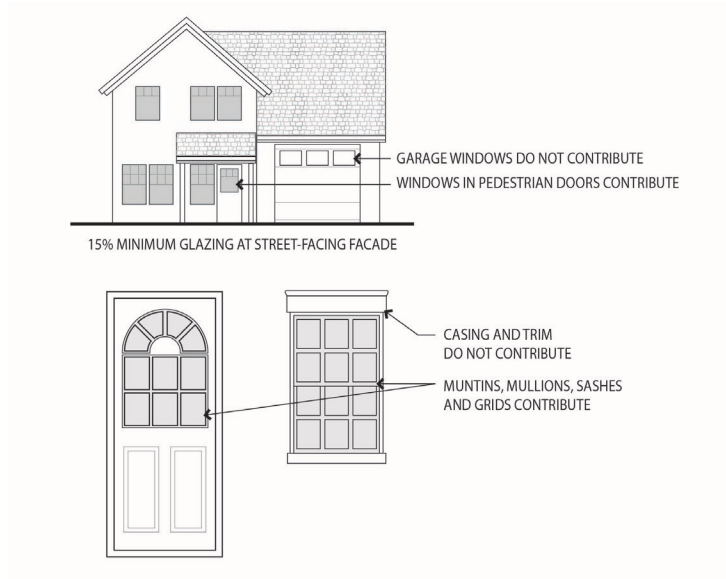
B. Applicability.

The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

C. Windows Implementation. See Figure 17C.110.320-A.

1. Windows shall be provided in façades facing public or private streets, comprising at least fifteen percent of the façade area (R).
2. Window area is considered the entire area within, but not including, the window casing, including any interior window grid.
3. Windows in pedestrian doors may be counted toward this standard. Windows in garage doors may not be counted toward this standard.
4. At least one of the following decorative window features must be included on all of the windows on street facing facades: (P)
 - a. Arched or transom windows.
 - b. Mullions.
 - c. Awnings or bracketed overhangs.
 - d. Flower boxes.
 - e. Shutters.
 - f. Window trim with a minimum width of three inches.
 - g. Pop-outs or recesses greater than three inches.
 - h. Bay windows.
 - i. Dormers.

Figure 17C.110.320-A. Window Coverage



Section 17C.110.325 Building Articulation

A. Purpose.

To ensure that buildings along any public or private street display the greatest amount of visual interest and reinforce the residential scale of the streetscape and neighborhood.

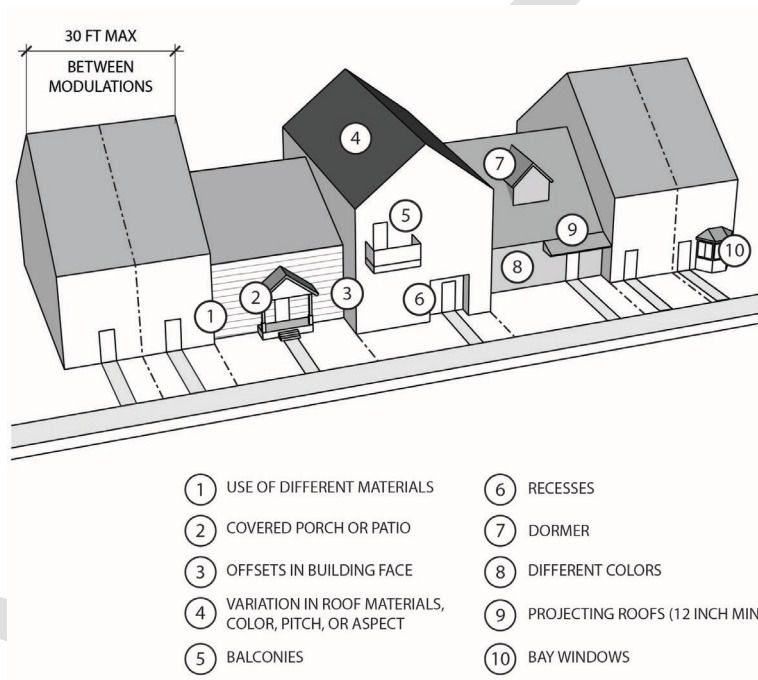
B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

C. Building Articulation Implementation.

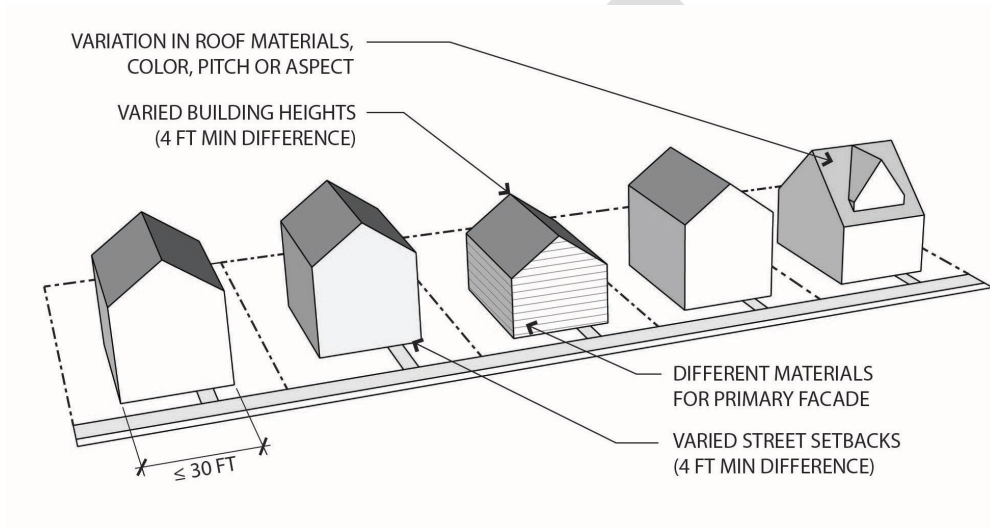
1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.110.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal delineation as expressed by bays, belt lines, doors, or windows. (P)
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - e. Projecting roofs (minimum of twelve inches).

- f. Recesses.
- g. Bay windows.
- h. Variation in roof materials, color, pitch, or aspect.
- i. Balconies
- j. Covered porch or patio.
- k. Dormers

Figure 17C.110.325-A. Building Articulation for Long Facades



4. The following standard applies when detached housing units or individual units of attached housing have street-facing facades that are thirty feet or less in width. Each such unit shall provide variation from adjacent units by using one or more of the following design features (see Figure 17C.110.325-B):
- a. Street setbacks that differ by at least four feet.
 - b. Building heights that differ by at least four feet.
 - c. Use of different materials for the primary façade.
 - d. Variation in roof materials, color, pitch, or aspect.

Figure 17C.110.325-B. Building Variation for Narrow Facades

5. Development should reduce the potential impact of new housing on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (C)

Section 17C.110.330 Screening

A. Purpose.

The screening standards address specific unsightly features, which detract from the appearance of residential areas, such as garbage and recycling areas, mechanical equipment, and exterior storage.

B. Screening shall comply with the clear view triangle requirements defined in SMC 17C.110.245(G).

C. Screening Implementation.

1. Except as provided below, fire escapes, or exterior stairs that provide access to an upper level shall be located behind the front façade of the building and screened or enclosed so that they are not visible from a public or private street. (R)
 - a. Exception: The initial half flight of stairs on the ground floor is not required to be screened from view of a street provided it is under the roof of the building and located behind the front façade.
2. Garbage and Recycling Areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. (R)
3. Exterior storage shall take place from the rear of the main dwelling unit to the rear of the property line and meet the standards of SMC 17C.110.250. (R)
4. Screening must comply with at least one of the following criteria: (R)
 - a. L1 Visual Screen meeting SMC 17C.200.030(A).
 - b. A sight-obscuring fence that meets height requirements set forth in SMC 17C.110.245 or through the use of screening pursuant to SMC 17C.200.070(A)(1).
 - c. Be located inside a storage shed or garage that meets all applicable setback standards and provides full sight obstruction.
5. Storage areas are not allowed within fifteen feet of a street lot line. (R)
6. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any adjoining residential uses by walls, fences or vegetation that is at least as tall as the equipment. Mechanical equipment on roofs must be screened from the ground level of any adjoining residentially zoned properties. (R)

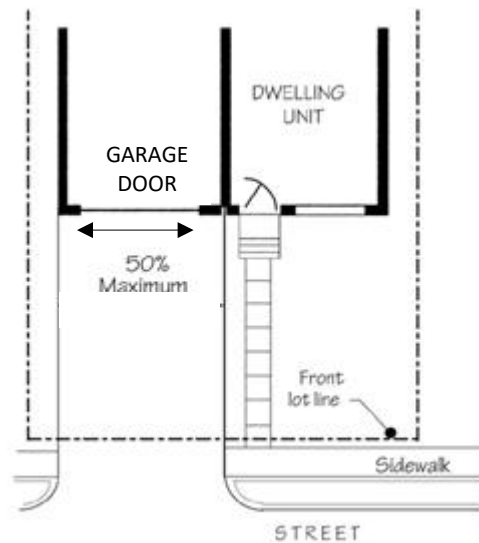
Section 17C.110.335 Parking Facilities

A. Purpose.

To integrate parking facilities with the building and surrounding residential context, promote pedestrian-oriented environments along streets, reduce impervious surfaces, and preserve on-street parking and street tree opportunities.

B. Parking Facilities Implementation.

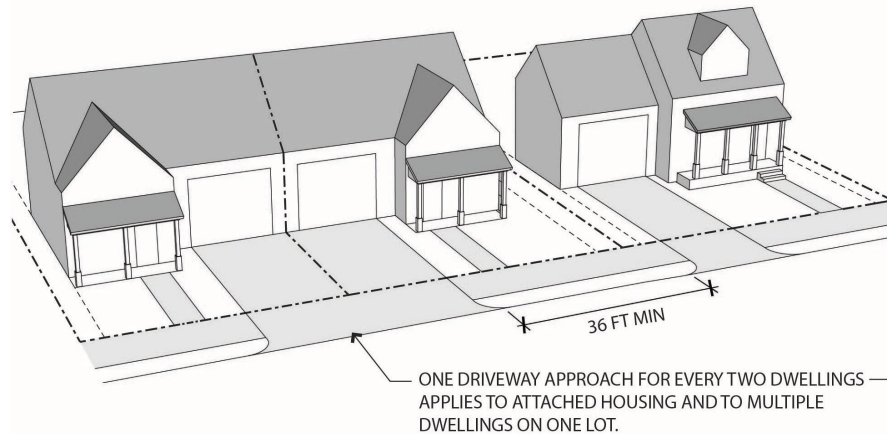
1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply to the street-facing façade of each individual building. See Figure 17C.110.335-A. (R)

Figure 17C.110.335-A. Garage Door Standard

2. Street-facing garage walls must be set back at least two feet from the primary street-facing building façade. (R)
3. Access to Parking.
 - a. Vehicular access to parking from an alley, improved street, or easement is required if parking is required pursuant to chapter 17C.230 SMC Parking and Loading. (R)
 - b. If the lot abuts a public alley, then vehicle access shall be from the alley unless the applicant requests a waiver of the requirement and the Planning Director determines that one of the following conditions exists: (R)
 - Existing topography does not permit alley access; or
 - A portion of the alley abuts a nonresidential zone; or
 - The alley is used for loading or unloading by an existing nonresidential use; or
 - Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.
 - c. For lots with vehicle access through an alley, garages shall not be accessed from the street. (R)
 - d. Where off-street parking is provided for attached housing or for two or more units on one lot, only one driveway approach and sidewalk crossing for each two dwellings may be permitted. See Figure 17C.110.335-B. (R)

- e. Driveway approaches shall be separated by a minimum distance of 36 feet. The Planning Director will grant an exception to this standard if the 36-foot separation from existing driveways on adjacent lots would preclude vehicular access to the subject lot. See Figure 17C.110.335-B. (R)
4. Parking structures, garages, carports, and parking areas other than driveways shall not be located between the principal structure and streets. (P)

Figure 17C.110.335-B. Paired Driveways and Minimum Spacing



Section 17C.110.340 Pedestrian Connectivity

A. Purpose.

To ensure that all buildings within a development have adequate access to public rights of way and municipal services.

B. Applicability.

The following standards apply to all buildings within a development.

C. Pedestrian Connectivity Implementation.

1. Public Right-of-Way Access.

At least one pedestrian connection is required between each building and the sidewalk. For each ground-floor unit with a separate entry, separate pedestrian connections are required for each ground-floor unit. Driveways may be used to meet this requirement, subject to engineering standards relating to access under the Americans with Disabilities Act. (R)

2. Garbage and Recycling Areas.

Each unit shall have an unobstructed pedestrian connection to garbage and recycling areas, if located outside the building. Driveways and parking access aisles may be used to meet this requirement. (R)

Section 17C.110.400 Multi-Unit Design Standards

Commentary

The design standards for multi-unit housing are not being modified as part of this project. The proposed changes below are simply intended to clarify the intent and applicability of the standards, in light of changes to single-unit and middle housing regulations.

A. Purpose.

Multi-unit housing at intensities above Middle Housing types is often more intensive than single-unit or Middle Housing development and can have different design considerations. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in complementing surrounding development. These standards may also be used to make higher density housing more livable communities.

B. Applicability.

These standards apply to multi-unit development in the RMF and RHD zones where permitted unless otherwise noted.

[...]

Commentary

This is a new section that is intended to encourage “visitability” features in new housing development. Visitability is a design approach for housing that allows anyone who uses a wheelchair or other mobility device to visit a home. A visitable home typically includes:

- A zero-step entrance;
- Wide interior doors; and
- A half bathroom on the main floor.

The proposed standards encourage (but do not require) visitability features by allowing applicants to deviate from height, setback, and footprint coverage standards to accommodate the features.

Section 17C.110.600 Residential Visitability Standards

A. Purpose

The purpose of the following section is to encourage the development of housing units for people with disabilities by providing allowances for accessible design and design considerations.

B. Applicability

The provisions of this section apply to residential development in all zones where permitted. These guidelines encourage residential developments to incorporate visitable designs into at

least a portion of the provided units. Any development seeking a reasonable deviation pursuant to 17C.110.600(C) must comply with all standards of 17C.110.600(D) for the unit(s) intended to benefit from the accessibility features requiring the deviation, and clearly note on submitted plans how the project meets each visitable design element. Director may waive full compliance with 17C.110.600(D) in cases of retrofits, commensurate with the significance of changes being made.

- C. To encourage the development of housing units for people with disabilities, the Planning Director may allow reasonable deviation from height, setback, and footprint coverage standards to install features that facilitate accessibility. Such facilities shall be in conformance with the city adopted Building Code.
- D. Visitable designs are encouraged for residential development, whether or not such accessible design considerations are required by the city adopted Building Code due to unit count.

Elements of a visitable dwelling design include:

1. Visitable entrance. At least one entrance that is accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route does not exceed 1:8 (one foot in height for every 8 feet in length).
2. Visitable bathroom. At least one bathroom with a sink and toilet is designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. The visitable bathroom is on the same floor as the visitable entrance or is accessible from the visitable entrance via a ramp, elevator, or lift.
3. Visitable living area. There is at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area is accessible from the visitable entrance via a ramp, elevator, or lift.
4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom is at least 34 inches wide.
5. Visitable light switches and environmental controls. The first floor contains light switches and environmental controls that are no higher than 48 inches above the interior floor level and outlets.

Chapter 17C.120 Commercial Zones

[...]

Commentary

In the current Code, it is not clear what design standards should apply to housing development when it's proposed outside the residential zones. The design standards in the Commercial and Center and Corridor Zones are not geared toward residential uses. Therefore, City staff has been applying the residential design standards in Chapter 17C.110 that are applicable to the housing type. The proposed changes below are simply intended to codify that current practice.

Section 17C.120.500 Design Standards Implementation

- A. The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. Except as provided in subsection (B) of this section, all projects must address the pertinent design standards and guidelines. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. An applicant may seek relief through chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.
- B. Residential development in Commercial Zones is subject to the residential design standards of SMC 17C.110.300-.465 that are applicable to the proposed housing type.

[...]

Chapter 17C.122 Center and Corridor Zones

[...]

Section 17C.122.060 Design Standards and Guidelines for Centers and Corridors

- A. The document titled "Design Standards and Guidelines for Centers and Corridors" is adopted by reference as a part of the land use code for centers and corridors and incorporated as Attachment "A" to the land use code for centers and corridors. Except as provided in subsection (C) of this section, all projects must address these standards and guidelines. The applicant assumes the burden of proof to demonstrate how a proposed design addresses these standards and guidelines. For design standards and guidelines in "Attachment A" that are designated Requirement (R), an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.
- B. The design standards and guidelines for all centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone. In addition, the design standards and guidelines for Type 1 centers and corridors are also applicable to the sites located in the Type 4 mixed use transition zone.

- C. Residential development in Centers and Corridor Zones is subject to the residential design standards of SMC 17C.110.300-.465 that are applicable to the proposed housing type.

[...]

Chapter 17C.200 Landscaping and Screening

Commentary

The landscaping standards in Chapter 17C.200 include a few exceptions for single-unit and duplex development. HB 1110 precludes any standards or procedures for middle housing that are more restrictive than for single-unit housing. Also, the City has a general interest in treating single-unit and middle housing the same. Therefore, the proposed amendments clarify how the landscaping requirements apply to these housing types. For plan submittal requirements, the proposed approach is to require landscape plans for all development, but to provide exceptions for some of the specific requirements (e.g., preparation by a licensed landscape architect) for development of up to six units on a lot.

Section 17C.200.010 Purpose

- A. The City of Spokane recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:
 1. promote the distinct character and quality of life and development expected by the community as indicated and supported in the policies of the comprehensive plan;
 2. maintain and protect property values;
 3. enhance the visual appearance of the City;
 4. enhance the compatibility of new development with surrounding properties;
 5. preserve and enhance Spokane's urban forest;
 6. preserve and enhance existing vegetation;
 7. reduce stormwater runoff pollution, temperature, and volume;
 8. aid in energy conservation by providing shade and shelter from the wind; and
 9. promote water conservation and reduced maintenance.
- B. The following landscaping and screening standards are applicable to all sites in RA, R1, R2, RMF, RHD, O, OR, NR, NMU, CB, GC, CC, LI, PI HI, downtown zones and FBC zones. These standards address materials, placement, layout, and timing of installation.

Section 17C.200.020 Plan Submittal Requirements

Landscape plans are required for all development of more than seven thousand square feet of lot area.

- A. For all development types, landscape plans shall:
 1. be submitted at the time of application for a development permit; and

- 2. include the following elements:
 - a. The footprint of all structures.
 - b. All parking areas and driveways.
 - c. All sidewalks, pedestrian walkways and other pedestrian areas.
 - d. The location, height and materials for all fences and walls.
 - e. The common and scientific names of all plant materials used, along with their size at time of planting.
 - f. The location of all existing and proposed plant materials on the site; and
 - g. A proposed irrigation plan.
- B. In addition, for development except residential construction of six or fewer dwelling units on a lot, landscape plans shall:
 - 1. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
 - 2. include the following elements:
 - a. The final site grading.
 - b. Location of all overhead utility and communication lines, location of all driveways and street signs.

[...]

Section 17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

- A. Street Frontages.
 - 1. The type of plantings as specified below shall be provided inside the property lines:

[...]

- e. along all RA, R1, R2, RMF, and RHD zones: six feet of L3 open area landscaping and street trees as prescribed in [SMC 17C.200.050](#) are required, except that for single-unit residential and middle housing development, only street trees are required in addition to the landscaping design standards of SMC 17C.111.305. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.

[...]

Section 17C.200.100 Irrigation Requirement

The owners of the adjacent property shall keep and maintain all required planting areas and street trees in a healthy condition. For development of six or fewer dwelling units on an infill lot and modification of non-conforming development that fall below thresholds found in 17C.210.090, the Planning Director, in consultation with the Urban Forester, may approve the use of species-specific alternative methods of irrigation. For all other forms of new construction and modification of non-conforming development that meet thresholds found in 17C.210.090 the installation and maintenance of an automatic irrigation system is required.

[...]

Chapter 17C.230 Parking

[...]

Section 17C.230.120 Minimum Required Parking Spaces

A. Purpose.

The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses, which might locate at the site over time. As provided in subsection (B)(3) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

B. Minimum Number of Parking Spaces Required.

1. The minimum number of parking spaces for all zones is stated in [Table 17C.230-1](#). [Table 17C.230-2](#) states the required number of spaces for use categories. The standards of [Table 17C.230-1](#) and [Table 17C.230-2](#) apply unless specifically superseded by other portions of the city code.

TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, R1, R2, RMF, RHD	All Land Uses	Minimum and maximum standards are shown in Table 17C.230-2 .
O, OR, NR, NMU, CB, GC, Industrial		
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.

	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 .

[1] Standards in a plan district or overlay zone may supersede the standards of this table.

[2] See exceptions in [SMC 17C.230.130](#), CC and Downtown Zone Parking Exceptions.

Section 17C.230.130 Parking Exceptions

Commentary

The Spokane City Council recently announced an interim ordinance eliminating residential parking requirements within 1/2 mile of major transit stops for all residential development. The proposed changes to this section (subsection G) and in Table 17C.230-2 are intended to make those interim regulations permanent.

- A. In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building’s floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate.

The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the form of the proposed use.

- D. If property owners and businesses establish a parking management area program with shared parking agreements, the Planning Director may reduce or waive parking requirements.
- E. Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure
- F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

- 1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
- 2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
- G. No parking is required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

Commentary

HB 1110 limits the amount of parking that can be required for middle housing in single-family zones. These limitations (which would only be relevant in areas more than ½ mile from a major transit stop) are included as a footnote in Table 17C.230-2.

TABLE 17C.230-2 PARKING SPACES BY USE [1] (Refer to Table 17C.230-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None

Residential Household Living [2]		1 per unit plus 1 per bedroom after 3 bedrooms; [3] Accessory Dwelling Unit (ADU) – see Note []; Single Resident Occupancy (SRO) are exempt	None
[...]	[...]	[...]	[...]

[1] The Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.

[2] No parking is required for residential development on sites located within one-half mile of a Major Transit Stop, as defined in SMC 17A.020.130.

[3] For middle housing developed in the R1 and R2 zones, the following standards apply:

- On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.
- On lots 6,000 square feet and larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.

[] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).

[...]

Chapter 17C.300 Accessory Dwelling Units

Commentary

A few amendments to the ADU standards in chapter 17C.300 are proposed for consistency with updates in other sections of the Code.

Section 17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units that complement the principal dwellings on the properties on which they are located. . They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section 17C.300.100 General Regulations

A. Where the Regulations Apply.

Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

One accessory dwelling unit is allowed per lot in the RA, R1, R2, RMF, and RHD zones subject to the development standards of the underlying zoning district.

C. ADU versus principal dwelling.

Section 17C.300.130(A)(1) establishes the methods by which an ADU may be created. In cases where a proposed dwelling unit meets the definitions and criteria for both an ADU and an additional principal dwelling (e.g., the second unit of a duplex or a second single-unit residential building on a lot), applicants may choose whether the proposed dwelling unit is permitted as an ADU or a principal dwelling.

Section 17C.300.110 Criteria

A. Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

- a. The internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be not more than eight hundred square feet, excluding any related garage area.
- b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area for an internal ADU specified in subsection (1)(a) of this subsection.

2. Detached ADU.

- a. The maximum detached ADU size is subject to building coverage per [SMC 17C.300.130\(B\)\(3\)](#) and floor area ratio per subsection (3) of this subsection (A); and
- b. A detached ADU shall not exceed seventy-five percent of the floor area of the principal structure, or nine hundred seventy-five square feet of floor area, whichever is greater.
- c. The maximum detached ADU size is subject to the maximum building footprint standards for ADUs in Table 17C.110.205-2.

[...]

Section 17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing residential use.
- d. Constructing a new residential use with an internal or detached accessory dwelling unit.
- e. In the R1, R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.
- b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing

actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.

B. Additional Development Standards for Detached ADUs.

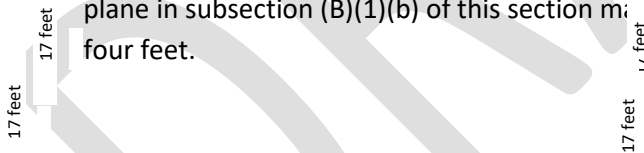
1. Setbacks.

Except for conversion of existing accessory structures, the accessory dwelling unit must be:

- a. as specified for setbacks in [Table 17C.110.205-2](#) for ADUs and
- b. The interior side lot line or rear setback without an alley may be reduced to zero feet with a signed waiver from the neighboring property owner.

2. Height.

The maximum height allowed for a detached accessory dwelling unit is provided in Table 17C.110.205-2. A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the forty-five-degree setback plane in subsection (B)(1)(b) of this section may be granted a wall height exception up to four feet.



3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

- a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.
- b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

- a. Conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110.205-2](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.255](#), Setbacks, and [SMC 17C.110.240](#), Accessory Structures.
 - b. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
 - c. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.
- C. Utilities and Addressing.
- The ADU must utilize those municipal utilities and address established for the principal dwelling unit.
- D. Code Compliance.
- The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

[...]

TITLE 17D CITY-WIDE STANDARDS

Chapter 17D.060 Stormwater Facilities

Commentary

The proposed amendments to Stormwater Facilities in this chapter are intended to achieve the following:

- Identify special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events.
- Allow for impervious surface regulation dependent on location within or outside of an Area of Drainage Concern.

[...]

Section 17D.060.135 Areas of Drainage Concern

Commentary

Updates to this chapter are proposed to allow for the identification of Areas of Drainage Concern to ensure compatible development within existing stormwater facilities.

- A. Purpose.
Areas of Drainage Concern are identified due to special geographic considerations that increase the likelihood of harmful impacts resulting from stormwater events. These impacts may include flooding, direct drainage to waterways, or capacity limitations in the combined sewer overflow system.
- B. Identification, Designation, and Mapping of Areas of Drainage Concern.
Data sources are available from the City of Spokane that are used in identifying Areas of Drainage Concern. Public mapping related to Areas of Drainage Concern is not guaranteed to pinpoint a drainage issue that may require submittal of an engineer’s drainage plan. Use of maps of Areas of Drainage Concern shall be for informational purposes only. In the event of a conflict between the map and the criteria set forth in this section, the criteria shall prevail.
- C. Characteristics.
Areas of Drainage Concern generally have at least one of the following characteristics:
1. Poorly draining soils;
 2. Historic overflows of the wastewater system during rainfall events;
 3. Direct drainage to waterways;
 4. Topography
- D. The City Engineer shall determine whether a lot is considered an Area of Drainage Concern and whether an engineer’s drainage plan is required.

[...]

TITLE 17G ADMINISTRATION AND PROCEDURES

Chapter 17G.020 Comprehensive Plan Amendment Procedure

Commentary

Updates to this chapter change references to the planning and economic development services director to say “Planning Director”.

Section 17G.020.060 Process for Application, Review and Decision

[...]

- B. Final Review.

[...]

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket

and request review and comments. SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If Planning Director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

[...]

7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

[...]

Chapter 17G.025 Unified Development Code Amendment Procedure

Commentary

Updates to this chapter are proposed to clarify and reorganize existing sections.

Section 17G.025.010 Text Amendments to the Unified Development Code

A. Purpose.

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

B. Definitions.1. Construction Standards.

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. SMC 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code);
- b. SMC 17F.050 (National Electrical Code);
- c. SMC 17F.080 (International Fire Code)
- d. SMC 17F.090 (International Mechanical Code)
- e. SMC 17F.100 (Uniform Plumbing Code)

C. Applicability.

The requirements of this section apply to all proposed modifications to SMC Title 17.

D. Amendments to Construction Standards.1. Adoption Process.

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to SMC Title 17, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

2. Application of State Code.

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

- a. RCW 43.21C, if any;
- b. RCW 19.27.040; and
- c. RCW 19.27.060.

3. State Building Code Council.

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

AE. Initiation.

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood council, or other party; or
3. A eCity department, the pPlan eCommission, or the eCity eCouncil.

B. Applications-

~~Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.~~

CF. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than atthe City department, the Plan Commission, or the City Council.1. Applications.

Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in SMC 8.02.

- ~~12.~~ **Docketing.**
Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in ~~chapter SMC 17G.020.025-SMC~~, using the following criteria:
- a. The proposed amendment presents a matter appropriately addressed through an amendment to SMC Title 17-~~SMC~~; and
 - b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
 - c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
 - d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
 - e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
- ~~23.~~ If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on the next available plan commission agenda for a workshop.
- G. Proposals Initiated by the Plan Commission.**
The Plan Commission may submit a formal recommendation to City Council to include an item on the Annual Comprehensive Plan Amendment Work Program.
- ~~DH.~~ **Notice of Intent to Adopt and SEPA Review**
Proposals to amend SMC Title 17-~~SMC~~ may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.
- ~~EI.~~ **Notice of Public Hearing.**
Amendments to SMC Title 17-~~SMC~~ require a public hearing before the plan commission.
1. Contents of Notice.
A notice of public hearing shall include the following:
 - a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - b. A statement of how the proposal would change the affected provision;
 - c. The date, time, and place of the public hearing;
 - d. A statement of the availability of the official file; and
 - e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and

- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.061.210, Public Notice – Types of Notice.

~~FJ.~~ Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in ~~subsection (E)~~(1) or (2) of this ~~subsection~~, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

~~GK.~~ Approval Criteria.

The City may approve amendments to this code if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

~~HL.~~ City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the Official Gazette. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

~~HM.~~ Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington ~~department-Department~~ of ~~commerce-Commerce~~ ("~~commerceCommerce~~") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later

than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~commerce~~Commerce.

~~J. Inapplicability to certain chapters.~~

~~This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the “construction standards”). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council’s regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).~~

Chapter 17G.030 Design Departures

Commentary

Updates to this chapter are proposed for consistency with the changes to Section 17C.119.015 Design Standards Administration and to reflect current practice.

Section 17G.030.010 Purpose

The purpose of this chapter is to coordinate the design review and the land use permit review process for projects seeking a design departure. Whenever a design departure is sought from the design standards of the land use code, the following review procedures are to be followed. Design departures are sought in order to modify or waive a design Requirement (R) or waive a design Presumption (P) contained within the design standards.

[...]

Section 17G.030.030 Review Process

Procedures for the review of design departures vary with the type of proposal being reviewed.

C. Type III Procedure.

The following proposals are processed through a Type III procedure:

1. A permit for a development seeking a design departure, which also requires a discretionary decision of the hearing examiner after a public hearing such as a conditional use permit, zone change, or a variance shall follow the Type III application process.
2. Role of Design Review Board.

The design review board reviews the design departure request and makes a recommendation to the hearing examiner. The review of the design review board may

occur either before or during the public comment period on the underlying permit application.

3. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the discretionary decision permit application.

4. Hearings and Decision.

The hearing examiner considers the recommendation of the design review board regarding the design departure during the public hearing on the permit application. A decision is made on the design departure as a part of the decision on the Type III application. The decision criteria for design departures are provided in [SMC 17G.030.040](#), Decision Criteria.

5. Appeals.

Follows appeal process of the underlying permit application.

B. Type II Procedure.

The following proposals are processed through a Type II procedure:

1. A permit for a development seeking a design departure, which does not require a discretionary decision of the hearing examiner, shall follow the Type II application process.

2. Role of Design Review Board.

The design review board reviews the application and makes a recommendation to the Planning Director. The review of the design review board may occur either before or during the public comment period on the underlying permit application.

3. Role of Staff.

In instances of minimal complexity and cumulative impact, the urban design or planning staff can review and make recommendations on requests for design departures on behalf of the Design Review Board. However, at the discretion of the applicant, any request for design departures can be forwarded for review by the design review board.

4. Notice of Application.

The notice for the design departure shall be included as part of the notice required for the Type II permit application.

5. Hearings and Decisions.

No hearing is required. A decision is made on the design departure as a part of the decision on the Type II application. The decision criteria for a design departure are provided in [SMC 17G.030.040](#).

6. Appeals.

Follows appeal process of the permit application. The decision on a Type II application may be appealed to the hearing examiner.

Section 17G.030.040 Decision Criteria

The decision criteria for a design departure are provided below.

- A. Has the applicant's design team thoroughly examined how the Requirement (R) and/or Presumption (P) could be applied as written?
- B. Does the proposal meet the intent and the general direction set forth by the Requirement (R) and/or Presumption (P) as written?
- C. For a Requirement (R), is the specific change superior in design quality to that potentially achieved by the Requirement as written?
- D. For a Presumption (P) is the specific change equal to or superior in design quality to that potentially achieved by the Presumption as written?
- E. Is the departure necessary to better address aspects of the site or its surroundings?
- F. Is the proposed departure part of an overall, thoughtful and comprehensive approach to the design of the project as a whole?
- G. Has the applicant responded to the optional Considerations (C), if any, found within the design guideline? Including Considerations may assist in gaining acceptance for the plan.

[...]

Chapter 17G.060 Land Use Application Procedures

Commentary

All of 17G.060 Land Use Application Procedures is proposed to be REPEALED, to be replaced by the procedures renumbered and/or modified as found in 17G.061 Land Use Application Procedures.

[Repealed]

Chapter 17G.060T Land Use Application Tables

Commentary

All of 17G.060T Land Use Application Tables is proposed to be REPEALED, to be replaced by the table found in 17G.061.010 Summary of Land Use Application Procedures.

[Repealed]

Chapter 17G.061 Land Use Application Procedures

Commentary

This section is a reorganization of the REPEALED 17G.060 Land Use Procedures. Additional details are provided specific to each section.

Section 17G.061.000 Purpose and Administration

Commentary

This section combines multiple sections from 17G.060 that all relate to the purpose and administration of this chapter.

- A. Purpose.
The purpose of this chapter is to establish standard procedures for the review and processing of land use applications through the establishment of complete application standards, review procedures, notice requirements, hearing processes, decision criteria and appeal procedures for all applications.
- B. Administration.
1. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below.
 - a. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
 - b. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
 - c. The Planning Director or his designee is responsible for SMC Title 17B and Title 17C and chapter 17D.010 SMC, chapter 17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.061 SMC, chapter 17G.070 SMC and chapter 17G.080 SMC
 2. The procedures for requesting interpretations of the land use codes and development codes shall be made by the department and may be contained under the specific codes.
- C. Exclusions per RCW 36.70B.140.
1. The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures:
 - a. Landmark designations;
 - b. street vacations;

- c. approvals related to the use of public areas or facilities;
 - d. project permits that, by ordinance or resolution, have been determined to present special circumstances warranting a review process different from that provided in this chapter.
 - e. Lot line or boundary adjustments;
 - f. final short subdivisions;
 - g. final binding site plans;
 - h. final plats; and
 - i. building or other construction permits, or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application.
2. Applications for interior alterations are excluded, provided they do not result in the following:
- a. Additional sleeping quarters or bedrooms;
 - b. Nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
- D. **Conflicting Ordinances.**
If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected.
- E. **Severability.**
To the extent there is a conflict between this chapter and other ordinances or resolutions for the City of Spokane regulating project permits, this chapter shall govern.

Section 17G.061.010 Summary of Land Use Application Procedures

Commentary

This section combines separate application procedure tables from 17G.060T into a single table and corrects some entries.

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17C.061.010-1
SUMMARY OF APPLICATION TYPES AND REQUIREMENTS

	Application Type	Notice of Community Meeting	Notice of Application	Notice of Hearing	Notice Content	Review Official	City Council Review	Expiration of Permit
BUILDING AND CODE ENFORCEMENT								
Building Permit without SEPA	Type I	-	-	-	-	Building Official	-	180 days
Building Permit with SEPA (Commercial/Industrial/Other)	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Demolition Permit without SEPA	Type I	-	- [2]	- [1]	-	Building Official	-	180 days
Demolition Permit with SEPA [2]	Type I	-	Sign Posted Legal Newspaper	- [1]	-	Building Official	-	180 days
Fence Permit	Excluded	-	-	-	-	Building Official	-	180 days
Grading Permit without SEPA	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Grading Permit with SEPA	Type I	-	-	-	-	Building Official	-	180 days
Manufactured Home Permit	Excluded	-	-	-	-	Building Official	-	180 days
Sign Permit	Excluded	-	-	-	-	Building Official	-	180 days

Residential Building Permit	Excluded	-	-	-	-	Buildin g Official	-	180 days
Remodel Permit	Excluded	-	-	-	-	Buildin g Official	-	180 days
ENGINEERING SERVICES								
Address Permit	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Approach Permit	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Design Deviation – Street Design	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Encroachment Permit	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
LID Formation	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Obstruction Permit	Excluded	-	-	-	-	Engine ering Directo r	-	180 days
Road Closure	Excluded	-	-	-	-	Engine ering Directo r	-	180 days

Sidewalk Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
Stormwater Design Acceptance	Excluded	-	-	-	-	Engineering Director	-	180 days
Street Vacation	Excluded	-	-	-	-	Engineering Director	-	180 days
PLANNING AND ECONOMIC DEVELOPMENT SERVICES								
Accessory Dwelling Unit (ADU)	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Exemptions	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Interpretations/Determinations	Excluded	-	-	-	-	Planning Director	-	180 days
Binding Site Plan (BSP) – Preliminary	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years

Binding Site Plan (BSP) – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Boundary Line Adjustment (BLA)	Excluded	-	-	-	-	Planning Director	-	N/A
Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	N/A
Certificate of Compliance (CC) – Planning Director	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	3 years
Floodplain Development with SEPA	Type I	Individual Sign Posted	Individual Sign Posted	-	Proposed use	Planning Director	-	180 days

Floodplain Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Home Occupation	Excluded	-	-	-	-	Planning Director	-	N/A
Long Plat – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted Newspaper	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years
Long Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Planned Unit Development (PUD) – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years [5]
Planned Unit Development (PUD) – Final	Excluded	-	-	-	-	Planning Director	Yes	N/A

Shoreline Exemption/Determination/Interpretation	Excluded	-	-	-	-	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Substantial Development Permit (SDP)	Type II	Individual Sign Posted	-	-	Project name Proposed use	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WAC 173-27-90
Shoreline Conditional Use Permit (CUP)	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WAC 173-27-90
Short Plat – Preliminary with Standard Review and SEPA	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Standard Review and No SEPA	Type II	-	Individual Sign [4] Posted [4]	-	Project name Proposed use Acrea	Planning Director	-	5 years

					ge # of lots			
Short Plat – Preliminary with Minor Review	Type II	-	-	-	-	Plannin g Director	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Plannin g Director	-	N/A
Skywalk	Type III	Individual Sign Posted	Individual Sign Posted	Indivi dual Sign Poste d	-	Hearin g Examin er	Yes	Up to 25 year agreemen t
Variance	Type III	Individual Sign Posted	Individual Sign Posted	Indivi dual Sign Poste d	Projec t name Propo sed use Propo sed stand ard	Hearin g Examin er	-	3 years
Rezone	Type III	Individual Sign Posted	Individual Sign Posted	Indivi dual Sign Poste d	Projec t name Propo sed use Propo sed zone	Hearin g Examin er	-	3 years

Footnotes

- [1] Public Hearing is required if the structure is on the National Historic Register.
- [2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.
- [3] Conditional Use Permits required under SMC 17C.110.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.
- [4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)
- [5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

Section 17G.061.100 Application Types

Commentary

This section proposes definitions for Type I/II/III applications, which are not provided anywhere in the current code.

- A. Purpose.
Applications are consolidated into application types to simplify the permitting process for applicants and ensure appropriate opportunity for public comment on proposals.
- B. Excluded Application.
Excluded applications are not subject to the requirements of this chapter. Exclusions are listed in SMC 17G.061.000(C).
- A. Type I Application.
1. A Type I application is subject to administrative approval.
 2. A Type I application must be categorically exempt from environmental review under RCW 43.21C (SEPA) and SMC 17E.050.
 2. Type I applications do not require a public hearing.
- B. Type II Application.
1. A Type II application is subject to administrative approval by a department director.
 2. A Type II application may or may not be categorically exempt from RCW 43.21C (SEPA) and SMC 17E.050.

3. Type II applications do not require a public hearing.
- C. Type III Application.
1. A Type III application is subject to a quasi-judicial decision of the Hearing Examiner.
 2. A Type III application may or may not be categorically exempt from RCW 43.21C (SEPA) and SMC 17E.050.
 3. Type III applications require a public hearing before the Hearing Examiner.

Section 17G.061.110 Application Requirements

Commentary

This section combines 17G.060.040 and 17G.060.070 into a single section and renames the position for Planning Director. It also incorporates the requirements for a community meeting from 17G.060.050.

- A. Predevelopment Meeting.
1. Purpose.
Predevelopment meetings are not intended to be an exhaustive review of all regulations or potential issues for a given application. Predevelopment meetings have two purposes:
 - a. acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations, design guidelines and design review processes, and policies impacting the proposal; and
 - b. acquaint the applicant with the applicable provisions of these procedures, minimum submission requirements and other plans or regulations which may impact the proposal.
 2. The City may, when applicable, apply additional relevant laws to the application subsequent to a predevelopment meeting.
 3. Predevelopment meetings are required for any development proposal in the central business district. The Planning Director or Building Official, as appropriate, may waive this requirement.
 4. Predevelopment meetings are recommended for Type II and III applications, and Type I project permit applications in the centers and corridors (CC) zones.
- B. Community Meeting.
All Type III applications and Type II applications where indicated in Table 17G.061.010-1 are required to hold a community meeting regarding the proposed application. The applicant or their representative shall conduct the community meeting.
1. Timing.
The meeting shall occur no more than one hundred twenty days prior to application and before the application is accepted by the City.
 2. Notice.
Notice for the community meeting shall be posted fourteen days prior to the meeting. Public notice of a community meeting shall be provided as required in SMC 17G.061.210.
 3. Combining with Traffic Study.

When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting.

4. Meeting Summary.

The applicant shall provide a summary of the meeting at the time of submission of the application. Other attendees of the community meeting may also submit a summary of the meeting issues to the decision-maker. The meeting summary shall consist of the following:

- a. A digital recording of the meeting proceedings; and
- b. List of attendees; and
- c. A copy of the notice of community meeting; and
- d. Affidavits of posting/ mailing the notice.

C. General Requirements.

Applications shall include the following:

1. Predevelopment meeting summary, if required under subsection (A).
2. Filing fees as required under SMC 8.02.
3. Application documents supplied by the City, including but not limited to:
 - a. General application form;
 - b. Supplemental application form;
 - c. Environmental checklist, if required under SMC 17E.050;
4. A site plan drawn to scale showing:
 - a. Property dimensions;
 - b. location and dimensions of all existing and proposed physical improvements;
 - c. location and type of landscaping;
 - d. walkways and pedestrian areas;
 - e. off-street parking areas and access drives;
 - f. refuse facilities; and
 - g. significant natural features, such as slopes, trees, rock outcrops, and critical areas.
5. Required copies of documents, plans, or maps (as set forth in the application checklist).
6. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested.
7. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application.
8. Additional application information as requested by the permitting department, which may include, but is not limited to, the following:
 - a. geotechnical studies;
 - b. hydrologic studies;
 - c. critical area studies;
 - d. noise studies;
 - e. air quality studies;
 - f. visual analysis; and
 - g. transportation impact studies.

D. Additional Requirements.

The following Type II and III applications shall meet these requirements in addition to the provisions of subsection (B) of this section:

1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant.

- The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
- b. Name, address, and phone number of the applicant's representative if other than the applicant.
 - c. Name, address, and phone number of the property owner, if other than the applicant.
 - d. Location of the property.
This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
 - e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
 - f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
 - g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
 - h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
 - i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. the boundary of the parcels(s) of land upon which the development is proposed;
 - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
 - iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
 - iv. a delineation of all wetland areas that will be altered or used as a part of the development;
 - v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;

- vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
 - vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;
 - viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
 - ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
 - x. quantity, composition and destination of any excavated or dredged material;
 - xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
 - xii. where applicable, a depiction of the impacts to views from existing residential uses;
 - xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.
2. Certificate of Compliance.
 - a. Site plan is to be prepared by a licensed surveyor; and
 - b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.
 3. Plans-in-lieu of Compliance.
 - a. Alternative development plan designed in conformance with the applicable development regulations; and
 - b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.
 4. Preliminary Plat, Short Plat, and Binding Site Plan.
As provided in chapter 17G.080 SMC.
 5. PUD.
 - a. Profiles of any structures more than one story, shown in relation to finished grade.
 - b. Location, dimension, and boundary of proposed open space.
 - c. Site plan demonstrating compliance with title 17C SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.
 6. Skywalk.
 - a. A legal description of airspace to be occupied.
 - b. Architectural and engineering plans.
 - c. Artist's rendering of the proposed skywalk; and
 - d. Written narrative of the access for the public from the street, other buildings, and other skywalks.
 - e. Acceptance of the final design review recommendations.

- f. Location and design of all wayfinding signage to be placed to ensure public access.
- 7. Floodplain – Floodplain Development Permit and Variance.
As provided in chapter 17E.030 SMC.

Section 17G.061.120 Determination of a Complete Application

Commentary

This section combines 17G.060.090 and 17G.060.100 into a single section.

- A. Determination of Completeness.
Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070).
- B. Procedures for Determination of Completeness.
The following steps outline the process for the department to determine that an application is complete.
 - 1. Counter Complete.
The department shall conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If the department determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.
 - 2. Component Screening.
If the application appears to contain required documents, the department shall accept the application and within seven days, conduct a detailed review and determine if any additional information is necessary to process the application. If the department determines the application is missing required components, or is inadequate in other ways, the application including any fees shall be returned to the applicant.
 - 3. Review by Interested Agencies.
If the application, after the detailed review, is found to contain the required components and supporting documents, the application and supporting documents shall be forwarded to (i) interested City departments, (ii) agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application, and (iii) the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located and to any neighborhood council whose geographic boundaries are located within a 600-foot radius of the project, at the address for such departments, agencies, and neighborhood council designee(s) on file with the department, for review to ensure compliance with state laws, ordinances and concurrency requirements. Interested departments, agencies, and the neighborhood council shall be given fourteen days to provide comments on a permit application. All written comments will be forwarded to the applicant at the end of the fourteen day comment period. Comments submitted after the fourteen day comment period will be forwarded to the applicant, subject to RCW 36.70B.070.
 - a. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.

- b. Required information must be provided within sixty days from the notification by the department. The applicant may submit a written request for additional time to the director; any time extensions shall be in writing. If the information is not received within the sixty days (or as otherwise agreed to), the application and a portion of the fees shall be returned to the applicant, pursuant to chapter 8.02 SMC.
 - c. Within fourteen days of the submission of the additional information identified by the review agency, the department shall notify the applicant whether the studies are adequate or what additional information is necessary.
 - d. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson, with copy to the applicant, no later than the date on which the application is certified complete pursuant to paragraph D herein below.
4. Application Certified Complete.
Within seven days of the expiration of the interested agency comment period, if no additional information was required, or the information required under subsection (3) is acceptable, the department shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.
5. Notice of Application.
Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except that notice of application is not required for short subdivision applications involving minor engineering review as defined in SMC 17G.080.040(C)(2). The notice of application shall follow the public notice requirements contained in SMC 17G.061.210. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).
6. Vesting.
Applications shall be considered vested at the time the application is certified complete, the vesting date shall be the date of application submission. If the application is not complete when filed or information is not timely provided as set forth in subsection (2) or (3), the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

Section 17G.061.130 Application Time Limits

Commentary

This section is renumbered from 17G.060.080.

- A. A decision on permit applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in SMC 17G.061.130.
- B. The following shall be excluded when calculating this time period:

1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.
2. Any period during which an environmental impact statement is being prepared.
3. Any period for administrative appeals of land use permits.
4. Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).
5. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, or a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

Section 17G.061.140 Expiration of Application

Commentary

This section is renumbered from 17G.060.220

- A. Any application which has been determined to be counter complete, and for which the applicant fails to complete the next application step for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after the City of Spokane has requested additional information or studies, will expire by limitation and become null and void. The department may grant a one-hundred-eighty-day extension on a one-time basis per application. In no event shall an application be pending for more than three hundred sixty days from the date the application is deemed counter complete; provided, once an applicant provides notice of application pursuant to SMC 17G.061.120, the application shall no longer be considered pending for purposes of this time limitation. For purposes of this section, all time during which the City is reviewing materials submitted by an applicant will be excluded. This subsection shall apply to applications regardless whether the applications were submitted prior to the effective date of this section, as amended.
- B. Applications which have been certified complete by the effective date of the ordinance codified in this title shall have one hundred twenty days to complete the project review, receive a decision, and complete any appeal provisions of this chapter. The department will notify any applicants in writing that are subject to this provision within thirty days of the effective date of the ordinance codified in this title.

Section 17G.061.150 Modification of Applications and Permits

Commentary

This section renames the position for Planning Director and includes relevant language from 17G.060.230 and 17G.060.245.

- A. Modification of Complete Application.
 1. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 - a. Modifications proposed by the department to an application shall not be considered a new application.

5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are “within the scope and intent of the original permit,” the director shall require that the applicant apply for a new permit.
 7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
 8. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology’s receipt of the submittal from the director. The director shall notify parties of record of the department of ecology’s final decision.
 9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology’s final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.
- D. Modification to a Building Permit Subject to a Type II or III Approval.
In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the Planning Director, permit minor adjustments of the location and/or dimensions of buildings, parking areas, and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any perimeter setbacks, or exceed the density authorized in the permit. No modification of an approved application may be considered approved unless specifically provided in writing.
1. The Planning Director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.

- b. The total site coverage or total area covered by buildings will not increase.
- c. The use will continue to comply with all conditions of approval imposed by the original decision.
- d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
- 2. Any modification of an approved site plan not consistent with the standards of subsection (B)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.
- E. Modification of Shoreline Permit.
 - 1. Rescission and Remanding of Shoreline Permit.
 - a. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
 - b. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.
 - 2. Other Modification of Shoreline Permit.
 - a. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the shoreline master program and/or the policies and provisions of chapter 90.58 RCW.
 - b. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
 - c. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the shoreline master program and the Shoreline Management Act, the director may approve a revision.
 - d. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
 - e. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the shoreline master program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 - f. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are “within the scope and intent of the original permit,” the director shall require that the applicant apply for a new permit.
 - g. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the

- authorized changes, and the final ruling on consistency with this section shall be filed with the department of ecology. In addition, the director shall notify parties of record of their action.
- h. If the revision to the original permit was a conditional use or variance, which was conditioned by the department of ecology, the director shall submit the revision to the department of ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the department of ecology's receipt of the submittal from the director. The director shall notify parties of record of the department of ecology's final decision.
 - i. The revised permit is effective immediately upon final decision by the director, or when reviewed by the department of ecology, pursuant to subsection (7), then upon final action by the department of ecology.
 - j. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the shorelines hearings board within twenty-one days from the date of receipt of the revision approved by the director, or when appropriate under subsection (7), the date ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

Section 17G.061.210 Public Notice

Commentary

This section combines 17G.060.110 Public Notice – General, 17G.060.120 Public Notice – Types of Notice, and 17G.060.180 Removal of Public Notice. It also adds a purpose statement, clarifies the difference between “sign” and “posted” notice, and renames the position for Planning Director.

- A. Purpose.
Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.
- B. General.
 - 1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
 - 2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.
- C. Types of Notice.
 - 1. Individual Notice.

Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:

- a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
- b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
- c. Any agency with jurisdiction identified by the director.
- d. The individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council designee(s) that is on file with the City's department of neighborhood services.

2. Sign Notice.

Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

- a. The notice sign must meet the following specifications:
 - i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
 - ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - iii. It is white with red lettering.

3. Posted Notice.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

- a. The main City public library and the branch library within or nearest to the area subject to the pending action;
- b. The space in City Hall officially designated for posting notices; and
- c. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

4. Newspaper Notice.

Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.

5. Other Notice.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating

the form and time of notice appropriate to the scope and complexity of the proposed project.

D. Contents of Notice.

1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

- a. All application types:
 - i. Location of the property sufficient to clearly locate the site.
 - ii. Description of the proposed action and required permits.
 - iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
 - vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and
 - x. Date of the application and date of the notice of complete application.
- b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.
- c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.

2. Sign Notice.

Sign notices must contain the following information:

- a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
- b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
- c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."
- d. The subsequent line(s) of text, in three-inch letters, contain additional details as indicated for the project type in Table 17G.061.010-1.
- e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."
- g. The following figures illustrate posted notice signs:

Example "A"

NOTICE OF PUBLIC HEARING
 PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC
 PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M.
 LOCATED: COUNCIL BRIEFING RM., CITY HALL
 Proposed Zone: C1
 Proposed Use: Warehouse
 Applicant/Agent: John Doe, Phone (509) 999-0001
 SEPA: DNS, appeal deadline 12/24/03
 FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

Example "B"

NOTICE OF SEPA/APPLICATION
 BUILDING PERMIT, FILE #B0300001
 PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M.
 LOCATED: COUNCIL BRIEFING RM., CITY HALL
 Proposed Use: Commercial
 Applicant/Agent: John Doe, Phone (509) 999-0001
 SEPA: DNS, appeal deadline 12/24/03
 FOR INFORMATION: (509) 625-6300 <https://my.spokanecity.org/projects/example/>

- E. Removal of Public Notice.
1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
 2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

Section 17G.061.220 Public Comment Period

Commentary

This section is renumbered from 17G.060.130.

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications with minor engineering review as provided in SMC 17G.080.040(C)(2) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. In case of conflicting time periods, the longest public comment period shall prevail.

Section 17G.061.230 Public Hearing

Commentary

This section is combines 17G.060.150 and 17G.060.160.

- A. Notice of Public Hearing.
1. A notice of public hearing is required for Type III applications. At the close of the public comment period initiated by the notice of application, the director consults with the hearing examiner regarding a date and time for the public hearing. No less than fifteen days prior to the public hearing, the director causes the notice of public hearing to be provided, unless notice of public hearing has been provided with the notice of application pursuant to SMC 17G.061.120(B)(5). The notice shall contain the information required under SMC 17G.061.210 and Table 17G.061.010-1.
 2. The director makes a written report regarding the application to the hearing examiner. The report of the director is filed with the hearing examiner ten days prior to the scheduled public hearing and copies are mailed to the applicant and applicant's representative. Copies of the report are made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, the hearing examiner may reschedule or continue the hearing, or make a decision without regard to any report.
 3. The written report of the director contains a description of the proposal, a summary of the comprehensive plan policies and provisions, a summary of the applicable provisions of the land use codes, the environmental threshold determination, findings and conclusions relating to the proposal to the prescribed decision criteria and a recommendation.

Section 17G.061.240 SEPA Threshold Determination

Commentary

This section is renumbered from 17G.060.140.

All permit applications are subject to environmental review pursuant to SMC 17E.050.070 and 17E.050.230. An environmental checklist, along with any supplemental documents needed to fully disclose potential environmental impacts and measures to mitigate those impacts, is submitted as part of the application, if applicable. Review of those environmental documents is conducted concurrent with the other application material.

- A. DNS Process for Type I, II and III Permit Applications.
1. The administrative official makes a SEPA threshold decision within ten days of the end of the public comment period initiated by the notice of application.
 2. For Type I and II permit applications, the administrative official may issue the permit decision and the SEPA threshold determination simultaneously. However, the department shall not

- issue a decision on the permit application for fourteen days after the issuance of a determination of nonsignificance (DNS) if the proposal involves:
- a. another agency with jurisdiction;
 - b. demolition of any structure or facility not exempted by SMC 17E.050.070;
 - c. issuance of clearing or grading permits not exempted by SMC 17E.050.070; or
 - d. a mitigated DNS or determination of significance (DS).
3. The public notice of the DNS shall be integrated with the notice requirements of the underlying project permit application, as prescribed in SMC 17G.061.210.
 4. The issuance of a DNS shall follow the process under WAC 197-11-340 and for a mitigated DNS under WAC 197-11-350.
- B. Optional DNS process for Type I, II or III permit applications may be used with the following requirements if the administrative official has a reasonable basis for determining that significant adverse impacts are unlikely as a result of the project:
1. A single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal may be used. The time limits of this subsection (B) do not apply when the optional DNS process is utilized for SEPA.
 2. Provide notice of application as prescribed in SMC 17G.060.120 as set forth for the underlying project permit application. The notice shall include the following:
 - a. The notice of application shall state that the responsible official expects to issue a DNS for the proposal, and that:
 - i. the optional DNS process is being used;
 - ii. this may be the only opportunity to comment on the environmental impacts of the proposal;
 - iii. the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - iv. a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
 3. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
 4. Send the notice of application and environmental checklist to:

- a. agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
- b. anyone requesting a copy of the environmental checklist for the specific proposal.

Section 17G.061.310 Decision Criteria

Commentary

This section is renumbered from 17G.060.170. The proposal adds references to new rezone criteria in 17G.061.315, clarifies that the rezone process includes height changes, and moves decision criteria for subdivisions to 17G.080.025.

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications, with the exception of plats, short plats, and binding site plans, which have separate decision criteria provided in 17G.080.025:
 1. The proposal is allowed under the provisions of the land use codes.
 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 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.
 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 effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection I of this section:
 1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals, and policies of the shoreline master program; and
 - b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (Permits for Development on Shorelines of the State).
 2. Shoreline Conditional Use Permit.
The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations

in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

- a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
 - b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
 - d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.
3. Shoreline Variance Permit.
- The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
 - b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or

landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

- i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - iv. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the shoreline master program are prohibited.
4. PUD and Plans-in-lieu.
All of the following criteria are met:
- a. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).
 - b. Architectural and Site Design.

The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.

- c. Transportation System Capacity.
There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
- d. Availability of Public Services.
There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
- e. Protection of Designated Resources.
City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.
- f. Compatibility with Adjacent Uses.
The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.
- g. Mitigation of Off-site Impacts.
All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

~~5. Plat, Short Plat, and Binding Site Plan.~~

~~The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:~~

- ~~a. public health, safety and welfare;~~
- ~~b. open spaces;~~
- ~~c. drainage ways;~~
- ~~d. streets, roads, alleys, and other public ways;~~
- ~~e. transit stops;~~
- ~~f. potable water supplies;~~
- ~~g. sanitary wastes;~~
- ~~h. parks, recreation, and playgrounds;~~
- ~~i. schools and school grounds; and~~
- ~~j. sidewalks, pathways, and other features that assure safe walking conditions.~~

~~5. Rezones.~~

~~Additional decision criteria for rezones, including modifications to maximum building height within land use plan map designations are enumerated in SMC 17G.061.315 Rezone Decision Criteria.~~

- E. The following Type II and III applications are not subject to subsections I and (D) of this section; they shall comply with the following decision criteria:
 - 1. Variance.
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.

- b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
2. Certificate of Compliance.
- a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
3. Skywalk Permit and Air Rights Use Permit.
- a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed air rights use conforms to the standards contained in SMC 12.02 Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved

public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

Section 17G.061.315 Rezone Decision Criteria

Commentary

This section is entirely new and creates and clarifies decision criteria for rezone decisions.

The Comprehensive Plan envisions the potential for more than one zoning category to be applicable within some Land Use Plan Map designations, subject to contextual factors.

These criteria are additive to the applicable criteria in SMC 17G.061.310 Decision Criteria.

A. Purpose

The purpose of this section is to describe the criteria to be used for applications to assign a zone and height limit to a property based on its Land Use Plan Map designation and other contextual factors.

B. Applicability

These criteria apply to rezones, including modifications to maximum building height, within specific Land Use Plan Map designations. If no specific criteria are provided for a given zone or a given Land Use Plan Map designation within this section, the rezone shall not be approved under this section. Applicants should instead seek a modification to the Official Zoning Map through the means described in subsection (C) of this section.

C. Failure to Obtain Approval

An applicant who fails to obtain approval under these criteria and who wishes to further pursue a potential rezone should refer to the procedures outlined in SMC 17G.020 Comprehensive Plan Amendment Procedure and SMC 17G.025 Unified Development Code Amendment Procedure. Failure to obtain approval under this section does not disqualify an applicant from pursuing an amendment under SMC 17G.020 or SMC 17G.025.

D. Implementing Zones

Each Land Use Plan Map designation is associated with implementing zones which may be compatible with a Land Use Plan Map designation. Where identified, a primary implementing zone is presumed to be an appropriate zone within a Land Use Plan Map designation. Properties may seek a rezone to a different zoning classification or maximum building height subject to the criteria of this section. Table 17G.061.315-1 identifies the implementing zones for each Land Use Plan Map designation.

Land Use Plan Map Designation	Implementing Zone
Agriculture	RA
Residential Low	R1, R2
Residential Plus	R2, RMF
Residential Medium	RMF, RHD
Residential High	RHD
Office	O, OR
General Commercial	CB, GC

E. ~~Rezone Criteria~~

~~The following criteria should be considered in applying a zoning category to a property. The criteria relate to goals and policies of the Comprehensive Plan which state a preference for a greater concentration of households and activity near key services and amenities.~~

- ~~1. ~~Nearness to a transit stop: Transit service is compatible with higher intensity residential zones.~~~~
- ~~2. ~~Nearness to a public park or designated open space: Parks and open space provide opportunities for recreation for residents living in higher intensity residential development.~~~~
- ~~3. ~~Relationship to the arterial street network: Arterial roads provide easy access to goods, services, and employment opportunities and are consistent with higher intensity development patterns.~~~~
- ~~4. ~~Nearness to a public school: Public schools provide important opportunities for education and other community services. Higher intensity development near schools gives more children and families opportunities to walk to school locations.~~~~
- ~~5. ~~Nearness to property with a commercial use: Commercial uses provide important opportunities for residents to meet daily needs, and commercial businesses benefit from having many residents nearby.~~~~
- ~~6. ~~Nearness to a designated Center & Corridor: Centers & Corridors are areas where significant growth is expected and encouraged. Higher intensity residential uses can support the Center & Corridor model and create a transition to lower intensity residential areas.~~~~

F. ~~Application of Criteria in the Residential Low Designation.~~

- ~~1. ~~Primary Implementing Zone.~~
~~The R1 zone is the primary implementing zone for this Land Use Plan Map designation.~~~~
- ~~2. ~~Criteria for R2 Zone.~~
~~Any two of the following conditions shall be considered sufficient for application of the R2 zone:~~
 - ~~a. ~~Frontage on a minor or major arterial; or~~~~
 - ~~b. ~~Transit stop within one thousand (1,000) feet; or~~~~
 - ~~c. ~~Public park within five hundred (500) feet; or~~~~
 - ~~d. ~~Commercial use on the same block or within three hundred (300) feet on the same street; or~~~~
 - ~~e. ~~Public school within five hundred (500) feet; or~~~~
 - ~~f. ~~Center and Corridor zone within one thousand (1,000) feet.~~~~~~
- ~~3. ~~Criteria for increase of maximum building height.~~
~~An increase to the maximum building height shall not occur within these areas.~~~~

G. ~~Application of Criteria in the Residential Plus Designation.~~

- ~~1. ~~Primary Implementing Zone.~~
~~The R2 zone is the primary implementing zone for this Land Use Plan Map designation.~~~~
- ~~2. ~~Criteria for RMF Zone.~~
~~Any of the following conditions shall be considered sufficient for application of the RMF zone:~~
 - ~~a. ~~Frontage on a minor or major arterial; or~~~~
 - ~~b. ~~Transit stop within five hundred (500); or~~~~
 - ~~c. ~~Center and Corridor zone within one thousand (1,000) feet.~~~~~~

3. ~~Criteria for increase of maximum building height.~~
An increase to the maximum building height shall not occur within these areas.
- H. ~~Application of Criteria in the Residential Medium Designation.~~
 1. ~~Primary Implementing Zone.~~
The RMF zone is the primary implementing zone for this Land Use Plan Map designation.
 2. ~~Criteria for RHD Zone.~~
Any of the following conditions shall be considered sufficient for application of the RHD zone:
 - a. ~~Frontage on a minor or major arterial; or~~
 - b. ~~Transit stop within five hundred (500) feet; or~~
 - c. ~~Center and Corridor zone within one thousand (1,000) feet.~~
 3. ~~Criteria for increase of maximum building height.~~
 - a. ~~The following conditions shall be considered for an increase in the maximum building height:~~
 - i. ~~Major Transit Stop within a quarter mile; or~~
 - ii. ~~Center and Corridor zone within one thousand (1,000) feet; or~~
 - iii. ~~Public park within five hundred (500) feet.~~
 - b. ~~The conditions shall apply as follows:~~
 - i. ~~Any one of the conditions: fifty (50) feet.~~
 - ii. ~~Any two of the conditions: seventy (70) feet.~~
 - c. ~~Consideration of Adjacent Zones.~~
If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.
- I. ~~Application of Criteria in the Residential High Designation.~~
 1. ~~Primary Implementing Zone.~~
The RHD zone is the primary implementing zone for this Land Use Plan Map designation.
 2. ~~Criteria for increase of maximum building height.~~
 - a. ~~The following conditions shall be considered for an increase in the maximum building height:~~
 - i. ~~Major Transit Stop within a quarter mile; or~~
 - ii. ~~Center and Corridor zone within one thousand (1,000) feet; or~~
 - iii. ~~Public park within five hundred (500) feet.~~
 - b. ~~The conditions shall apply as follows:~~
 - i. ~~Any one of the conditions: fifty (50) feet.~~
 - ii. ~~Any two of the conditions: seventy (70) feet.~~
 - c. ~~Consideration of Adjacent Zones.~~
If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.
- J. ~~Application of Criteria in the Office Designation.~~
 1. ~~Primary Implementing Zone.~~
The Office (O) zone is the primary implementing zone for this Land Use Plan Map designation.
 2. ~~Criteria for Office Retail (OR) Zone.~~

~~Any of the following conditions shall be considered sufficient for application of the OR zone:-~~

- ~~a. Frontage on a minor or major arterial; or~~
- ~~b. Transit stop within five hundred (500) feet; or~~
- ~~c. Center and Corridor zone within one thousand (1,000) feet; or~~
- ~~d. Downtown zone within a quarter mile.~~

~~3. Criteria for increase of maximum building height.~~

~~a. The following conditions shall be considered for an increase in the maximum building height:-~~

- ~~i. Major Transit Stop within a quarter mile; or~~
- ~~ii. Center and Corridor zone within one thousand (1,000) feet; or~~
- ~~iii. Public park within five hundred (500) feet; or~~

~~b. The conditions shall apply as follows:-~~

- ~~i. Any one of the conditions: fifty (50) feet.~~
- ~~ii. Any two of the conditions: seventy (70) feet.~~

~~c. Consideration of Adjacent Zones.~~

~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~

~~K. Application of Criteria in the General Commercial Designation.~~

~~1. Primary Implementing Zone.~~

~~The CB zone is the primary implementing zone for this Land Use Plan Map designation.~~

~~2. Criteria for GC Zone.~~

~~Any of the following conditions shall be considered sufficient for application of the GC zone:-~~

- ~~a. Frontage on a major arterial; or~~
- ~~b. Industrial zone within one thousand (1,000) feet.~~

~~3. Criteria for increase of maximum building height.~~

~~a. Any of the following shall be considered sufficient for an increase in the maximum building height to seventy (70) feet:-~~

- ~~i. Major Transit Stop within a quarter mile; or~~
- ~~ii. Center and Corridor zone within one thousand (1,000) feet.~~

~~b. Consideration of Adjacent Zones.~~

~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~

~~L. Application of Criteria in the Institutional Designation.~~

~~1. Primary Implementing Zone.~~

~~There is no primary implementing zone. The existing zoning on a lot is presumed to be the appropriate zone.~~

~~2. Criteria for changing zoning classification.~~

~~An application for a rezone shall consider the adjacent zones. The requested new zone shall be consistent with and extend an adjacent zone so as to form a contiguous area.~~

3. ~~Criteria for increase of maximum building height.~~
- a. ~~Any of the following shall be considered sufficient for an increase in the maximum building height to seventy (70) feet:~~
- i. ~~Major Transit Stop within a quarter mile; or~~
- ii. ~~Center and Corridor zone within one thousand (1,000) feet.~~
- b. ~~Consideration of Adjacent Zones.~~
~~If a majority of land area immediately adjacent to the site has a maximum building height that is higher than the subject site, an increase in the maximum building height to match the adjacent lots shall be approved.~~

Section 17G.061.320 Notice of Decision

Commentary

This section is renumbered from 17G.060.190 and renames the position for Planning Director

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.
- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
1. Written notice of decision is provided by the decision-maker concurrent to the decision.
 2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
 3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
 4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.

- f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.
 - i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.
 - k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.
- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The Planning Director shall provide notification within seven days of the department of ecology's final decision to those interested persons having requested notification.

Section 17G.061.330 Decision – When Final

Commentary

This section is renumbered from 17G.060.200.

A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to SMC 17G.061.340.

Section 17G.061.340 Appeals

Commentary

This section is renumbered from 17G.060.210.

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes.
- B. Appeal of a director's decision on a project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of a hearing examiner's decisions is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, appeals or requests for reconsideration from decisions shall be filed within fourteen calendar days of the date of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is issued.
- G. An appeal or request for reconsideration shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
 - 1. file number of the decision;
 - 2. the names of the appellant(s) and an indication of facts that establish the appellant's right to the relief requested;
 - 3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
 - 4. the requested relief from the decision being appealed or reconsidered;
 - 5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
 - 6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

- H. The appeal or request for reconsideration is rejected if:
1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
 2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
 3. it is not timely filed;
 4. the appeal fees have not been paid; or
 5. it is not filed in accordance with the procedures of this chapter.
- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.
Notice of a hearing by the hearing examiner is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:
1. Location of the property including a map sufficient to clearly locate the site.
 2. Description of the proposed action.
 3. Name of the applicant.
 4. Application name and number.
 5. Decision made on the application, including the environmental threshold determination.
 6. Name of the appellant if other than the applicant.
 7. Date, time, and place of hearing.
 8. A statement of whether the appeal is on the record or if new information will be allowed; and
 9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

Section 17G.061.350 Expiration of Permits

Commentary

This section renumbered 17G.060.240.

- A. Table 17G.061.010-1 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision, provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of

time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M).

Section 17G.061.400 Design Review

Commentary

This section rennumbers 17G.060.060 and names the position of Planning Director.

- A. Project permit applications that are subject to design review follow the procedures contained within chapter 17G.040 SMC, Design Review Board Administration and Procedures.
- B. Project permit applications that are subject to design review are listed in SMC 17G.040.020, Development and Applications Subject to Design Review.
- C. Prior to submitting a project permit application that is subject to design review under this title, a project permit applicant must have begun the design review process and may be required to participate in a design review collaborative workshop as defined in SMC 17G.040.050, Design Review Process, and outlined in the Design Review Application Handbook.
- D. Project permit applications that are subject to design review shall contain the information specified in chapter 17G.040 SMC. The design review process is completed prior to the end of the public comment period initiated by notice of application and a recommendation is made to the hearing examiner, Planning Director, Building Official, or other official as appropriate. The report of the design review board is made available to the action-approving authority by the close of the public comment period.

Section 17G.061.510 Optional Consolidated Project Permit Review Process

Commentary

This section renumbered 17G.060.250.

- A. The optional process allows for the consideration of all discretionary land use, environmental, construction and building permits issued by the City, together with project permits requiring a public hearing as a single project, if requested in writing by the applicant. Permit decisions of other agencies are not included in the process but public meetings and hearings for other agencies may be coordinated with those of the City of Spokane.
- B. When multiple permits are required for a single project, the optional consolidated project permit review process is available as follows:
 - 1. A permit coordinator shall be designated.
 - 2. A single determination of complete application, notice of application and notice of final decision is made for all project permits being reviewed through the consolidated process, provide the time limits in this chapter can be met.
 - 3. Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the consolidated review process shall permit only a single open record hearing and one closed record appeal.

4. A single open record hearing including appeals of the SEPA threshold determination shall be conducted by the hearing examiner, pursuant to the procedures in chapter 17G.050 SMC. The hearing examiner's decision shall be appealable to superior court except rezones and preliminary long plats that are appealable to the city council and shoreline permits are appealable to the shoreline hearing board. Appeals to the city council shall be conducted as a closed record appeal hearing pursuant to the procedures in chapter 17G.050 SMC.

Section 17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure

Commentary

This section combined related sections from 17G.060.075, 17G.080.010, and 17G.080.080.

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.300 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.061.110 with these additional application materials:
 1. Written explanation of exemption type as defined in SMC 17E.060.300 and WAC 173-27-040.
 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
 3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).

- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
1. Letter of exemption.
 2. Site plan.
 3. What is being approved; and
 4. Conditions of approval.
- It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.300 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).
- F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Chapter 17G.070 Planned Unit Developments

[...]

Commentary

A few minor updates to the PUD provisions are proposed to reflect the new allowances for middle housing in the R1 and R2 zones.

Section 17G.070.030 Development Standards

A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, R1 and R2 zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
 - a. Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
 - i. community building with indoor and/or outdoor recreation facilities;
 - ii. recreational vehicle and personal storage area;
 - iii. consolidated guest parking facilities.

2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the R1, R2, RMF and RHD zones together with these additional uses:

[...]

B. Density.

1. Densities Required.

An applicant with a planned unit development approval shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in [Title 17C SMC, except as provided in subsection \(B\)\(2\) of this section](#), plus a maximum of ten percent density bonus per the provisions below under [SMC 17G.070.030\(B\)\(5\)](#).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and
- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.

3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

5. Density Bonuses.

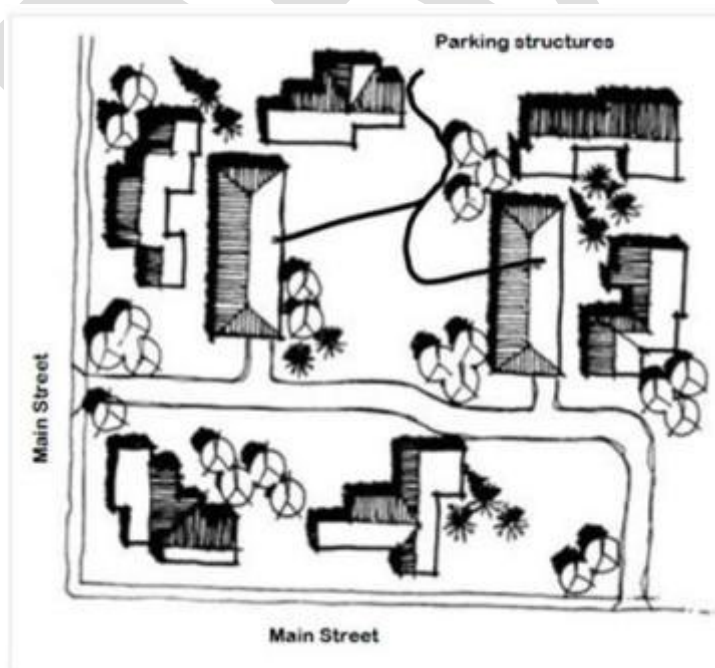
- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.
- c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

[...]

Section 17G.070.135 Compatibility with Surrounding Areas

A. Purpose.

For a PUD to be compatible with, and an integral part of the surrounding area. Although a completely homogeneous neighborhood is not necessary or desirable, a reasonable level of compatibility to the surroundings should be achieved. Diversity in style and density can help create an interesting and vibrant community. When combined with a respect for, and acknowledgment of, existing forms, siting and details, a new development can quickly “belong” in a particular community. A new development should be done in a manner that complements the existing area.



B. Design Standards.

1. The architectural style and detailing of any entrance monument, fencing materials and any structure, other than single-unit detached dwellings and middle housing, should incorporate significant elements and details of the architecture in the surrounding areas, particularly regarding form, size, color and materials. Chain link fencing is particularly discouraged. (P)
2. The design standards of [SMC 17C.110.400](#) shall apply to any multi-unit residential building within a PUD. ®
3. The design standards of [SMC 17C.110.500](#) shall apply to any common buildings within a PUD.
4. Driveways and open parking areas should be integrated into the overall design and should not be the dominant features along the street frontages. (P)
5. Parking structure entrances should preferably be accessed from streets within the development rather than from public streets and their appearance should be minimized and integrated into the overall design. (P)
6. Entrance signage shall be in character with the proposed and surrounding developments. (P)

[...]

Chapter 17G.080 Subdivisions

Commentary

The proposed amendments to Subdivisions in this chapter are intended to achieve the following:

- Reorganize the chapter and add clarity to be easier to read and more user-friendly.
- Provide consistency with the other proposed text amendments for development in R1 and R2 Residential zones.
- Update “Alternative Residential Subdivision” by renaming to “Unit Lot Subdivision” and expand its use to cover more situations consistent with Middle Housing development.
- Ensure housing variety and compatibility for new large-scale development.

Section 17G.080.000 Purpose and Administration

Commentary

Updates to this section are proposed to:

- Combine related sections

- Relocate administration section from 17G.080.020
- Relocate exclusions from 17G.080.020
- Formatting adjustments

A. Purpose.

This chapter is adopted pursuant to RCW 36.70A and RCW 58.17. It implements the provisions of chapter 36.70A RCW and serves the following purposes:

1. Ensures consistency with the City's comprehensive plan
2. Regulates the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with the provisions of chapter 58.17 RCW.
3. Provides for the expeditious review and approval of proposed subdivisions, short subdivisions, and binding site plans which conform to the City's zoning and development regulations and the policies of the City's comprehensive plan.

B. Applicability.

This chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease or transfer of ownership.

C. Administration.

The director administers, interprets, and enforces the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

D. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:
 - a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
 - b. Additional street right-of-way;
7. an adjustment of boundary lines in accordance with the provisions of this chapter.

E. Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

Section 17G.080.020 General Provisions

Commentary

Updates to this section are proposed to:

- Move administrative language to 17G.080.000
- Move exclusions to 17G.080.000

~~A.~~ Authority and Administration.

~~This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.~~

~~B.~~ Exemptions.

~~The provisions of this chapter shall not apply to:~~

- ~~1. cemeteries and other burial plots while used for that purpose;~~
- ~~2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;~~
- ~~3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights of way, creation of new public road rights of way, or other public road construction purposes;~~
- ~~4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;~~
- ~~5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;~~
- ~~6. acquisition of land by the City for:

 - ~~a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or~~
 - ~~b. Additional street right of way;~~~~
- ~~7. an adjustment of boundary lines in accordance with the provisions of this chapter.~~

~~C.A.~~ Expiration of Approval.

~~A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary plat, preliminary short plat or preliminary binding site plan, as provided in subsection (L) of this section.~~

~~D.B.~~ Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.

- ~~1. Alteration.~~

~~The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the~~

procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

- a. obtain approval from the director of engineering services prior to application for alteration;
 - b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.
2. Vacation.
- a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
 - b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.
3. Redivision of Platted Lots.
- a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.
 - b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
 - i. obtain approval from the director of engineering services prior to application for redivision;
 - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

EC. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

1. Short plats: " _____ City Short Plat, File No. ____."
2. Plats:

- a. City View Addition.
 - b. City View 1st Addition.
 - c. City View 2nd Addition.
 - d. City View 3rd Addition.
3. Binding site plans: “_____ BSP, File No. _____.”
- FD.** Street Names.
The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.
- GE.** Modification to a Preliminary Plat, Short Plat or Binding Site Plan.
A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.
- 1. Substantial Modifications.
Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:
 - a. the creation of additional lots or the inclusion of additional area; or
 - b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval; or
 - c. change of use; or
 - d. modification of types or locations of Middle Housing types that result in an increase in dwelling units on a lot.
 - 2. Minor Modifications.
The following modifications are considered minor and may be approved administratively by the director:
 - a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
 - b. Changes in lot dimensions that are consistent with the underlying zone;
 - c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
 - d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.
- HE.** Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.
- 1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
 - 2. Every final plat, short plat and binding site plan shall show the following:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

- b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
 - d. Ties to adjoining surveys of record.
3. Every final plat, short plat and binding site plan shall conform to the following standards:
- a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
 - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
 - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
 - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
 - e. Lots along curves shall show arc length and include angle (delta) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (delta), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.
- †G.** Fees.
All applications shall include the fees set forth in chapter 8.02 SMC.
- †H.** Enforcement and Penalties.
Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.
- †I.** Appeals.
Appeals of this chapter shall be governed by chapters 17G.050 and 17G.061 SMC.

LJ. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:
 - a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
 - b. The applicant must have finalized at least one phase.
 - c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
 - d. The project shall be consistent with the comprehensive plan.
 - e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
 - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter 17G.061 SMC.

MK. Sunset Provision.

1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
3. Extensions of the Sunset Provision.
The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:

- a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.
- b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
- c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
- d. The application shall demonstrate compliance with all of the following:
 - i. The project is consistent with the comprehensive plan.
 - ii. The project is consistent with current development standards; and
 - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
- e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.
- f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 17G.080.025 Decision Criteria

Commentary

Updates to this section are proposed to relocate appropriate language from 17G.060.170.

- A. Purpose.
This section establishes conditions for approval or disapproval of land divisions.
- B. Burden of Evidence.
The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. Concurrency.
The proposed subdivision shall make appropriate (in terms of capacity and concurrency) provisions for:
 1. public health, safety and welfare;

2. open spaces;
3. drainage ways;
4. streets, roads, alleys, and other public ways;
5. transit stops;
6. potable water supplies;
7. sanitary wastes;
8. parks, recreation, and playgrounds;
9. schools and school grounds; and
10. sidewalks, pathways, and other features that assure safe walking conditions.

Section 17G.080.040 Short Subdivisions

Commentary

Updates to this section are proposed to:

- Formatting changes
- Require count of proposed housing units on plat
- Clarify that City Engineer can apply Minor Engineering Review for proposals that substantially meet requirements
- Require identification of Middle Housing types on plat

- A. **Predevelopment Meeting**
A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. **Preliminary Short Plat Application and Map Requirements**
 1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:
 - a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under chapter 17E.050 SMC.
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under chapter 8.02 SMC.
 - f. The required number of documents, plans or maps drawn to a minimum scale of one inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.
 - g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
 - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical

studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.

- i. One copy of the predevelopment conference notes (if applicable); and
 - j. One copy of the notification district map.
2. Contents of Preliminary Short Plat Map
- The preliminary short plat shall be prepared by a land surveyor and shall show the following:
- a. Plat name and the name of any subdivision to be replatted.
 - b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
 - c. Surveyor's name, mailing address and phone number.
 - d. Legal description.
 - e. Section, township and rang
 - f. Vicinity map.
 - g. North arrow, scale and date.
 - h. Datum plane.
 - i. Acreage.
 - j. Number of lots, proposed density, and number of housing units.
 - k. Zoning designation.
 - l. The boundary lines of the proposed subdivision.
 - m. City limits and section lines.
 - n. Park or open space (if proposed).
 - o. Existing topography at two-foot maximum interval.
 - p. The boundaries and approximate dimensions of all blocks and lots along with the following information:
 - i. ~~_____ , together with~~ the numbers proposed to be assigned each lot and block;
 - ii. ~~_____ , and~~ the dimensions, square footage and acreage of all proposed lots and tracts; and
 - iii. for residential lots zoned NH1R1 or NH2R2, the proposed Middle Housing types, including single-unit detached houses, and total number of proposed units on all proposed lots.-
 - q. Proposed names of streets.
 - r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
 - s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easement
 - t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
 - u. Indicate any street grades in excess of eight percent.
 - v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the

- land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
 - x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
 - y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
 - z. Significant historic, cultural or archaeological resources; and
 - aa. If the proposal is located in an irrigation district, the irrigation district name.
- C. Review of Preliminary Short Plat
- 1. The application shall be reviewed in accordance with the procedures set forth in chapter 17G.061 SMC for a Type II application, subject to the exceptions listed in subsection (D).
 - 2. Minor Engineering Review.
 - a. ~~A preliminary short plat application may qualify for a ~~Minor~~ ~~Engineering~~ ~~Review~~ if it meets all of the following conditions:~~
 - ~~ai.~~ The application is categorically exempt from chapter RCW 43.21C (SEPA);
 - ~~bii.~~ There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
 - ~~eiii.~~ No extensions of public water, sewer, or other utility services will be needed;
 - ~~eiv.~~ No public easements for water, sewer, or other utility service exists on the lot;
 - ~~ev.~~ The lot is not situated in a Special Drainage District as defined in SMC 17D.060.130; and
 - ~~fvi.~~ Public utility mains do not exist on the lot.
 - b. The City Engineer is authorized to waive conditions ii through vi of subsection (a) if the application substantially meets the intent of Minor Engineering Review.
- D. Public Notice And Public Comment.
- All public notice of the application and opportunities for public comment shall be given in accordance with the procedures set forth in chapter 17G.061 SMC for a Type II application.
- 1. Exceptions.
 - a. A short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application.
 - b. A short plat that is categorically exempt from SEPA and results in four or fewer lots shall not require a posted or signed notice of application.
- E. Preliminary Short Plat Approval Criteria
- Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.061 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and 17G.061 SMC.
- F. Final Short Plat Review Procedure
- 1. The subdivider shall submit to the director for review the following:

- a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
 - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
 - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
 3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.
- G. Final Short Plat Map Requirements
- The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:
1. A final short plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
 2. The final short plat shall include the following:
 - a. Surveyor's certificate, stamp, date and signature, as follows:
 The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.
 Signed _____ (Seal)"

- b. A certification by the city treasurer, as applicable:
- i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this ____ day of _____, 20__.
- _____
City of Spokane Treasurer"
- ii. "I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this ____ day of _____, 20__.
- _____
City of Spokane Treasurer"
- iii. "A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner's to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this ____ day of _____, 20__.
- _____
City of Spokane Treasurer"
- c. The certification by the planning director, as follows:
"This plat has been reviewed on this ____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's/Planning Director's approval of the preliminary plat # - - PP/SP.
- _____
City of Spokane Planning Director"
- d. The certification by the city engineer, as follows:
"Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this ____ day of _____, 20__.
- _____
City of Spokane Engineer"
- e. The certification by the Spokane county treasurer, as follows:
"I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved ____ day of _____, 20__.
- _____
Spokane County Treasurer"
- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.
- g. Signature of every owner certifying that:
- i. the plat is made with the free consent and in accordance with the desires of the owners of the land;

- ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
 - iii. the owners adopt the plan of lots, blocks and streets shown;
 - iv. owner dedicates to the City and the City's permittees the easements shown for utilities and cable television purposes;
 - v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and
 - vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.
- h. The drawing shall:
- i. be a legibly drawn, printed or reproduced permanent map;
 - ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
 - iii. have margins that comply with the standards of the Spokane county auditor;
 - iv. show in dashed lines the existing plat being replatted, if applicable;
 - v. show monuments in accordance with SMC 17G.080.020(H)(1);
 - vi. include any other information required by the conditions of approval; and
 - vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.
- H. Filing.
Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.
- I. Redivision.
No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050

Section 17G.080.050 Subdivisions

Commentary

Updates to this chapter are proposed to establish requirements to provide multiple Middle Housing types on plats exceeding 2 acres to increase housing diversity and encourage a mix of incomes and housing types within new developments.

- A. **Predevelopment Meeting.**
A predevelopment meeting is recommended for any preliminary subdivision proposal. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provision of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. **Community Meeting and Public Notice.**
Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submittal of the application. The notice and format of the meeting shall be in accordance with chapter 17G.061 SMC.
All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.061 SMC for a Type III application.
- C. **Preliminary Plat Application and Map Requirements.**
1. **Application Requirements.**
Applications for approval of a preliminary plat shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and content as a short plat as provided in SMC 17G.080.040(B)(1).
 2. **Contents of Preliminary Plat Map.**
The preliminary plat shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2).
- D. **Review of Preliminary Plat.**
The application shall be reviewed in accordance with the procedures set forth in chapter 17G.061 SMC for a Type III application.
- E. **Preliminary Plat Approval Criteria.**
Prior to approval of a plat application, the hearing examiner shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.080.025 SMC. The hearing examiner has the authority to approve or disapprove a proposed preliminary plat under the provisions of this chapter, subject to appeal as provided in chapter 17G.061 SMC.
- F. **Middle Housing Requirements.**
1. **Purpose.**
The Comprehensive Plan promotes a mixture of many housing types and socioeconomic diversity in all areas. These requirements ensure a variety of housing types, including Middle Housing, in new development. Middle Housing types are defined in SMC 17A.020.130.
 2. **Applicability.**
The Middle Housing requirements apply to new housing construction on lots that have been created through an approved final plat within five years. The requirements are limited to plats that are:
 - a. in areas zoned R1 or R2; and
 - b. exceeding two acres in size; and
 - c. where more than fifty percent (50%) of proposed dwelling units are any combination of the following housing types:
 - i. Detached Single-Unit Residential Building; or
 - ii. Duplex; or
 - iii. Attached housing.

3. Requirements

- a. At least three housing types shall be identified in the plat.
- b. For purposes of this requirement detached single-unit residential buildings shall be considered distinct housing types according to the following categories:
 - i. A house with a floor area equal to or less than eight hundred (800) square feet; and
 - ii. A house with a floor area equal to or less than one thousand four hundred (1,400) square feet; and
 - iii. A house with a floor area of greater than one thousand four hundred (1,400) square feet.
- c. Any one housing type shall be limited to no more than seventy percent (70%) of units identified in the plat.

FG.

Phasing.

A subdivision may be developed in phases. A master phasing plan should be submitted with the preliminary plat for approval by the hearing examiner. A preliminary plat that has received preliminary approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan may be approved provided:

1. the phasing plan includes all land identified within the boundary of the plat;
2. the sequence of the phased development is identified on the plan;
3. each phase has reasonable public or private infrastructure to support the number of lots contained in that phase;
4. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire plat;
5. plats subject to the requirements of subsection (F) of this section include at least two (2) housing types in each phase and no more than eighty percent (80%) of units identified consist of a single housing type;
6. any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase; and
7. blocks are wholly contained within any individual phase.

GH.

Final Plat Review Procedure.

The final plat procedures shall be the same in form as the short plat review procedure as provided in SMC 17G.080.040.

HI.

Final Plat Map Requirements.

The subdivider shall submit to the director a final plat in the same form and with the same content as the preliminary plat, with the following exceptions or additional requirements:

1. A final plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including the following:
 - a. The certification of the hearing examiner, on behalf of the city council, as follows:

“This plat has been reviewed on this ____ day of _____, 20__ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s approval of preliminary plat # -PP/PUD.

Hearing Examiner”

⌄.

Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the plat have been submitted to the planning and economic development services department.

Section 17G.080.060 Binding Site Plans

Commentary

Updates to this chapter are proposed to update references to SMC sections and allow Binding Site Plans within Residential zones.

A. Purpose.

The purpose of this section is to allow for the more flexible creation of lots within an overall development site plan.

B. Predevelopment Meeting.

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

C. Preliminary Binding Site Plan Application and Map Requirements.

1. A binding site plan may ~~only~~ be used for divisions of land in ~~commercial or industrial~~ all zones. Applications for approval of a preliminary binding site plan shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).

2. **Contents of Preliminary Binding Site Plan.**

The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:

- a. Proposed building footprints;
- b. Proposed street accesses;
- c. Proposed parking and internal vehicle circulation;
- d. Proposed pedestrian pathways;
- e. Proposed landscaped areas; and
- f. Proposed stormwater facilities.

D. Public Notice.

- All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.
- E. Departmental Review of Preliminary Binding Site Plan.
The application shall be reviewed in accordance with the procedures set forth in chapter 17G.~~060-061~~ SMC for a Type II application.
- F. Preliminary Binding Site Plan Decision Criteria.
Prior to approval of the application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the decision criteria set forth in SMC 17G.080.025. The director has the authority to approve or disapprove a proposed preliminary binding site plan under the provisions of this chapter, subject to appeal as provided in chapter 17G.~~060-061~~ SMC.
- G. Final Binding Site Plan Review Procedure.
The final binding site plan procedures shall be the same in form ~~and~~ as the short plat review procedure as provided in SMC 17G.080.040(G).
- H. Final Binding Site Plan Requirements.
The subdivider shall submit to the director a final binding site plan in the same form and with the same content as the preliminary binding site plan, with the following exceptions or additional requirements:
1. A final binding site plan shall contain all the information required of the preliminary plan, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
 2. The final binding site plan shall include the signatory statements as provided in SMC 17G.080.040(G)(2).
- I. Filing.
Once the final binding site plan has been reviewed, approved and signed by the applicable departments, the applicant shall file the final binding site plan with the county auditor within ten days of final approval. No permits shall be issued for a proposed lot until the required conformed copies of the binding site plan have been submitted to the ~~planning and economic development services~~ department.
- J. Creation of Additional Lots in Final Binding Site Plan.
A survey may be filed following the recording of a final binding site plan to create additional lots within the boundaries of the final binding site plan, consistent with the preliminary binding site plan approval, conditions and expiration provisions (SMC 17G.080.020(C)). The survey shall be reviewed and approved by the director pursuant to subsections (F) and (G) of this section. In addition, the survey shall conform to the following:
1. Title shall state: "Amendment to BSP- ____ - ____."
 2. The binding site plan file number shall be referenced.
 3. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
 4. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the survey; and
 5. A revision block listing all previously recorded surveys and the date of recording.

Section 17G.080.065 Unit Lot Subdivisions

Commentary

Updates to this chapter are proposed to add clarity, increase the maximum site size to two acres to align with other existing processes, allow for Unit Lot Subdivisions in more situations than cottage and pocket development, and allow for potential division of a primary house and accessory dwelling unit.

- A. Purpose.
The purpose of these provisions is to allow for the more flexible creation of lots of varying sizes and types for alternative residential development as described in SMC 17C.110.300, including for attached housing, cottage housing, and similar developments with multiple dwelling units on a parent site, while applying only those site development standards applicable to the parent site as a whole, rather than to individual lots resulting from the subdivision.
- B. Applicability.
A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a “child” lot.
The types of development that may use the alternative residential subdivision are:
1. Cottage housing projects approved under SMC 17C.110.350;
 2. Housing developed under SMC 17C.110.360 Pocket Residential Development; or
 3. A similar existing development that consists of multiple dwelling units on a single parcel or site, provided that such existing structures shall comply with applicable building and fire code.
1. Unit Lot Subdivisions are allowed for all residential development on parent sites of two acres or less. Subdivisions with a commercial or other non-residential use seeking similar flexibility must be approved through another platting action under SMC 17G.080.
 2. A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.
 3. A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure, subject to the additional standards in subsection F of this section.
 4. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.
- C. Application Procedure.
Alternative residential Unit lot subdivisions resulting in ~~of~~ nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC ~~chapter~~ 17G.061.
- D. General Regulations.
1. A ~~n alternative residential~~ unit lot subdivision shall meet development standards applicable to the parent lot’s zoning underlying site development plan approval, if any, the basic development standards and design standards of SMC 17C.110.350 Cottage Housing, SMC 17C.110.360 Pocket Residential Development, or design standards of SMC 17C.110.400 through 17C.110.465 for attached housing in RMF and

- RHD zones, and the provisions of this section. As a result of the alternative residential subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each lot will be deemed to be in conformance. If existing dwelling units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site;
2. The parent site as a whole shall meet all applicable development standards under its zoning designation, including but not limited to:
 - a. Setbacks;
 - b. Building coverage;
 - c. Street frontage; and
 - d. Floor area ratio
 3. So long as the parent site meets the applicable standards under its zoning designation as described in subsection (2), each child lot may deviate from site development standards including but not limited to:
 - a. Setbacks;
 - b. Lot size;
 - c. Building coverage;
 - d. Street frontage; and
 - e. Floor area ratio
 4. All buildings shall meet all applicable provisions of the building and fire code.
 25. Alternative residential Lots created through a unit lot subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section.;
 36. Each child lot's area and width for purposes of subdivision may be as small as the footprint of the building situated upon it, subject to the requirements of the building and fire code individual dwelling unit.;
 47. Portions of the parent site not subdivided for individual child lots shall be identified as Tracts and owned in common by the owners of the individual child lots. For example, or by a homeowners association comprised of the owners of the individual child lots located within the parent site. This requirement shall be included in deed restrictions as required in paragraph 7 subsection E of this section.;
 8. The parent site and each child lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.
 9. Separation requirements for utilities must be met.
 10. Driveways providing vehicle access to lots shall not serve more than nine (9) units unless approved by the City Engineer.
 5. Maximum building coverage of the aggregate buildings located upon the parent site shall not exceed the maximum building coverage permitted by the underlying zone;
 6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual lot lines which are interior to the perimeter of

~~the parent site; provided, however, that any structure located upon a lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;~~

- ~~7. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Separation requirements for utilities must be met. Each alternative residential subdivision shall make adequate provisions for ingress, egress and utilities access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.~~
- ~~8. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:~~
 - ~~a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);~~
 - ~~b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;~~
 - ~~c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;~~
 - ~~d. Additional development of the individual lots may be limited as a result of the application of development standards to the parent site.~~
 - ~~E. Conflicts.~~

~~Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.~~

E. Recording

1. The plat recorded with the county auditor's office shall include the following:
 - a. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.
 - b. A note that approval of the subdivision was granted by the review of the site as a whole (stating the subject project file number if applicable);
 - c. A note that subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
 - d. A note stating that if a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
 - e. A note that additional development of the individual lots may be limited as a result of the application of development standards to the parent site.

2. The legal description of each lot shall identify it as part of a unit lot subdivision.

F. Accessory Dwelling Units

A lot with an accessory dwelling unit may be subdivided under this section with the following additional requirements:

1. All utility lines for the accessory dwelling unit must branch from a common line on a portion of the parent site owned in common. A utility line for the accessory dwelling unit shall not cross another child parcel without approval of the City Engineer.
2. The plat recorded with the county auditor’s office shall further specify the following:
 - a. The child lot that is associated with the accessory dwelling unit;
 - b. That the child lot associated with the accessory dwelling unit is subject to any and all additional regulations of an accessory dwelling unit under the Spokane Municipal Code.
3. The legal description of a lot for an accessory dwelling unit shall identify the lot as an accessory dwelling unit within a unit lot subdivision.

Section 17G.080.080 Severability

Commentary

This section is REPEALED, with the content relocated to 17G.080.000.

[Repealed]



Building Opportunity for Housing Phase I

Plan Commission Findings of Fact, Conclusions, And Recommendations on Amendments to the Spokane Municipal Code

Building Opportunity for Housing SMC Text Amendments

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Building Opportunity for Housing Spokane Municipal Code (SMC) text amendments proposal seeking to amend the SMC Chapters 17A.020, 17A.040, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.061, and 17G.080, repeal Chapter 17C.110 and replace with new Chapter 17C.111, and repeal Chapter 17G.060 and replace with new Chapter 17G.061 to accommodate and ease development of middle housing in Spokane.

FINDINGS OF FACT:

- A. On July 18, 2022, the City Council adopted Ordinance C36232, an Interim Zoning Ordinance known as Building Opportunity and Choices for All ("BOCA"). BOCA implemented some of the strategies specified in RCW 36.70A.600(1) in order to increase the City's residential building capacity and included a work plan that anticipated continued public participation and noticing, modifications to the City's Comprehensive Plan, and evaluation of whether to make the regulations permanent.
- B. Following the City Council's adoption of BOCA, HB 1110 was adopted into law requiring cities like Spokane to incorporate into its development and zoning regulations authorization to develop at least four residential dwelling units per lot on all lots zoned predominantly for residential use and at least six units per lot on all lots zoned predominantly for residential use located within one-quarter mile walking distance of a major transit stop.
- C. Following the City's adoption of BOCA, the City adopted ordinances amending Chapter 3 (Land Use) of the City's Comprehensive Plan to align policy language in the Comprehensive Plan with these developments and to further implement the middle housing options that are now required under State law.
- D. The current proposal, Building Opportunity for Housing, Phase 2 Code Amendments (the "Proposal"), permanently implements BOCA as well as implementing the requirements of Section 3 of HB 1110.
- E. The Proposal was prepared according to the requirements of the Growth Management Act (RCW 36.70A) including without limitation RCW 36.70A.370, and included an extensive and thorough public engagement effort.
- F. The Proposal includes various text amendments to the City's housing/zoning regulations focused on increasing the City's residential building capacity by allowing and easing development for middle housing within Spokane.

- G. The City's Comprehensive Plan envisions a variety of compatible housing types in a neighborhood and that the housing assortment should include higher density residences developed in the form of small-scale apartments, townhouses, duplexes, and rental units that are accessory to single-unit homes, as well as detached single-unit homes. LU 1.1 (Neighborhoods).
- H. The Comprehensive Plan also recognizes the need for increased density which enables the provision of affordable housing. LU 3.7.
- I. The Comprehensive Plan also promotes socioeconomic integration throughout the City and recognizes that housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community. H 1.7 (Socioeconomic Integration).
- J. The Comprehensive Plan also encourages mixed-income developments throughout the city and recognizes that mixed-income housing provides socio-economic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty. H 1.9 (Mixed-Income Housing).
- K. The Comprehensive Plan also envisions a variety of housing types in all neighborhoods. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must consider the context of the area and should result in an improvement to the existing surrounding neighborhood. H 1.18 (Distribution of Housing Options).
- L. On June 28, 2023, July 12, July 26, August 23, and September 27, 2023, the Plan Commission conducted workshops regarding the Proposal during their regularly scheduled meetings.
- M. On August 18, 2023, staff requested comments from local, regional, and state agencies as well as City departments. The City received three agency comment letters, one from the City of Spokane Engineering Department, one from the City of Spokane Current Planning group, and one from the Spokane Tribe.
- N. On August 21, 2023, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations.
- O. On September 5 and September 12, 2023, a Notice of Intent to Adopt was published in the Spokesman Review. A public comment period from September 5 to October 4, 2023 occurred, during which twenty-six (26) comments were received.
- P. On September 13, 2023, the Spokane City Plan Commission held a Housing Work Group to discuss a feasibility analysis of the Proposal.
- Q. On September 18, 2023, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Proposal. The deadline to appeal the SEPA determination was October 9, 2023. Three comments on the SEPA determination were received, from Spokane Tribe of Indians, COS Engineering, and COS Current Planning.
- R. On September 19 and 21, 2023, two public open houses were hosted to provide the public with information about the Proposal.

- S. On September 27 and October 4, 2023, notice was published in the Spokesman Review providing notice of a SEPA Determination of Non-Significance and of the Plan Commission Public Hearing.
- T. On October 4, 2023, Planning Department staff finalized their Staff Report on the Proposal to the Plan Commission recommending approval of the Proposal (the “Staff Report”).
- U. On October 11, 2023, the Plan Commission held a public hearing on the Proposal, including the taking of verbal testimony, and closed the public record on that date.
- V. Public comment, as well as agency and department comments, received prior to the October 11, 2023 Plan Commission public hearing were included in the staff report.
- W. On October 11, 2023, the Spokane Plan Commission conducted its deliberations on this Proposal and voted to recommend the City Council approve this Proposal with the following conditions:
 - 1. Substitute the parking regulations found in SMC 17C.230.130 and Table 17C.230-2 with the alternative parking regulation language found in Exhibit H, which aligns with the interim parking ordinance passed by City Council earlier this year and reads: “Parking is not required for residential development on sites located within one-half mile of a transit stop”.
 - 2. Update Table 17C.111.205-1 to reduce the minimum lot area from 1,800 sq. ft. to 1,200 sq. ft. for the R1, R2, RMF, and RHD zones.
 - 3. Remove the Middle Housing mix of housing requirements for subdivisions greater than 2 acres by striking SMC 17G.080.050(F) and SMC 17G.080.050(G)5 from the Proposal.
 - 4. Recommend adding exploration into requiring a mix of Middle Housing products for subdivisions greater than 2 acres to the Plan Commission work plan for further discussion.
 - 5. Update and make consistent the Development Bonuses regulations by renaming Table 17C.111.205-2 “Development Standards for Land Owned by Religious Organizations” to Table 17C.111.205-3 “Development Standards for Properties Qualifying for Development Bonus” and adding Footnote [2] to the same table to read: “Criteria to qualify for Development Bonuses is outlined in SMC 17C.111.225”.
 - 6. Update and make consistent references found in 17C.111 by updating 17C.111.225(B) to reference Table 17C.111.205-3 rather than 17C.110.205-3, and update 17C.111.235(B)(2)b to reference 17C.111.230 instead of 17C.110.230.
 - 7. Recommend that the City Clerk be authorized to make clerical adjustments to all sections of Title 17 for the purposes of ensuring consistency with the proposal, including but not limited to:
 - i. Replacing references to RSF to R1
 - ii. Replacing references to RTF to R2
 - iii. Removing references to RSF-C
 - iv. Updating all references to ensure correct section and subsection identifiers

- v. Updating all table numbers to be consistent with the usage established in this proposal, which is to number tables with the title, chapter, and section, followed by a dash and a sequential number.
- X. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- Y. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report.
- Z. The Plan Commission finds that the Proposal meets the intent and requirements of the Comprehensive Plan.
- AA. The Plan Commission finds that the Proposal meets the decision criteria established by SMC 17G.025.010, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the proposed Spokane Municipal Code text amendments, the Plan Commission makes the following conclusions with respect to the Proposal:

1. The Proposal is fully consistent with and will help to implement applicable provisions of the Comprehensive Plan.
2. The Proposal bears a substantial relation to public health, safety, welfare, and protection of the environment.
3. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
4. SEPA review was completed for the Proposal, and pursuant to SEPA, any adverse environmental impacts associated with the draft regulations will be mitigated by enforcement of the City's development regulations.
5. The Proposal is consistent with and implements recent changes in State law and particularly those in RCW 36.70A.600 and HB 1110 and is also consistent with the goals and purposes of GMA.
6. The Proposal will implement the requirements of Section 3 of HB 1110.
7. The Proposal will help the City achieve the residential densities envisioned in the City's Comprehensive Plan. The City's existing housing regulations have not facilitated development densities envisioned by the Comprehensive Plan and needed in order to accommodate the City's growth. Many areas of the City have developed well below the densities envisioned and planned for in the City's Comprehensive Plan. For this reason, the Proposal will not result in densities that exceed the densities that were assumed when the City first adopted its Comprehensive Plan.

8. Any potential infrastructure implications associated with the Proposal will either be mitigated through projects reflected in the City’s relevant six-year capital improvement plans or through enforcement of the City’s development regulations at the time of any future development.
9. The Proposal is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
10. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted Shaping Spokane goals and policies:
 - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.3 Lower Intensity Residential Areas
 - b. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
 - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.6 Compact Residential Patterns
 - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.7 Maximum and Minimum Lot Sizes
 - e. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
 - f. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
 - g. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration
 - h. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.9 Mixed-Income Housing
 - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.18 Distribution of Housing Options
 - j. Chapter 8: Urban Design and Historic Preservation – Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods
 - k. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations
 - l. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6, Building and Site Design
 - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

RECOMMENDATIONS:

In the matter of the Building Opportunity for Housing text amendments, a request by the City of Spokane to amend the text of the Spokane Municipal Code, based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendments to the Spokane Municipal Code, conditioned upon the changes outlined above, and

authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the Proposal.

Greg Francis
Greg Francis (Oct 13, 2023 16:01 PDT)

Greg Francis, President
Spokane Plan Commission

Date: Oct 13, 2023







Final Findings and Conclusions - BOH Ph II

Final Audit Report

2023-10-13

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"Final Findings and Conclusions - BOH Ph II" History

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From: [Gardner, Spencer](#)
To: [Downey, KayCee](#); [Thompson, Tim](#)
Subject: Fw: BOCA Workshop
Date: Thursday, October 5, 2023 5:14:36 PM

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Jim Frank <jfrank@greenstonehomes.com>
Sent: Friday, September 29, 2023 5:11 PM
To: Jennifer Thomas <jthomas@shba.com>; Gardner, Spencer <sgardner@spokanecity.org>
Subject: Re: BOCA Workshop

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Spencer,

I have been going over the new code revisions that were included in last Wednesday's plan commission packet. It's a lot to review and I've only made it through chapter 17 G.080 related to subdivisions. After this brief review, I have the following thoughts:

1. The expiration of preliminary plats after five years is really burdensome. It might've been OK 10 years ago but the review process for plats is now so complicated, five years is just not enough time. I'd suggest that the initial approval be good for eight years and that you'll be allowed a five year extension. There needs to be some level of certainty created for people that are investing in housing projects.
2. For a time extension, I feel you need to eliminate the requirement for finalizing one phase of development or demonstrating that plans have been submitted to the city for review. It can be complicated to develop housing projects, obtain financing, and deal with changing market conditions. Having approvals terminate so quickly creates unacceptable investment risk. We need housing investment. We need to create a stable environment for that investment.
3. I believe it's a serious mistake to impose housing product requirements on a platting process. It is one thing to permit a wide range of housing and quite another to mandate it. There are so many problems with this requirement. First, most often the entity doing the land development is not the entity constructing the homes. I don't know how you mandate a housing type on lots that are being sold to third parties. Secondly, market conditions change quickly. What might've made sense at the time of platting might not be marketable later. This requirement creates unreasonable risk for the housing developer and will pose serious appraisal, financing, and investment risk. The housing investor needs to have the freedom to develop product that they believe meets the market needs and cannot have the product dictated via planning process. The code needs to be used to encourage these various middle housing products not mandate their use.

4. when I get a subdivision approval, I should, of course, specify the number of lots but there is no way to specify the number of units. I should be free to construct any permitted use on the lots created.

5. The short planning process remains very complicated. This is a real missed opportunity to not have simplified the process for short plats. Public notice should be waived on all short plats. This is not a discretionary decision.

6. The requirement for a pre-application community meeting is a terrible process that causes enormous confusion and should be eliminated.

7. Using a binding site plan for residential development is a good idea. However you cannot show building footprints as at this stage as you will have no idea. Building foot prints are not required on any BSP we have ever got approved. The whole purpose of a BSP is to provide flexibility in lot dimensions to accommodate the final end use as it becomes known.

8. I think you should increase the max lot size for unit lot subdivisions to 10 acres. You are trying to encourage this use and there is no downside.

Overall, if the goal here is to encourage more housing development, this will not be successful. The complexity and risk created by these provisions will discourage housing investment.

Jim

From: [Lyn Lindell](#)
To: [Planning Services Development Code](#)
Subject: Senior housing
Date: Thursday, October 12, 2023 10:58:20 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Sent from my iPhone I don't want to live in all senior housing! I don't want to live with my family. But at 77 my options are decreasing. I've had to move twice last year to an affordable apartment- fortunate to find one although I've had to greatly decrease my personal items & furniture to the smaller spaces affordable.

Why can't seniors be provided with reasonably affordably priced smaller living units - like mini homes? With use of modern space upgrades, solar amenities (less utility costs) in communities that are not solely for aging populations?

I'd like to put what small retirement I have toward a government assisted minihome that I could legally place where I want to live in Spokane. What is happening locally for our population that still recognizes our contributions , our serious financial limitations, & how to problem solve for our housing needs with dignity. ??

From: [Gardner, Spencer](#)
To: [Benzie, Ryan](#); [McCall, Angela](#)
Cc: [Downey, KayCee](#); [Thompson, Tim](#)
Subject: Fw: Haystack as case study
Date: Wednesday, October 11, 2023 12:55:57 PM

Hello. Could one of you please forward the below comment to Plan Commission relating to our BOH hearing? This came in last night.

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Harold Vanderpool <hbvanderpool@gmail.com>
Sent: Tuesday, October 10, 2023 9:42 PM
To: Gardner, Spencer <sgardner@spokanecity.org>
Subject: Haystack as case study

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello Spencer,

Have you had a chance to look at the Haystack co-housing site as a case study as you indicated when we discussed Height regulations at the Open House a couple of weeks ago?

The Haystack development did many things right and a few large things (pun intended) wrong. In addition to the Height of Building 3, I think the overall length of that building (~160') is inappropriate as well. The last element to which I would raise your attention was the conflict of side and front adjacent lot lines. The side of Building 3 facing the neighbors house fronts looks like any alley.

I would also add that 2 council members who passed the code changes in Jan 2019 visited the site to see Building 3 and both stated that what they were looking at was not at all what they intended to come about with the regulation changes.

I'm raising this issue as I believe you will see a large outcry when 4 story buildings start going up in R1/R2 zones (and even RMF as more get built). While the Angled Setbacks are a good idea, they currently don't address the issue sufficiently as you will be able to see in the Haystack case study of Building 3 as it is setback by over 20' and is still excessively tall and massive to be compatible with the neighborhood.

One element that was done well across all buildings was the incorporating of architectural details from the surrounding neighborhood. This is a very nice touch and why the other buildings do fit into the neighborhood. They are all 3 stories or less and much less massive. However, architectural details are insufficient when the Height and Massing are so out of proportion as can be seen in this case study.

I look forward to hearing what your take is on this seemingly useful bit of prior experience.

Thanks,

Harold Vanderpool
509-302-0699



Agenda Sheet for City Council Meeting of:
10/30/2023

Date Rec'd	10/16/2023
Clerk's File #	ORD C36455
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MANAGEMENT & BUDGET
Contact Name/Phone	JESSICA STRATTON 625-6369
Contact E-Mail	JSTRATTON@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0410-CITYWIDE CIP ORDINANCE 2024-2029

Agenda Wording
An ordinance adopting a six-year Citywide Capital Improvement Program for the years 2024-2029 and amending the Citywide Capital Improvement Program as referenced in Appendix C of the City's Comprehensive Plan.

Summary (Background)
SMC section 07.17.010 states the City shall annually adopt a Citywide Six-year Capital Improvement Program (CIP). A Plan Commission workshop was held on September 13, 2023. A Plan Commission hearing was held on October 11, 2023. The 2024-2029 CIP was found to be consistent with the City's Comprehensive Plan per the attached Plan Commission Findings of Fact, Conclusions and Recommendations. Council will be briefed on the CIP on October 19, 2023.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	STRATTON, JESSICA	Study Session\Other	F&A Committee 10-16-23
Division Director	WALLACE, TONYA	Council Sponsor	CP Kinnear & CM Wilkerson
Finance	MURRAY, MICHELLE	Distribution List	
Legal	PICCOLO, MIKE		
For the Mayor	JONES, GARRETT		
Additional Approvals			
Purchasing			

Committee Agenda Sheet

Finance and Administration Committee

Submitting Department	Finance
Contact Name	Jessica Stratton
Contact Email & Phone	jstratton@spokanecity.org , x6369
Council Sponsor(s)	CP Kinnear, CM Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	2024 Capital Improvement Program Ordinance
Summary (Background)	<p><u>Background</u></p> <p>In accordance with the State Growth Management Act and the City of Spokane’s Spokane Municipal Code Chapter 07.17, the City must annually update and adopt a Citywide Six-Year Capital Improvement Program. The Program must be updated annually as part of the budget process. With the approval of the 2024 budget, the first year of the Capital Improvement Program reflects the 2024 CIP budget.</p> <p>An update on the CIP will be delivered to the City Council on October 19, 2023. A Plan Commission workshop was held on September 13, 2023 and the Plan Commission hearing will be held on October 11, 2023.</p> <p>The first reading of the CIP ordinance will be on October 30, 2023 with the final reading & adoption on November 6, 2023.</p>
Proposed Council Action & Date:	CIP Ordinance adoption on 11/6/23
<p>Fiscal Impact: n/a Total Cost: n/a Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source:</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts	
<p>What impacts would the proposal have on historically excluded communities? n/a – recurring budget process</p>	
<p>How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? n/a– recurring budget process</p>	
<p>How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? n/a– recurring budget process</p>	

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

n/a- recurring budget process

ORDINANCE NO. C36455

AN ORDINANCE OF THE CITY OF SPOKANE, WASHINGTON, ADOPTING A SIX-YEAR CITYWIDE CAPITAL IMPROVEMENT PROGRAM FOR THE YEARS 2024 THROUGH 2029. AND AMENDING THE CITYWIDE CAPITAL IMPROVEMENT PROGRAM (CIP) AS REFERENCED IN APPENDIX C OF THE CITY OF SPOKANE COMPREHENSIVE PLAN.

WHEREAS, in accordance with the Growth Management Act (“GMA”), the City of Spokane previously adopted a Comprehensive Plan that includes a Capital Facilities Plan (“CFP”) that includes an inventory, analysis, and a six-year financing plan for needed capital facilities otherwise referred to as the Six-Year Capital Improvement Program; and

WHEREAS, the City formed a Capital Facilities Technical Team which has assembled proposed amendments to the CIP, which amendments consist of an updated six-year plan (years 2024 through 2029) identifying the proposed locations and capacities of expanded or new capital facilities and a plan to finance such capital facilities within projected funding capacities (the “Six-Year Citywide Capital Improvement Program” or “CIP”); and

WHEREAS, the City previously adopted the Six-Year Street Program (RCW 35.77.010) on June 12, 2023 by Council Resolution 2023-0044, and that program is incorporated into the CIP; and

WHEREAS, GMA provides that proposed amendments to a comprehensive plan may be considered by the governing body of a city no more frequently than once per year, but further provides that amendments to the capital facilities element of a comprehensive plan may be considered outside of this annual process where the amendment is considered concurrently with the adoption or amendment of a city budget; and

WHEREAS, on September 25, 2023, the City’s responsible official issued a Determination of Non-Significance for the CIP; and

WHEREAS, the Spokane City Plan Commission conducted a public workshop regarding the CIP on September 13, 2023; and

WHEREAS, after providing appropriate public notices, on October 11, 2023, the Spokane City Plan Commission, conducted a public hearing to take testimony on the CIP, and at the close of the hearing, and after considering public input, the SEPA determination, and required decision criteria, found that the CIP is consistent with the Comprehensive Plan and voted unanimously to recommend that the City Council approve the CIP; and

Now, Therefore,

The City of Spokane does ordain:

Section 1. Amendment. The City of Spokane Comprehensive Plan and its capital facilities element are hereby amended to reflect a six-year plan for capital improvement projects (2024-2029), as set forth in the attached Citywide Capital Improvement Program (2024-2029).

A. Any vehicle procurement must comply with Spokane Municipal Code 07.06.175A regarding the procurement of clean fuel vehicles.

Section 2. Authorization to Seek Funding. City staff are authorized to apply for state and federal grants and low-interest loans in support of the projects identified in the Citywide Capital Improvement Program (2024-2029).

Section 3. Effective Date. This ordinance shall take effect and be in force on _____.

PASSED BY THE CITY COUNCIL ON _____.

City Clerk

Approved as to Form:

Assistant City Attorney



2021/2022 Comprehensive Plan Amendments

PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT FILE Z23-426COMP

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the 2024-2029 Capital Improvement Program as an appendix to the Comprehensive Plan.

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Proposal file Z23-426COMP (the “Proposal”) was submitted in a timely manner for review in advance of the City’s budget approval process, as required.
- C. The Proposal seeks to append the 2024-2029 Capital Improvement Program (the “CIP”) to the Comprehensive Plan as a necessary step towards the eventual adoption of the 2024 City of Spokane Budget.
- D. The CIP identifies capital project activity which has implications on the growth of the community.
- E. On August 24, 2023, staff requested comments from agencies, departments, and neighborhood councils regarding the proposal. Two comments were received, one from the Spokane Transit Authority and one from the Spokane Tribe. Both provided advisory comments on projects included in the CIP for consideration at the time of design and development.
- F. A Notice of Application was published on September 1, 2023 in the Spokesman Review and was emailed to the City’s Plan Commission distribution list and to every neighborhood council contact in the City, asking for public comments on the proposal. Comments were received from four individuals, all stating their concern about Fire Station 5 and its continued status as “unfunded” in the CIP.
- G. On September 1, 2023, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- H. On September 13, 2023, the Spokane City Plan Commission held a workshop to study the Proposal.
- I. On September 25, 2023, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Proposal. The deadline to appeal the SEPA determination was October 9, 2023. No comments on the SEPA determination were received.

- J. On October 5, 2023, staff published a report addressing SEPA and providing staff's analysis of the merits of the Proposal, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the Proposal recommended approval of the Proposal.
- K. On October 11, 2023, the Plan Commission held a public hearing on the Proposal, including the taking of verbal testimony, and closed the public record on that date. No members of the public testified.
- L. On September 28, 2022, the Plan Commission conducted its deliberations on this application and voted to recommend the City Council **approve** this application, with the following additional findings:
 - 1. The Plan Commission received comments about fire protection service in the Latah Valley and recommends to City Council that they explore mechanisms for financing additional infrastructure consistent with the Comprehensive Plan.
 - 2. Plan Commission is concerned that no project planning for the purchase or construction of a homeless shelter has been included in the CIP process.
- M. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- N. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Proposal (the "Staff Report").
- O. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan.
- P. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the proposal materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding application File No. Z23-426COMPO, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

- 1. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
- 2. The Proposal is consistent with the goals and purposes of GMA.
- 3. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plan or through enforcement of the City's development regulations at time of development.
- 4. As outlined in above in the Findings of Fact, the Proposal is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E and as required by RCW 36.70A and RCW 35.77.010.

5. The Proposal is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
6. The Proposal has been considered in order to evaluate the cumulative effect of all the proposals.
7. SEPA review was completed for the Proposal.
8. The Proposal will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
9. The Proposal proposes that a document be appended to the Comprehensive Plan.

RECOMMENDATIONS:

In the matter of Z23-426COMP, a request by the City of Spokane Budget Office to append the 2024-2029 Capital Improvement Program to the Comprehensive Plan and forward the document on for the consideration of City Council during the annual budget process, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the proposal and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the application.


Greg Francis (Oct 13, 2023 15:56 PDT)

Greg Francis, President

Spokane Plan Commission

Date: Oct 13, 2023







Findings and Conclusions - 2024-2029 CIP

Final Audit Report

2023-10-13

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