

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 20, 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 20, 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: 2496 733 8993; 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 20, 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 20, 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)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS

RECOMMENDATION

Office of the Police Ombudsman Commission– One Appointment

Confirm

CPR 2015-0034

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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|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------|
| 1. | Value Blanket Renewal with Galls, LLC (Spokane) for Police Jumpsuits from October 1, 2023, through September 30, 2024—\$150,000. (Council Sponsor: Council Member Cathcart)
Major Mike McNab | Approve | OPR 2019-0888
IFRP 776-19 |
| 2. | Purchase from LN Curtis and Sons (Kent, WA) of Avon gas masks and related items for all personnel in the Spokane Police Department from the rank of Sergeant and below utilizing NPPgov Cooperative Agreement No. PS20105—\$250,000. (Council Sponsors: Council President Kinnear and Council Member Bingle)
Major Eric Olsen | Approve | OPR 2023-1209 |

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| <p>3. Consultant Agreement with Toole Design Group, LLC (Silver Spring, MD) to conduct the Pacific Avenue Greenway study for bikeway route selection and conceptual design from November 15, 2023, through December 31, 2025—\$179,000 (plus tax, if applicable). (Council Sponsors: Council President Kinnear and Council Member Wilkerson)
Colin Quinn-Hurst</p> | <p>Approve</p> | <p>OPR 2023-1210
RFQ 5896-23</p> |
| <p>4. Acceptance of BJA Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) as a subaward from the Department of Justice through Spokane County—\$96,850 Revenue. (Relates to Special Budget Ordinance C36462) (Council Sponsors: Council President Kinnear and Council Member Stratton)
Justin Lundgren</p> | <p>Approve</p> | <p>OPR 2023-1211</p> |
| <p>5. Acceptance of BJA Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant (JAG)—\$214,815 Revenue, of which \$96,667 will be subawarded to Spokane County. (Relates to Special Budget Ordinance C36463) (Council Sponsor: Council President Kinnear)
Justin Lundgren</p> | <p>Approve</p> | <p>OPR 2023-1212</p> |
| <p>6. Report of the Mayor of pending:</p> | <p>Approve &
Authorize
Payments</p> | |
| <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> | | <p>CPR 2023-0002</p> |
| <p>b. Payroll claims of previously approved obligations through _____, 2023: \$_____.</p> | | <p>CPR 2023-0003</p> |
| <p>7. City Council Meeting Minutes: _____, 2023.</p> | <p>Approve
All</p> | <p>CPR 2023-0013</p> |
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LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances 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:

- ORD C36462 Public Safety & Judicial Grants Fund
- 1) Increase revenue by \$96,850.
 - A) Of the increased revenue, \$96,850 is provided by the Department of Justice, through Spokane County, as part of the JAG22 grant award program.
 - 2) Increase appropriation by \$96,850.
 - A) Of the increased appropriation, \$96,850 is provided solely for equipment.

(This action arises from the need to accept Edward Byrne Memorial JAG22 grant funding from the Department of Justice.) (Relates to Consent Agenda Item No. 4) (Council Sponsors: Council President Kinnear and Council Member Bingle)

Justin Lundgren

- ORD C36463 Public Safety & Judicial Grants Fund
- 1) Increase revenue by \$214,815.
 - A) Of the increased revenue, \$214,815 is provided by the Department of Justice as part of the JAG23 grant award program.
 - 2) Increase appropriation by \$214,815.
 - A) Of the increased appropriation, \$42,678 is provided solely for personal protective equipment.
 - B) Of the increased appropriation, \$75,470 is provided solely for a vehicle.
 - C) Of the increased appropriation, \$96,667 is provided solely for contractual services.

(This action arises from the need to accept Edward Byrne Memorial JAG23 grant funding from the Department of Justice.) (Relates to Consent Agenda Item No. 5) (Council Sponsors: Council President Kinnear and Council Member Bingle)

Justin Lundgren

ORD C36464

Home Entitlement Program Fund

1) Increase revenue by \$4,628,671

A) Of the increased revenue, \$4,628,671 is provided by the U.S. Department of Housing and Urban Development (HUD) as part of the HOME – American Rescue Plan (HOME-ARP) program.

2) Increase appropriation by \$4,628,671

A) Of the increased appropriation, \$4,207,883 is provided solely for contractual services to be provided by the City’s sub-recipients to deliver housing and shelter services to the community.

B) Of the increased appropriation, \$260,398 is provided solely for salaries and benefits for the City of Spokane’s employees who will be administering the programs.

C) Of the increased appropriation, \$160,390 is provided solely for other supplies, services, and equipment required for the administration of the programs.

(This action arises from the need to provide housing and shelter services to the citizens of Spokane via the HOME-ARP program.)

(Council Sponsors: Council Members Wilkerson and Stratton)

Richard Culton

ORD C36465

Fire/EMS Fund

1) Increase revenue by \$628,000.

A) Of the increased revenue, \$600,000 is provided solely for wildfire mobilization reimbursement from the Department of Natural Resources and other agencies.

B) Of the increased revenue, \$28,000 is provided solely for insurance recoveries on damaged vehicles and apparatus.

2) Increase appropriation by \$628,000.

A) Of the increased appropriation, \$600,000 is provided solely for overtime and travel of firefighters deployed to wildfire events.

B) Of the increased appropriation, \$28,000 is provided solely for vehicle and apparatus repairs.

(This action arises from the need to realize wildfire mobilization reimbursement and insurance recoveries.) (Council Sponsors: Council

President Kinnear and Council Member Wilkerson)

Brian Schaeffer

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2023-0096 Of the City of Spokane relating to the Water and Sewer Rehabilitation program for on-site septic systems, side sewer, and water service lines. (Council Sponsors: Council President Kinnear and Council Member Bingle)
Nate Sulya
- RES 2023-0097 (To be considered under Special Considerations Item S2.)
- RES 2023-0098 Approving the Spokane Employees’ Retirement System (SERS) Board’s change in the employee and employer contribution rates in accordance with Spokane Municipal Code 4.14.070. (Council Sponsors: Council Members Bingle and Wilkerson)
Christine Shisler
- ORD C36458 (To be considered under Hearings Item H1.)
- ORD C36459 (To be considered under Hearings Item H2.)
- ORD C32457 Amending Ordinance C32457 that vacated 6th Avenue from approximately 100 feet west of Audubon Street to Audubon Street and located in the Northeast Quarter of Section 23, Township 25 North, Range 42 East, Willamette Meridian. (Council Sponsors: Council Members Wilkerson and Oelrich)
Eldon Brown
- ORD C36461 (To be considered under Special Considerations Item S1.)

NO FIRST READING ORDINANCES

SPECIAL CONSIDERATIONS

RECOMMENDATION

<p>S1. Final Reading Ordinance C36461 relating to General Facilities Charges (GFCs) for public utilities and services; amending SMC sections 13.03.0730, 13.03.0732, and 13.03.0734 to chapter 13.03 of the Spokane Municipal Code; and 13.04.2040, 13.04.2042, and 13.04.2044 to chapter 13.04 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council President Kinnear and Council Member Bingle) Marcia Davis</p>	<p>Pass Upon Roll Call Vote</p>	<p>ORD C36461</p>
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Request motion to suspend Council Rules and add the following item [as the item has not been to Committee (RES 2023-0097)]:

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| <p>2. Resolution 2023-0097 regarding adoption of the City of Spokane’s Public Rule for Wastewater and Water General Facilities Charges and Incentives. (Council Sponsors: Council President Kinnear and Council Member Bingle)
Spencer Gardner</p> | <p>Adopt
Upon Roll
Call Vote</p> | <p>RES 2023-0097</p> |
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HEARINGS

RECOMMENDATION

- | | | |
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| <p>H1. Final Reading Ordinance 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</p> | <p>Pass Upon
Roll Call
Vote</p> | <p>ORD C36458</p> |
| <p>H2. Final Reading Ordinance 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. (As substituted on November 6, 2023) (Council Sponsors: Council Members Wilkerson and Cathcart)
Tim Thompson</p> | <p>Pass Upon
Roll Call
Vote</p> | <p>ORD C36459</p> |

- | | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------|
| H3. Hearing on Proposed 2024 Budget. (Continued from November 13, 2023.)
Jessica Stratton | Hold Hrg./ Council Decision to Close or Continue Hrg. | FIN 2023-0001 |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------|
-

**Motion to Approve Advance Agenda for November 20, 2023
(per Council Rule 2.1.2)**

ADJOURNMENT

The November 20, 2023, Regular Legislative Session of the City Council is adjourned to November 27, 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:**

11/20/2023

Date Rec'd

11/6/2023

Clerk's File #

CPR 2015-0034

Renews #**Submitting Dept**

MAYOR

Cross Ref #**Contact Name/Phone**

LIZ VAN DEN BERG 509.625.6774

Project #**Contact E-Mail**

LVANDENBERG@SPOKANECITY.ORG

Bid #**Agenda Item Type**Boards and Commissions
Appointments**Requisition #****Agenda Item Name**0520 APPOINTMENT TO THE OFFICE OF THE POLICE OMBUDSMAN
COMMISSION**Agenda Wording**

Appointing Shelley Ripley to the Office of the Police Ombudsman Commission, First Term, Three Year Term, 11/14/2023 - 11/13/2026

Summary (Background)

Appointing Shelley Ripley to the Office of the Police Ombudsman Commission, First Term, Three Year Term, 11/14/2023 - 11/13/2026

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

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

JONES, GARRETT

Study Session\Other11/6/23 Briefing Session
Interview**Division Director****Council Sponsor****Finance****Distribution List****Legal****For the Mayor**

JONES, GARRETT

Additional Approvals**Purchasing**



Agenda Sheet for City Council Meeting of:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	OPR 2019-0888
Renews #	

Submitting Dept	POLICE	Cross Ref #	
Contact Name/Phone	MAJ. MIKE MCNAB 835-4514	Project #	
Contact E-Mail	MMCNAB@SPOKANEPOLICE.ORG	Bid #	
Agenda Item Type	Purchase w/o Contract	Requisition #	VB
Agenda Item Name	0680 RENEWAL OF JUMPSUIT VALUE BLANKET WITH GALLS		

Agenda Wording

Request approval to renew Value Blanket VB301096 for period of 10/01/2023-09/30/2024. Estimate \$150,000 which includes alterations.

Summary (Background)

In 2019 Galls LLC won the bid to provide jumpsuits to the Spokane Police Department for 1 year with the option to purchase from the company for 4 additional years. Approval of the renewal for 2023 will be the final renewal on this value blanket.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ \$150,000

Select \$

Select \$

Select \$

Budget Account

0680-11410-21250-53202-99999

#

#

#

Approvals

Dept Head MEIDL, CRAIG

Division Director MEIDL, CRAIG

Finance SCHMITT, KEVIN

Legal HARRINGTON, MARGARET

For the Mayor JONES, GARRETT

Council Notifications

Study Session\Other PSHC 11/09/2023

Council Sponsor CM Cathcart

Distribution List

spdfinance@spokanepolice.org

Lyons-Kiley@galls.com

Additional Approvals

Purchasing

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	Police
Contact Name	Maj. Mike McNab
Contact Email & Phone	mmcnab@spokanepolice.org
Council Sponsor(s)	Councilman Cathcart
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Renewal of Galls Jumpsuits Value Blanket for 2023-2024
Summary (Background) *use the Fiscal Impact box below for relevant financial information	In 2019 Gall's LLC won the bid to provide jumpsuits to the Spokane Police Department for 1 year with the option to purchase from the company for 4 additional years. Approval of renewal for 2023 will be the final renewal on this value blanket.
Proposed Council Action	Approval to renew VB301096 for period of 10/01/2023-09/30/2024. Estimate \$150,000 which includes alterations.
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 type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring	
Specify funding source: Click or tap here to enter text.	
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? 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? As this is for uniforms only, there is no data collected.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? Does not apply	
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?	

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: 10/4/23

Type of expenditure:

Goods Services

Department: Police

Approving Supervisor:

Amount of Proposed Expenditure: \$150,000.00

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

Funding Source General Fund

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

Why is this expenditure necessary now?

Renewal of the value blanket with Gall's LLC is necessary to continue to provide jumpsuits to Police

What are the impacts if expenses are deferred?

Current officers will not be able to repair or replace standard patrol uniforms and new officers graduate

What alternative resources have been considered?

Galls was awarded the bid after a public bid in 2019. This is the final renewal on the current agreement

Description of the goods or service and any additional information?

Police Jumpsuits including alterations. Current Value Blanket #VB 301096 004

Person Submitting Form/Contact:

Division Director:

Craig N. Meidl

CFO Signature:

Tonya Wallace

City Administrator Signature:

Additional Comments:






Expenditure Control Form Jumpsuit VB renewal (002)

Final Audit Report

2023-10-10

Created:	2023-10-10
By:	Craig Meidl (cmeidl@spokanepolice.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAANFbpXFFP-mFnj_XYX5zdqpdXJN3K3XZc

"Expenditure Control Form Jumpsuit VB renewal (002)" History

-  Document created by Craig Meidl (cmeidl@spokanepolice.org)
2023-10-10 - 0:01:18 AM GMT- IP address: 198.1.39.252
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-10 - 0:01:44 AM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-10 - 6:00:12 PM GMT- IP address: 198.1.39.252
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-10 - 6:21:22 PM GMT - Time Source: server- IP address: 198.1.39.252
-  Agreement completed.
2023-10-10 - 6:21:22 PM GMT

From: [Napolitano, Angie](#)
To: [Loucks, Michelle](#)
Subject: FW: Expenditure Control Form Jumpsuit VB renewal (002) between Craig Meidl and Tonya Wallace is Signed and Filed!
Date: Tuesday, November 7, 2023 6:46:09 AM

From: Jones, Garrett <gjones@spokanecity.org>
Sent: Friday, October 20, 2023 12:13 PM
To: Napolitano, Angie <anapolitano@spokanepolice.org>
Subject: RE: Expenditure Control Form Jumpsuit VB renewal (002) between Craig Meidl and Tonya Wallace is Signed and Filed!

Hi Angie, for some reason I can't approve the document but I do approve. You can attached this to the document to move forward.

Thanks,

GARRETT JONES | CITY OF SPOKANE | INTERIM CITY ADMINISTRATOR
509.363.5462 office | 509.795.9936 cell | gjones@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: Napolitano, Angie <anapolitano@spokanepolice.org>
Sent: Thursday, October 19, 2023 12:36 PM
To: Jones, Garrett <gjones@spokanecity.org>
Subject: FW: Expenditure Control Form Jumpsuit VB renewal (002) between Craig Meidl and Tonya Wallace is Signed and Filed!

I apologize, Garrett, but I have no way of seeing if you have approved this form, yet. Do you happen to know if you have already done so?

Thank you for your assistance,

Angie

From: Meidl, Craig <cmeidl@spokanepolice.org>
Sent: Tuesday, October 10, 2023 7:55 PM
To: McNab, Michael <mmcnab@spokanepolice.org>; Napolitano, Angie <anapolitano@spokanepolice.org>

Subject: FW: Expenditure Control Form Jumpsuit VB renewal (002) between Craig Meidl and Tonya Wallace is Signed and Filed!

From: Adobe Sign <adobesign@adobesign.com>

Sent: Tuesday, October 10, 2023 11:21 AM

To: Meidl, Craig <cmeidl@spokanepolice.org>; Wallace, Tonya <twallace@spokanecity.org>

Subject: Expenditure Control Form Jumpsuit VB renewal (002) between Craig Meidl and Tonya Wallace is Signed and Filed!

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Company Logo



Expenditure Control Form Jumpsuit VB renewal (002) between Craig Meidl and Tonya Wallace is Signed and Filed!

To: Craig Meidl and Tonya Wallace

Attached is a final copy of **Expenditure Control Form Jumpsuit VB renewal (002)**.

Copies have been automatically sent to all parties to the agreement.

You can view [the document](#) in your Adobe Acrobat Sign account.

Why use Adobe Acrobat Sign:

- Exchange, Sign, and File Any Document. In Seconds!
- Set-up Reminders. Instantly Share Copies with Others.
- See All of Your Documents, Anytime, Anywhere.



Agenda Sheet for City Council Meeting of:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	OPR 2023-1209
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	SBO

Submitting Dept	POLICE
Contact Name/Phone	MAJ. ERIC OLSEN 835-4505
Contact E-Mail	EOLSEN@SPOKANEPOLICE.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	0680 PURCHASE OF GAS MASKS AND RELATED ITEMS

Agenda Wording

Requesting approval of purchase of Avon gas masks and related items for all personnel the rank of Sergeant and below, with LN Curtis and Sons using NPPgov Cooperative Agreement #PS20105.

Summary (Background)

SPD does not currently have a gas mask for each person, and each mask needs to be individually fit. Officers have used masks in the past when they encountered powdered fentanyl on search warrants and when we have deployed chemical agents while taking suspects into custody. The coming year will be an election year and has the potential to be tense and tumultuous possibly requiring the use of the masks.

Lease? NO Grant related? YES Public Works? NO

Fiscal Impact

Expense	\$ 180,000
Expense	\$ 70,000
Select	\$
Select	\$

Budget Account

#	5902-79115-21250-53528-99999
#	1620-91818-21250-53528-99999
#	
#	

Approvals

Dept Head	MEIDL, CRAIG
Division Director	MEIDL, CRAIG
Finance	SCHMITT, KEVIN
Legal	HARRINGTON, MARGARET
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PSCHC 11/06/2023
Council Sponsor	CP Kinnear, CM Bingle

Distribution List

spdfinance@spokanepolice.org

Additional Approvals

Purchasing	
ACCOUNTING - GRANTS	MURRAY, MICHELLE

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	Police
Contact Name	Maj. Eric Olsen
Contact Email & Phone	eolsen@spokanepolice.org 625-4505
Council Sponsor(s)	Council President Kinnear, CM Bingle
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Approval of purchase of Avon gas masks and related items with LN Curtis and Sons using NPPgov cooperative agreement #PS20105.
Summary (Background) *use the Fiscal Impact box below for relevant financial information	The Spokane Police Department is acquiring new gas masks and associated equipment for all personnel the rank of sergeant and below in order for SPD to be properly prepared for any possible event when officers may encounter a chemical agent. SPD does not currently have a mask for each person, and each mask needs to be individually fit. Officers have used masks in the past when they encountered powdered fentanyl on search warrants and when we have deployed chemical agents while taking suspects into custody. The coming year will be an election year and has the potential be tense and tumultuous possibly requiring the use of the masks.
Proposed Council Action	Approval of purchase – November 20 th , 2023
Fiscal Impact	
Total Cost: <u>\$250,000</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: Combination of DOJ grant funds and SPD Capital	
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?	
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?	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	

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?

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: 10/25/23 **Type of expenditure:** Goods Services

Department: Police

Approving Supervisor: Major Eric Olsen

Amount of Proposed Expenditure: \$250,000.

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

Funding Source SPD Capital and DOJ Grant Funds

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

Why is this expenditure necessary now?

The Spokane Police Department is acquiring new gas masks and associated equipment for all personnel the rank of sergeant and below in order for SPD to be properly prepared for any possible event when officers may encounter a chemical agent. SPD does not currently have a mask for

What are the impacts if expenses are deferred?

We will likely pay at least \$34,000 dollars more (not counting annual price increases) and a likelihood of not receiving the masks in time for the potential need.

What alternative resources have been considered?

There are none.

Description of the goods or service and any additional information?

Gas masks, communication equipment for the masks, filters and other mask related equipment.

Person Submitting Form/Contact: Major Eric Olsen / 509-951-7371

Division Director:

Craig N. Meidl

CFO Signature:

Tonya Wallace

City Administrator Signature:

Garrett Jones
Garrett Jones (Oct 26, 2023 16:16 PDT)

Additional Comments:

\$180,000 is funded from 2024 Police Capital and \$70,000 from a DOJ grant awarded in 2023. The purchase is planned and part of the Proposed 2024 capital budget.












Expenditure Control Form- Gas Masks

Final Audit Report

2023-10-26

Created:	2023-10-25
By:	Kevin Schmitt (kschmitt@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAABAKwshTrG-RMtuzScfOK9so0DRHnaAL-uQ

"Expenditure Control Form- Gas Masks" History

-  Document created by Kevin Schmitt (kschmitt@spokanecity.org)
2023-10-25 - 8:24:38 PM GMT
-  Document emailed to Craig Meidl (cmeidl@spokanepolice.org) for signature
2023-10-25 - 8:26:12 PM GMT
-  Email viewed by Craig Meidl (cmeidl@spokanepolice.org)
2023-10-25 - 8:46:16 PM GMT
-  Document e-signed by Craig Meidl (cmeidl@spokanepolice.org)
Signature Date: 2023-10-25 - 8:46:31 PM GMT - Time Source: server
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-25 - 8:46:32 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-25 - 9:18:08 PM GMT
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-10-25 - 10:47:57 PM GMT - Time Source: server
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-25 - 10:47:59 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-26 - 11:16:25 PM GMT
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-26 - 11:16:37 PM GMT - Time Source: server
-  Agreement completed.
2023-10-26 - 11:16:37 PM GMT



Agenda Sheet for City Council Meeting of:

11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	OPR 2023-1210
Renews #	
Cross Ref #	
Project #	
Bid #	RFQ 5896-23
Requisition #	CR25640

Submitting Dept	PLANNING & ECONOMIC DEVELOPMENT
Contact Name/Phone	COLIN QUINN- X6804 HURST
Contact E-Mail	CQUINNHURST@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	0650 - PACIFIC AVENUE GREENWAY STUDY

Agenda Wording

Contract with Toole Design to conduct the Pacific Avenue Greenway study for bikeway route selection and conceptual design.

Summary (Background)

This is a contract with Toole Design to conduct a planning and preliminary engineering study to determine route alignments and design concepts for the Pacific Avenue Greenway bikeway between Sherman Street and Perry Street.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Expense \$ \$100,000.00

Expense \$ \$50,000.00

Expense \$ \$29,000.00

Select \$

Budget Account

3200 48400 42300 54201 86117

3200 48600 42300 54201 86117

1500-48601-42800-54201- 86117

#

Approvals

Dept Head GARDNER, SPENCER

Division Director GARDNER, SPENCER

Finance ORLOB, KIMBERLY

Legal HARRINGTON,
MARGARET

For the Mayor JONES, GARRETT

Additional Approvals

Purchasing

Council Notifications

Study Session\Other PIES 09/27/2021

Council Sponsor CP. Kinnear, CM
Wilkerson

Distribution List

smacdonald@spokanecity.org

sgardner@spokanecity.org

cquinnhurst@spokanecity.org

tblack@spokanecity.org

rbenzie@spokanecity.org

amccall@spokanecity.org

		nzollinger@spokanecity.org
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Briefing Paper

Public Infrastructure, Environment, and Sustainability

Division & Department:	Public Works Division / Integrated Capital Management, Planning Services
Subject:	South U-District Trail Study Conclusion and Next Step
Date:	7/29/21
Author (email & phone):	cquinnhurst@spokanecity.org ; kemiller@spokanecity.org
City Council Sponsor:	Council President Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	
Strategic Initiative:	Innovative Infrastructure
Deadline:	none
Outcome:	Identification of a primary active transportation route in S. U-District
<p><u>Background/History:</u> <i>When Sprague Avenue between Division Street and Scott Street approached construction in 2019, a stipulation at the state legislative level and subsequent agreement between state legislators and Spokane City Council, attached, required studying the feasibility of constructing a east-west trail which was originally envisioned on a parallel alignment located on BNSF rail property near the University District Bridge. The subsequent feasibility study evaluated a series of route options in the area, engaged with the lease-holders and landowners of the property containing the proposed alignments, selected a recommended alignment that best balanced constraints, and developed a concept design. The 30% conceptual design provided initial cost estimates. City Staff presented the feasibility study to Council during the August 17, 2020 Urban Experience meeting. Based on the physical constraints of structures and terrain in the project area, and the logistical infeasibility of obtaining the required public right-of-way from leaseholders and property owners, the finalized study indicated that the proposed trail is not feasible. On this basis, it is recommended to pursue an alternate east-west parallel facility on Pacific Avenue that would provide equivalent safety and comfort for all ages and abilities in the form of a Neighborhood Greenway, and connect the University District Gateway Bridge, the Ben Burr Trail, the Sprague Union Business District, and Downtown Spokane. Senator Billig has recently inquired about the status of the project. A joint Council and Administration response letter is being sought to address Senator Billig's recent inquiry.</i></p>	
<p><u>Executive Summary:</u></p> <ul style="list-style-type: none"> • <i>Senator Billig recently requested a status update regarding the east-west trail near Sprague.</i> • <i>A feasibility study for a proposed trail between Sprague Avenue and BNSF rail lines on BNSF property was completed and presented to Council on August 17, 2020.</i> • <i>The study determined this alignment was not feasible.</i> • <i>The alignment along Pacific Avenue is a feasible east-west route as it is built out over time.</i> • <i>The City has already begun to pursue grants to begin design of a shared-use facility along Pacific.</i> • <i>A joint response letter from Council and City Administration is being sought to respond to Senator Billig's recent inquiry regarding project status.</i> 	
<p><u>Budget Impact:</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	



City of Spokane
CONSULTANT AGREEMENT
**Title: PACIFIC AVENUE NEIGHBORHOOD
GREENWAY PROJECT**

This Consultant Agreement is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **TOOLE DESIGN GROUP, LLC**, whose address is 8484 Georgia Avenue, Suite 800, Silver Spring, Maryland 20910 as (“Consultant”), individually hereafter referenced as a “party”, and together as the “parties”.

WHEREAS, the purpose of this Agreement is to provide the Pacific Avenue Neighborhood Greenway Project Planning and Engineering Study, and

WHEREAS, the Consultant was selected from a Request for Qualifications No. 5896-23 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 15, 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 **ONE HUNDRED SEVENTY-NINE THOUSAND AND NO/100 DOLLARS (\$179,000.00)**, 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 Planning Services and Economic Development, Sixth Floor, 808 West Spokane Falls Boulevard, 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. Should the City fail to make timely payment, Consultant reserves the right to stop work until payment is received.

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 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 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 reasonable 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 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 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, 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 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.

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 shall not be unreasonably withheld. 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 to the best of its knowledge, information, and belief 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.

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.

TOOLE DESIGN GROUP, 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:**
Exhibit A – Certificate Regarding Debarment
Exhibit B – Scope of Work

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

INTRODUCTION

The purpose of the Pacific Avenue Neighborhood Greenway is to provide a safe, legible, and comfortable facility for pedestrians and bicyclists from Downtown Spokane through the South University District and provide connections to other bicycle facilities including the Ben Burr Trail. Neighborhood greenways are a key facility type that the City has been employing to increase access for people of all ages and abilities riding bicycles and expand the City's bicycle network reinforced in the 2017 Bicycle Master Plan. This neighborhood greenway will provide a key east-west connection through the City, including over the complex I-90/WA-290 interchange, including the portion of the I-90 Business Route on Sprague Way.

This project can help fill in the gaps in access and connectivity in the East Central neighborhood caused by the interstate highway extending through the neighborhood. By extending active transportation access across the I-90/WA-290 interchange this project can help stitch different elements of the East Central neighborhood together, including the historically Black neighborhood around Fifth Avenue.

The I-90/WA-290 and I-90 Business Route (Sprague Way) interchange is a key constraint in the project design. There are multiple on and off ramps at various elevations for pedestrians and bicyclists to cross. This project will identify creative solutions for routing bicyclists and pedestrians across this interchange safely and conveniently. This will include in-depth analysis of pedestrian bridges, stairs, and bicycle ramps, including a geotechnical analysis to provide the best connection to the Ben Burr Trail while minimizing cost and complexity.

West of WA-290 and Sprague Way, the context is similar to Phase 1 of the neighborhood greenway that has been designed by the City. This project will continue the approach of Phase 1 to provide consistency while building on opportunities such as public space activation and traffic calming measures that will be discussed with the public in the outreach process. East of WA-290 and Sprague Way, the project will evaluate opportunities for connecting to the Ben Burr Trail while setting up the Pacific Avenue neighborhood greenway for potential expansion to the east.

This scope of services provides a feasibility and alignment assessment, an alignment and concept plan, and a communications and public outreach plan.

The Toole Design team is comprised of the following subconsultant team members.

- KPFF who will provide Civil Engineering, Survey, and Cost Estimating Services
- GeoEngineers will provide Geotechnical Services

Toole Design Team's services will be limited to those expressly set forth herein. If the service is not specifically identified herein, it is expressly excluded. The Toole Design Team will have no other obligations, duties, or responsibilities associated with the project except as expressly provided in this Agreement.

Transferring Budget within Contract Maximum: The level of effort is specified in the scope of services. The budget may be transferred between discipline tasks at the discretion of Toole Design, provided that the total contracted amount is not exceeded. The Toole Design Team will have the flexibility to manage budget within a given discipline on a subtask level.

Services provided by the Toole Design Team will consist of:

SCHEDULE

It is assumed that project's duration will be approximately 18 months. A detailed project schedule will be developed upon Notice to Proceed.

GENERAL SCOPE OF SERVICES/SCOPE OF WORK

This Scope of Services describes the work elements to be accomplished by the Toole Design Team as summarized under each Task. This scope consists of the following elements:

- Task 1 – Project Management and Coordination
- Task 2 – Feasibility and Alignment Alternatives Assessment
- Task 3 – Survey
- Task 4 – Preferred Alternative Design Development, Plans, and Opinion of Cost
- Task 5 – Communications and Public Outreach
- Task 6 – Structural Design of Preferred Alternative (Optional Task)

This Scope of Services is defined in the tasks below.

SCOPE OF SERVICES DEFINED

Task 1 – Project Management and Coordination

Overall project management and coordination work elements include:

1.1 Kickoff Meeting and Project Coordination with City

This task includes project management and coordination for the project, including a kickoff meeting to review and discuss the following to clearly define the project goals:

- Confirm the project scope and schedule.
- Establish the ultimate objectives that must be accomplished through this work.
- Identify opportunities and challenges that the project will face.
- Discuss field reconnaissance.
- Identify potential meeting dates.
- Discuss institutional considerations to ensure proposed projects can be implemented within existing policies and resources.
- Determine the availability of GIS data resources and other existing information.
- Discuss the City's preferred communication and data transfer protocols, including file types and sizes, email, and phone for project communication; and the process for requesting additional information.
- Confirm the design criteria for the project.

The Toole Design Team will attend one (1) project kickoff meeting with the City and up to sixteen (16) monthly project status meetings with the City. These meetings under this work element will include the following participation by the Toole Design Team:

- Kickoff meeting will include attended by up to three (3) staff from the Toole Design team.
- Up to sixteen (16) meetings attended by up to two (2) staff from the Toole Design team.
- Kickoff meeting will include subconsultants, KPFF (up to one [1] staff), GeoEngineers (up to one [1] staff).
- Subconsultant attendance at meetings related to design work will be included under those individual design tasks.
- The Toole Design Team will prepare agendas and meeting notes/action items and distribute to attendees.

If the Client has a change in project manager, the Toole Design Team will meet with the new project manager, provide a summary of design and progress, provide a summary of decisions made, and provide past deliverables to date. If changes to completed design efforts and/or Scope of Services are requested due to the change in City's project manager, this will require a supplement to the Agreement.

1.2 Project Schedule, Budget, and Team Management

The Toole Design Team will develop an overall project schedule which will include a schedule by task, for the project. The Toole Design Team will prepare a draft and final schedule for the City to review, and then the Toole Design Team will prepare two (2) schedule updates as the project progresses, when requested by the City. The Toole Design Team will also manage the overall project budgets, monitor staff and subconsultants, manage change and prepare amendments, if needed, and monitor work progress under this work element.

1.3 Progress Reports and Invoices

As part of the project, the Toole Design Team will prepare monthly progress reports that describe the work items that were accomplished during a given month, as well as a forecast of work to be completed over the following month. The monthly progress reports will also identify other issues or problems that may occur in any given month, if any. The Toole Design Team will submit these monthly progress reports to the City's Project Manager with the monthly invoices. The monthly invoices will bill by individual tasks. The Toole Design Team's Project Manager will notify City's Project Manager, in writing, of any out of scope and/or budgetary issues that are inconsistent with this Scope of Services.

Assumptions:

- This contract duration shall be no longer than twenty-four (24) months
- Project kickoff meeting and monthly progress meetings will be held via Teams.
- Maximum of two project schedule updates will be prepared.
- Meetings between Subconsultants will be conducted under other scope tasks.

Deliverables:

- Kickoff Meeting Agenda and Meeting Notes/Action Items
- Monthly Project Meeting Agendas for up to sixteen (16) meetings and notes/action items
- Project Schedule (Microsoft Project format) and up to two (2) updates
- Monthly Invoices and Progress Reports

Task 2 – Feasibility and Alignment Alternatives Assessment

The goal of this task is to analyze the existing conditions and evaluate up to three (3) greenway alignment alternatives. The result of this task will be a preferred alignment and design concept to take to the preferred alternative design level in Task 4. Each sub-task includes time for internal QA/QC of deliverables.

2.1 Project Basemap

The feasibility and alignment alternatives assessment phase will rely on aerial imagery, GIS data provided by the City, and supplemental information gathered during the field visit in Task 4.1. The Toole Design team will develop a project basemap of Pacific Avenue from Sherman Street to Sprague Way and connections across the I-90/WA-290 interchange to the Ben Burr Trail using existing aerial imagery, GIS data, and field observations. Property lines will be based on GIS data. The Toole Design team will conduct a site visit to understand existing conditions, identify needs, and flag conflicts and constraints. The Toole Design team will take photographs along the corridor during field observations and note the approximate location and character of observable site features.

Assumptions:

- Base mapping will consist of the latest aerial mapping and available GIS provided by the City and other agencies/owners

Deliverables:

- Base Map developed in AutoCAD
- One (1) site visit early in the project attended by up to four (4) Toole Design team members to document existing conditions.

2.2 Existing Conditions Memo

The Toole Design team will conduct a thorough review of the project area during the site visit outlined in Task 4.1 and document existing conditions findings in a memorandum to identify any constraints that may be present, which would affect the potential alignments and constructability of the neighborhood greenway. Based on the site constraints along the corridor, the Toole Design team will prepare design standards for the corridor that also consider the agreed upon criteria for the greenway, national best practices, and regional guidance for similar bike facilities. The existing conditions memorandum will include the following topics:

- Identifying constraints with biking and walking connection across the I-90/WA-290 interchange, including potential for pedestrian bridges, ramps, or tunnels
- Identifying existing utilities and possible impacts
- Identifying potential right-of-way issues or acquisitions
- Identifying any proposed future development within East Central Spokane

Assumptions:

- If needed, the City will facilitate coordination with property owners.
- The City will provide contact information for utility owners and providers. The Toole Design team will contact utility owners and providers to request mapping information for incorporation into the project basemap (Task 2.1)

Deliverables:

- Existing conditions roll plot and draft Existing Conditions Memo (printed version of Task 2.1 Project Base Map)
- Final existing conditions memo for inclusion in Feasibility and Alignment Alternatives Report.

2.3 Traffic Data

The Toole Design team will consolidate available traffic data (speed, volume, and turning movements) along with pedestrian, bicycle, and collision data from the City and will supplement that with new count data from IDAX Data.

Assumptions:

- City will provide any existing traffic counts and data in the project area.
- A preliminary budget of \$5,000 has been included for traffic data collections performed by IDAX. Final selection and detail of traffic data needs will be based on existing traffic information, alignment alternatives, discussions between the Toole Design team and the City, and cost options from IDAX. If the Toole Design team and the City determine a higher level of traffic data collection is needed a supplement to this Scope of Services may be necessary.
- Traffic data is intended to be used for qualitative high level feasibility assessment of modifying vehicular traffic operations. Network or intersection traffic modeling of any proposed revisions to traffic patterns is not included in this Scope of Services. Should the Toole Design team and City determine that more in-depth traffic modeling is needed, those services may be added via a supplement.

Deliverables:

- Traffic data for the project area for inclusion in Feasibility and Alignment Alternatives Report.

2.4 Geotechnical Evaluation

The Toole Design team will conduct a geotechnical assessment of modifications to the existing topography, and an environmental assessment regarding existing vegetation, steep slopes, and other site features that may need to be modified based on the alignment alternatives.

The Toole Design team will reference and review existing reports and data easily obtained from online mapping tools; review City-provided reports from nearby projects; and initiate a public records request from WSDOT for geotechnical report completed in the project vicinity. The Toole Design team will summarize geotechnical findings in a geotechnical memo that includes preliminary geotechnical issues that should be considered during future phases of design and mitigated during construction, addressing: infiltration; slope stability; traffic signal and/or illumination pole foundations; bridge, wall and/or tunnel foundation considerations; and retaining wall design recommendations for further study.

Assumptions:

- The project's geotechnical engineer will perform a site visit with the project team that is described under Task 4.1.
- No subsurface geotechnical investigation will be performed. Recommendations for further study will be provided in the geotechnical memo based on the selected alignment and design concept.

Deliverables:

- Draft Geotechnical memorandum
- Final Geotechnical memo for inclusion in Feasibility and Alignment Alternatives Report.

2.5 Alignment Selection Criteria and Alignment Concepts

The Toole Design team will consider feasible alignment options for the neighborhood greenway based on the preliminary information gathered through other Task 2 sub-tasks. The team will develop the criteria for the alignment selection based on safety, directness, ease-of-use, accessibility, existing conditions, opportunities to connect to existing and future facilities, operations of the corridor, design feasibility, constructability, high-level relative cost comparison and environmental concerns. The team will deliver the alignment selection criteria and scoring matrix to the City for review.

The Toole Design team will develop up to three [3] alignment concepts to a 10% design level and rank them, in collaboration with the City, based on the alignment selection criteria previously developed. The Toole Design Team anticipates these will be plan-view drawing showing the relevant existing and proposed design features. The concept-level design is anticipated to be developed in plan view (1"=20' scale) in AutoCAD format. Cost scores identified for the alternatives will be relative in nature for purposes of comparing the alternatives. Detailed cost estimates for each alternative will not be prepared. The 10% design plans will be overlaid on the project basemap prepared under Task 2.1.

The Toole Design team will pursue creative approaches to meeting the needs of the project while balancing access, traffic flows, and user comfort while facilitating necessary vehicle operations along the corridor.

Assumptions:

- It is assumed that there will generally not be differences between the alignment concepts on E Pacific Ave between S Sherman St and S Scott St and between S Ivory St and S Perry St and that the improvements will be similar in nature to Phase 1 of the Pacific Avenue Greenway. A single concept will be prepared for these

segments and the alternatives will focus on providing a connection between the E Pacific Ave intersections at S Scott St and S Ivory St.

Deliverables:

- Draft of Alignment Selection Criteria
- Final Alignment Selection Criteria for inclusion in the Feasibility and Alignment Alternatives Report
- Draft and Final of up to three [3] alternative alignments to the 10% design level

2.6 Constructability Analyses

The Toole Design team will use the project basemap and existing condition information identified in Tasks 2.1 through 2.4 along with the alignment alternatives identified in Task 2.5 to do a constructability review of each of the alignment alternatives. This analysis will include a risk matrix based on the identified opportunities and constraints of each alternative. Items considered will include project risk of required design features, right-of-way and property ownership considerations related to constructing the proposed improvements, environmental considerations such as steep slopes and other sensitive areas, and permitting considerations related to the construction of the alternatives.

Deliverables:

- Draft Constructability analyses
- Final Constructability analyses for inclusion in Feasibility and Alignment Alternatives Report.

2.7 Alignment Recommendation

Based on the Alignment Selection Criteria and Alignment Alternatives developed in Task 2.5 and the Constructability Review performed in Task 2.6, the Toole Design team will recommend a single preferred alignment.

The alignment recommendation will be included in the Draft and Final Feasibility and Alignment Alternatives Report.

Assumptions:

- Draft deliverables for City review are assumed for Tasks 2.1 through 2.6. The final version of these deliverables from Tasks 2.1 through 2.6 will be compiled into a Draft Feasibility and Alignment Alternatives Report along with the Draft Alignment Recommendation. No further revisions to the Task 2.1 through 2.6 deliverables are assumed following the Draft Feasibility and Alignment Alternatives Report.

Deliverables:

- Draft and Final version of the Feasibility and Alignment Alternatives Report.

Task 3 – Survey

The Toole Design team has the ability to perform drone and ground-based topographic survey but full corridor survey using these services are not included in this Scope of Services. Minor location surveying using drone survey measurements at up to three (3) locations may be used in constrained locations along the corridor where existing basemap information is inadequate during this phase. If it is determined that the existing basemap information provided by the City is not adequate for the alternatives analyses, beyond the initial three (3) locations, additional survey may be added to this contract via a future supplement.

Assumptions:

- Survey will include up to three (3) locations of supplemented drone survey.

Deliverables:

- Survey will be delivered in AutoCAD

Task 4 – Preferred Alternative Design Development, Plans, and Opinion of Cost

Upon confirmation of the City's selected alignment alternative, the Toole Design Team will prepare the Preferred Alternative Design level plans and opinion of costs and submit them to the City for review and comment. A basis of design memorandum will also be prepared to document the established project design criteria. The Preferred Alternative may or may not include bridges or other structures. Any structural design, plan preparation, and cost estimating for the Preferred Alternative Design is included as an Optional Service under Task 6. Meetings associated with design discussions and comment resolutions are assumed to take place during the monthly meetings in Task 1.

4.1 Site Walk

The Toole Design Team will perform a field review of the project basemap information along the recommended alignment to verify the location of existing features and constrained locations and discuss design concepts that need further development to take the design from the 10% design level developed in Task 2 to the Preferred Alternative Design level. This task includes a limited number of hours for incorporating field visit observations into the project basemap.

4.2 Basis of Design/Design Criteria

The Toole Design Team will prepare a design matrix documenting the design criteria and standards that will be used as the basis for the Preferred Alternative Design. Much of this information in the Basis of Design will be based on the alternatives analyses performed in Task 2. The intent of the Basis of Design is to document decisions and criteria used to develop the Preferred Alternative Design and to guide further design phases of the project.

The Basis of Design Memorandum will include:

- Descriptions of the basis of design for each project element and a list of proposed design deviations (if any)
- Project description and background
- Summary of design standards and guidelines applicable to the features of the preferred alignment
- Summary of existing conditions, opportunities, and environmental and physical constraints
- Summary of impacted properties
- Summary of impacted utilities
- Summary of stakeholders

Assumptions:

- Design criteria will be presented in a matrix/table format
- Up to four [4] exhibits will be included in the Basis of Design such as sight distance and Turning movement analyses.

Deliverables:

- Draft and Final Basis of Design document

4.3 Preferred Alternative Design Plans

The preferred alternative design plans will be based on the project basemap developed in Task 2.1, with minor revisions identified at the site walk in Task 4.1. The focus of those task will be refining the design at the crossings

of I-90 and Sprague Way crossings with a more refined opinion of probable cost developed. Outside of these areas, limited effort will be devoted to furthering the design developed in Task 2.

It is anticipated that the preferred alternative plans will consist of the following sheets (28 sheets):

- Cover Sheet w/Vicinity Map and Index (1 sheet)
- Legend, Abbreviations, and General Notes (1 sheet)
- Typical Roadway Sections (2 sheets)
- Roadway Plan (9 sheets)
- Utility Plan Identifying Locations and Potential Relocations (2 sheets)
- Preliminary Signing and Striping Plans (9 sheets)
- Details (4 Sheets)
- Bridge Layout, General Notes, Typical Sections, and Foundation Details (4 sheets. If needed, included as an Optional Service under Task 6)

Assumptions:

- High level drone survey we be taken at up to three (3) locations during this phase to supplement existing data and is included under Task 3. Additional Topographic and/or drone survey will not be performed beyond the initial three (3) locations. The Toole Design team has the ability to perform detailed drone and ground-based topographic survey but these services are not included in this Scope of Services. If it is determined that the existing basemap information provided by the City and WSDOT is not adequate for the Preferred Alternative Design beyond the initial three (3) locations, additional survey may be added to this contract via a future supplement.
- Plans will be prepared using AutoCAD software.
- Drainage and minor utility improvements will be shown on the Roadway Plan. Utility detail sheets will show more detailed utility information, if necessary.
- A stormwater report/memo will not be prepared as part of this scope of services. It is assumed that the project will not create new pollution generating impervious surface and that new non-pollution generating impervious surface, if any, will not trigger flow control or other stormwater requirements beyond modifications to the existing stormwater collection and conveyance system.
- Detailed grading or detailed curb ramp design will not be performed.
- If any new or modified traffic signal, beacons, or illumination are proposed, the design will be schematic in nature and shown on the Preliminary Roadway Plan and associated costs will be planning-level.
- Draft Preferred Alternative Design plan review comments from the City will be consolidated by the City and conflicting comments will be resolved by City staff prior to transmitting to the Toole Design Team.
- The Toole Design Team will provide responses to the draft alternatives comments.

Deliverables:

- Electronic copy of the draft and final preferred alternative design plan set in PDF format via e-mail

4.4 Preferred Alternative Design Opinion of Costs

The preliminary Preferred Alternative design level opinion of cost will focus on high cost and high quantity bid items that have the most impact on overall project cost. Other bid items that have not yet been designed will be temporarily shown as lump sums (e.g. erosion and sediment control, maintenance of traffic). A large contingency will be included at this stage due to limited design information. The Toole Design Team will document all quantity takeoffs based upon the Preferred Alternative Design plans and assign costs using current unit bid prices.

Quantity takeoffs will be prepared in a manner that is understandable, clear, and reproducible by someone other than the preparer. Bid item numbers will be assigned based on WSDOT Standard Specifications.

Deliverables:

- Electronic copy of the draft and final Preferred Alternative Design opinion of cost summary submitted in PDF format via e-mail

In providing opinions of probable construction cost, the City understands that the Toole Design Team has no control over the cost or availability of labor, equipment or materials, market conditions or the Contractor's method of pricing, and that the Toole Design Team's opinions of probable construction costs are made on the basis of the Toole Design Team's professional judgment and experience. The Toole Design Team makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the Toole Design Team's opinion of probable construction cost.

4.5 Preferred Alternative Design QA/QC of Deliverables

The Toole Design Team will conduct a quality assurance/quality control review of deliverables, as well as confirmation that comments received have been addressed. A record of comments received will be maintained. Response to each comment received will be tracked to confirm that they have been addressed.

Task 5 – Communications and Public Outreach

The Toole Design team will develop a communication and public outreach plan with the goal of informing the project. The team will engage adjacent and impacted property owners and businesses, as well as nearby neighborhoods and elected officials.

The communications and public outreach plan will detail strategies tailored to each stakeholder/community group, including a formalized stakeholder workgroup identified by the City, with touchpoints at key stages of the project. The Toole Design team will host a series of small and targeted listening meetings, held before beginning design, with key project stakeholders such as WSDOT and potentially nearby railroad owners to understand and discuss their concerns. The team may host pop-ups, such as informal coffee chats, to engage the larger community who may not typically attend public meetings.

The Toole Design team will gather ideas for placemaking features to express neighborhood identity and provide space for community connection. The team will seek feedback from community members on placemaking features gathered during public outreach.

The Toole Design team will revisit the outreach plan throughout the process to make adjustments as needed to encourage project buy-in from the community and stakeholders. The team will summarize the results of input received during the communications and engagement activities performed for this project.

Assumptions:

- The City will schedule and facilitate any meetings, including securing the meeting room/locations, as well lead efforts to invite all applicable attendees.
- Due to the varied nature of public outreach and the potential need to modify the outreach approach during the project, a preliminary budget has been included with the following assumptions:
- Two (2) members of the Toole Design team will be available for six (6) hours of outreach meetings per day for two (2) consecutive days at two (2) different times during the project. Meetings may be with stakeholders, elected officials, neighborhoods groups, or property and business owners and the format may be larger public events, pop-ups, or individual meetings. Travel time has been included in the budget.

- Materials used during public meetings will generally be those prepared under Tasks 2 and 4. Minor modifications to material formats will be made to accommodate different sized media such as flyers and posters.
- All printing and other related costs associated with outreach materials will be provided by the City.

Deliverables:

- Draft and final version of a Public Outreach Plan
- Preparation for, attendance at, and summarization of public outreach meetings identified under the Assumptions above.

Task 6 - Structural Design for Preferred Alternative

If it is determined that the Preferred Alternative selected in Task 2 requires structural design, the City may approve the use of this task in writing. Work under this task shall not commence without written email authorization and approval from the City.

Assumptions:

- Design of structural solutions such as walls, bridges, and tunnels will be schematic in nature and shown on the Roadway Plan and associated costs will be planning-level. Sufficient evaluation will be completed to understand structure types, elevations, and footprints to inform opinion of costs.
- Deliverables for this Task will be developed concurrently with Task 4 deliverables.

Deliverables:

- Bridge Layout, General Notes, Typical Sections, and Foundation Details (4 sheets)

Items to be furnished by Others

In addition to items identified elsewhere in this Scope of Services, the City shall furnish the following:

1. All available mapping information including aerial photos, topographic information, utility information, and other GIS data.
2. “As-Built” information, including for traffic signals and the existing illumination systems.
3. Updated underground utility information relative to the City owned utilities.
4. Any applicable nearby design reports, geotechnical reports, environmental reports, and design plans.
5. Contact information for other utility owners.

Engineer and its consultants may reasonably use and rely upon information and design elements furnished by Owner or customarily furnished by others including, but not limited to, other design professionals, specialty contractors, manufacturers, suppliers and publishers of technical standards.

The City shall furnish, at the City’s expense, all information, requirements, reports, data, surveys and instructions required by this Agreement. The Toole Design Team may use such information, requirements, reports, data, surveys, and instructions in performing its services and is entitled to rely upon the accuracy and completeness thereof.

Design Criteria

As of the date this Agreement is signed, design file, reports, documents, and plans prepared as part of this Scope of Services, to the extent feasible, will be developed in accordance with the latest edition and amendments to the following documents:

1. Standard Specifications for Road, Bridge, and Municipal Construction, 2023 English Edition, published by WSDOT

2. WSDOT Standard Plans for Road, Bridge, and Municipal Construction
3. AASHTO: A Policy on Geometric Design of Highways and Streets (2011 Edition)
4. 2009 Manual on Uniform Traffic Control Devices (MUTCD)
5. ASHTO Guide for the Development of Bicycle Facilities, 4th Edition
6. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (2023 PROWAG)
7. City of Spokane Standard Plans and Policies
8. Department of Ecology Stormwater Management Manual for Eastern Washington

Changes in any design standards or requirements after services have begun may result in extra work, and require a supplement to the Agreement.

Pacific Avenue Neighborhood Greenway

City of Spokane

Toole Design Group Project No. 00SEA.00224

October 2, 2023

Hours and Budget Estimate

Work Element Description

Task 1 - Project Management and Coordination

Kickoff Meeting and Project Coordination with City

Project Schedule, Budget, and Team Management

Progress Reports and Invoices

Task 1 Totals

Task 2 - Feasibility and Alignment Alternatives Assessment

Project Basemap

Existing Conditions Memo

Traffic Data

Geotechnical Evaluation

Alignment Selection Criteria and Alignment Concepts

Constructability Analyses

Alignment Recommendations

Task 2 Totals

Task 3 - Survey

Survey

Task 3 Totals

Task 4 - Preferred Alternative Design Development, Plans, and Opinion of Cost

Site Walk

Basis of Design/Design Criteria

Preferred Alternative Design Plans

Cover Sheet

Legend, Abbreviations, and Notes

Typical Roadway Sections

Roadway Plan

Utility Plan

Signing and Striping Plans

Details

Preferred Alternative Design Opinion of Cost

Preferred Alternative Design QA/QC of Deliverables

Task 4 Totals

Task 5 - Communications and Public Outreach

Task 5 Totals

Task 6 - Structural Design (Optional Task)

Task 6 Totals

Subtotal (Hours)

Subtotal (Fee)

Hourly Subtotals Fee Subtotals

Toole Design	KPFF	GeoEngineers		
\$ 79,827.00	\$ 80,875.31	\$ 8,628.00		\$ 169,330.31
411	538	52	1001	
\$ 5,126.00	\$ 420.60	\$ 1,280.00	30	\$6,826.60
\$ 2,104.00	\$ -	\$ -	8	\$2,104.00
\$ 1,489.00	\$ 5,042.24	\$ 1,160.00	57	\$7,691.24
\$ 8,719.00	\$ 5,462.84	\$ 2,440.00	95	\$16,621.84
\$ 3,140.00	\$ 1,946.60	\$ -	32	\$5,086.60
\$ 5,012.00	\$ 3,297.79	\$ 1,648.00	55	\$9,957.79
\$ 3,916.00	\$ -	\$ -	16	\$3,916.00
\$ 876.00	\$ -	\$ 2,892.00	26	\$3,768.00
\$ 15,064.00	\$ 5,278.71	\$ -	118	\$20,342.71
\$ 1,226.00	\$ 6,777.62	\$ -	44	\$8,003.62
\$ 2,102.00	\$ 1,007.79	\$ -	15	\$3,109.79
\$ 31,336.00	\$ 18,308.51	\$ 4,540.00	306	\$54,184.51
\$ -	\$ 18,292.95	\$ -	161	\$18,292.95
\$ -	\$ 18,292.95	\$ -	306	\$ 18,292.95
\$ 3,504.00	\$ 4,274.40	\$ 1,648.00	50	\$9,426.40
\$ 2,276.00	\$ 3,361.99	\$ -	31	\$5,637.99
\$ 320.00	\$ -	\$ -	2	\$320.00
\$ 320.00	\$ -	\$ -	2	\$320.00
\$ 640.00	\$ 616.70	\$ -	8	\$1,256.70
\$ 3,122.00	\$ 3,254.14	\$ -	35	\$6,376.14
\$ 145.00	\$ 2,779.90	\$ -	18	\$2,924.90
\$ 1,833.00	\$ -	\$ -	11	\$1,833.00
\$ 1,368.00	\$ 1,227.10	\$ -	16	\$2,595.10
\$ 6,014.00	\$ 9,372.02	\$ -	90	\$15,386.02
\$ 2,816.00	\$ -	\$ -	12	\$2,816.00
\$ 22,358.00	\$ 24,886.25	\$ 1,648.00	275	\$48,892.25
\$ 16,976.00	\$ -	\$ -	80	\$16,976.00
\$ 16,976.00	\$ -	\$ -	80	\$16,976.00
\$ 438.00	\$ 13,924.76	\$ -	82	\$ 14,362.76
\$ 438.00	\$ 13,924.76	\$ -	82	\$ 14,362.76

411 538 52 838
 \$ 79,827.00 \$ 80,875.31 \$ 8,628.00 \$169,330.31

Direct Expenses

Travel and Per Diem	\$ 4,000.00	\$ 500.00	\$ 150.00	
Reproduction Expenses	\$ -	\$ -	\$ -	
Computer Expenses	\$ -	\$ -	\$ -	
Communication	\$ -	\$ -	\$ -	
Sampling and Testing	\$ -	\$ -	\$ -	
Traffic Data	\$ 5,000.00	\$ -	\$ -	
Other	\$ -	\$ -	\$ -	
Total	\$ 9,000.00	\$ 500.00	\$ 150.00	\$ 9,650.00

Total \$ 88,827.00 \$ 81,375.31 \$ 8,778.00 \$ 178,980.31

Pacific Avenue Neighborhood Greenway

City of Spokane

Toole Design Group Project No. 00SEA.00224

October 2, 2023

Hours and Budget Estimate

Fully Burdened Hourly Rate
Labor Hours Total (from bottom row)

Work Element Description

Classification/Title
Name

Toole Design										Hourly Subtotals	Fee Subtotals
Principal-in-Charge	Project Manager	Principal Engineer	Senior Landscape Architect	Project Planner	Senior Engineer	Project Engineer II	Project Engineer	Engineer III	Engineer II		
\$ 1,140.00	\$ 21,829.00	\$ 3,010.00	\$ 362.00	\$ 6,464.00	\$ 4,824.00	\$ 26,250.00	\$ 2,608.00	\$ 3,480.00	\$ 9,860.00		\$ 79,827.00
\$ 285.00	\$ 263.00	\$ 215.00	\$ 181.00	\$ 202.00	\$ 268.00	\$ 175.00	\$ 163.00	\$ 145.00	\$ 145.00		
4	83	14	2	32	18	150	16	24	68	411	\$ 79,827.00
Amalla Leighton	Dustin DeKoekk	Dylan Passmore	Teresa Damask	Kristen Lohse	Jesse Peoples	Tyler Wong	Jakob Ward	Anthony Lamping			
Task 1 - Project Management and Coordination											
Kickoff Meeting and Project Coordination with City	2	12				8				22	\$ 5,126.00
Project Schedule, Budget, and Team Management		8								8	\$ 2,104.00
Progress Reports and Invoices		3				4				7	\$ 1,489.00
<i>Task 1 Totals</i>	2	23	0	0	0	12	0	0	0	37	\$ 8,719.00
Task 2 - Feasibility and Alignment Alternatives Assessment											
Project Basemap						8			12	20	\$ 3,140.00
Existing Conditions Memo		4				16		8		28	\$ 5,012.00
Traffic Data					12	4				16	\$ 3,916.00
Geotechnical Evaluation		2				2				4	\$ 876.00
Alignment Selection Criteria and Alignment Concepts		6	6			32	12	12	20	88	\$ 15,064.00
Constructability Analyses		2				4				6	\$ 1,226.00
Alignment Recommendations		4				6				10	\$ 2,102.00
<i>Task 2 Totals</i>	0	18	6	0	0	72	12	20	32	172	\$ 31,336.00
Task 3 - Survey											
Survey										0	\$ -
<i>Task 3 Totals</i>	0	0	0	0	0	0	0	0	0	0	\$ -
Task 4 - Preferred Alternative Design Development, Plans, and Opinion of Cost											
Site Walk		8				8				16	\$ 3,504.00
Basis of Design/Design Criteria		2				10				12	\$ 2,276.00
Preferred Alternative Design Plans										0	\$ -
Cover Sheet						1			1	2	\$ 320.00
Legend, Abbreviations, and Notes						1			1	2	\$ 320.00
Typical Roadway Sections						2			2	4	\$ 640.00
Roadway Plan		1		2		4			5	16	\$ 3,122.00
Utility Plan									1	1	\$ 145.00
Signing and Striping Plans		1				4			6	11	\$ 1,833.00
Details		1				3			4	8	\$ 1,368.00
Preferred Alternative Design Opinion of Cost		2				2	8	4	4	16	\$ 6,014.00
Preferred Alternative Design QA/QC of Deliverables		2	2	8						12	\$ 2,816.00
<i>Task 4 Totals</i>	2	17	8	2	0	6	41	4	4	36	\$ 22,358.00
Task 5 - Communications and Public Outreach											
		24			32		24			80	\$ 16,976.00
<i>Task 5 Totals</i>	0	24	0	0	32	0	24	0	0	80	\$ 16,976.00
Task 6 - Structural Design (Optional Task)											
		1				1				2	\$ 438.00
<i>Task 6 Totals</i>	0	1	0	0	0	1	0	0	0	2	\$ 438.00
Total										411	\$ 79,827.00

Direct Expenses

Travel and Per Diem	\$ 4,000.00	
Reproduction Expenses	\$ -	
Computer Expenses		
Communication		
Sampling and Testing		
Traffic Data	\$ 5,000.00	IDAX
Other	\$ -	

Total \$ 88,827.00

Pacific Avenue Neighborhood Greenway

City of Spokane
 Toole Design Group Project No. 00SEA.00224
 October 2, 2023
 Hours and Budget Estimate

Hourly Subtotals Fee Subtotals

Fully Burdened Hourly Rate	KPFF															Hourly Subtotals	Fee Subtotals
	\$ 1,659.84	\$ 2,769.48	\$ 17,820.00	\$ 8,832.60	\$ 15,260.00	\$ 12,460.00	\$ 2,956.52	\$ 823.92	\$ -	\$ 1,225.95	\$ 2,076.48	\$ 1,910.52	\$ 4,608.00	\$ 3,072.00	\$ 5,400.00		
Labor Hours Total (from bottom row)	7	12	100	42	100	80	28	8	0	5	16	12	48	32	48	538	\$ 80,875.31
Work Element Description	Principal	Bridge Lead	Bridge Sr. Engineer	Project Manager	Design Engineer	Senior CAD	Project Controller	Administrative	Graphics	Survey Principal	Project Surveyor	Sr. Project Surveyor	Instrument Person	CADD Drafter	Survey Crew Chief		
Name	M. Brower	A. Olson	R. Liberty	B. Blankenagel	T. Parlington	J. Curtis	C. Liptrap	J. Soper	S. Langton	J. Chapman	T. Rolbecki	S. Card	D. Lindsey	B. Hawk	N. Leingang		
Task 1 - Project Management and Coordination																	
Kickoff Meeting and Project Coordination with City				2												2	\$ 420.60
Project Schedule, Budget, and Team Management																0	\$ -
Progress Reports and Invoices							28	8								42	\$ 5,042.24
Task 1 Totals	0	0	0	8	0	0	28	8	0	0	0	0	0	0	0	44	\$ 5,462.84
Task 2 - Feasibility and Alignment Alternatives Assessment																	
Project Basemap				2	10											12	\$ 1,946.60
Existing Conditions Memo		1	8	2	8											19	\$ 3,297.79
Traffic Data																0	\$ -
Geotechnical Evaluation																0	\$ -
Alignment Selection Criteria and Alignment Concepts	1	1	12	4	12											30	\$ 5,278.71
Constructability Analyses	2	2	12	6	16											38	\$ 6,777.62
Alignment Recommendations		1	2	2												5	\$ 1,007.79
Task 2 Totals	3	5	34	16	46	0	0	0	0	0	0	0	0	0	0	104	\$ 18,308.51
Task 3 - Survey																	
Survey										5	16	12	48	32	48	161	\$ 18,292.95
Task 3 Totals	0	0	0	0	0	0	0	0	0	5	16	12	48	32	48	161	\$ 18,292.95
Task 4 - Preferred Alternative Design Development, Plans, and Opinion of Cost																	
Site Walk			6	2	6	12										26	\$ 4,274.40
Basis of Design/Design Criteria		1	6	4	8											19	\$ 3,361.99
Preferred Alternative Design Plans																0	\$ -
Cover Sheet																0	\$ -
Legend, Abbreviations, and Notes																0	\$ -
Typical Roadway Sections					2	2										4	\$ 616.70
Roadway Plan	2			3	10	4										19	\$ 3,254.14
Utility Plan				3	10	4										17	\$ 2,779.90
Signing and Striping Plans																0	\$ -
Details					6	2										8	\$ 1,227.10
Preferred Alternative Design Opinion of Cost	2	2	16	6	12	16										54	\$ 9,372.02
Preferred Alternative Design QA/QC of Deliverables																0	\$ -
Task 4 Totals	4	3	28	18	54	40	0	0	0	0	0	0	0	0	0	147	\$ 24,886.25
Task 5 - Communications and Public Outreach																	
Task 5 Totals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ -
Task 6 - Structural Design (Optional Task)																	
Task 6 Totals	0	4	38	0	0	40	0	0	0	0	0	0	0	0	0	82	\$ 13,924.76
Total																538	\$ 80,875.31

Direct Expenses

	\$500	Airfare		
Travel and Per Diem				
Reproduction Expenses				
Computer Expenses				
Communication				
Sampling and Testing				
Subconsultants				
Other	\$ -			

Total \$ 81,375.31

Pacific Avenue Neighborhood Greenway

City of Spokane

Toole Design Group Project No. 00SEA.00224

October 2, 2023

Hours and Budget Estimate

Work Element Description

Classification/Title
Name

										Hourly Subtot: Fee Subtotals			
GeoEngineers													
	\$ 3,000.00	\$ 1,560.00	\$ 2,592.00	\$ -	\$ 736.00	\$ 380.00	\$ 360.00	\$ -	\$ -	\$ -		\$ 8,628.00	
Fully Burdened Hourly Rate	\$ 250.00	\$ 195.00	\$ 162.00	\$ 124.00	\$ 92.00	\$ 95.00	\$ 90.00	\$ -	\$ -	\$ -			
Labor Hours Total (from bottom row)	12	8	16	0	8	4	4	0	0	0	52	\$ 8,628.00	
	Principal	Sr. Engineer	Project Engineer	Staff 1 Engineer	Senior Technician	Admin 3	Admin 2	Title	Title	Title			
	Teresa Dugger	Dave Lauder	Ethan Donahue	TBD	Morea Schofield	Misc. Accounting	Monica Evans	First Last	First Last	First Last			
Task 1 - Project Management and Coordination													
Kickoff Meeting and Project Coordination with City	2	4									6	\$ 1,280.00	
Project Schedule, Budget, and Team Management											0	\$ -	
Progress Reports and Invoices		4				4					8	\$ 1,160.00	
<i>Task 1 Totals</i>	2	8	0	0	0	4	0	0	0	0	14	\$ 2,440.00	
Task 2 - Feasibility and Alignment Alternatives Assessment													
Project Basemap											0	\$ -	
Existing Conditions Memo	4		4								8	\$ 1,648.00	
Traffic Data											0	\$ -	
Geotechnical Evaluation	2		8		8		4				22	\$ 2,892.00	
Alignment Selection Criteria and Alignment Concepts											0	\$ -	
Constructability Analyses											0	\$ -	
Alignment Recommendations											0	\$ -	
<i>Task 2 Totals</i>	6	0	12	0	8	0	4	0	0	0	30	\$ 4,540.00	
Task 3 - Survey													
Survey											0	\$ -	
<i>Task 3 Totals</i>	0	0	0	0	0	0	0	0	0	0	0	\$ -	
Task 4 - Preferred Alternative Design Development, Plans, and Opinion of Cost													
Site Walk	4		4								8	\$ 1,648.00	
Basis of Design/Design Criteria											0	\$ -	
Preferred Alternative Design Plans											0	\$ -	
Cover Sheet											0	\$ -	
Legend, Abbreviations, and Notes											0	\$ -	
Typical Roadway Sections											0	\$ -	
Roadway Plan											0	\$ -	
Utility Plan											0	\$ -	
Signing and Striping Plans											0	\$ -	
Details											0	\$ -	
Preferred Alternative Design Opinion of Cost											0	\$ -	
Preferred Alternative Design QA/QC of Deliverables											0	\$ -	
<i>Task 4 Totals</i>	4	0	4	0	0	0	0	0	0	0	8	\$ 1,648.00	
Task 5 - Communications and Public Outreach													
											0	\$ -	
<i>Task 5 Totals</i>	0	0	0	0	0	0	0	0	0	0	0	\$ -	
											Total	52	\$ 8,628.00

Direct Expenses

Travel and Per Diem	\$ 150.00		
Reproduction Expenses			
Computer Expenses			
Communication			
Sampling and Testing			
Traffic Data			
Other			

Total \$ **8,778.00**



Agenda Sheet for City Council Meeting of:
11/20/2023

Date Rec'd	11/1/2023
Clerk's File #	OPR 2023-1211
Renews #	
Cross Ref #	ORD C36462
Project #	
Bid #	
Requisition #	

Submitting Dept	POLICE
Contact Name/Phone	JUSTIN LUNDGREN 625-4115
Contact E-Mail	JCLUNDGREN@SPOKANEPOLICE.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1620-FY22 JAG GRANT AWARD

Agenda Wording
Acceptance of Edward Byrne Memorial Justice Assistance Grant (JAG) for FY22. This is an indirect Dept. of Justice award through Spokane County.

Summary (Background)
In Summer, 2022, The City of Spokane Police Department filed a joint application with Spokane County. The application was successfully approved and grant funds awarded with Spokane County the primarily recipient. Total award to the City of \$96,850 will be used to procure and outfit SPD vehicles with ballistic door panel to enhance officer safety. Period of performance 10/1/2021 to 9/30/2025 CFDA#16.738.

Lease? NO	Grant related? YES	Public Works? NO
Fiscal Impact		Budget Account
Revenue \$ 96,850		# 1620-91817-99999-33316-99999
Expense \$ 96,850		# 1620-91817-21250-VARIOUS
Select \$		#
Select \$		#

Approvals		Council Notifications	
Dept Head	MEIDL, CRAIG	Study Session\Other	Finance 7/18/22
Division Director	MEIDL, CRAIG	Council Sponsor	Kinnear & Stratton
Finance	SCHMITT, KEVIN	Distribution List	
Legal	PICCOLO, MIKE	spdfinance@spokanecity.org	
For the Mayor	JONES, GARRETT		

Additional Approvals		
Purchasing		
ACCOUNTING - GRANTS	MURRAY, MICHELLE	

**AGREEMENT BETWEEN THE CITY OF SPOKANE POLICE DEPARTMENT
AND SPOKANE COUNTY IN CONJUNCTION WITH FY22 EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE (JAG) GRANT**

1. Grantee City of Spokane Spokane Police Department 1100 W. Mallon Spokane, WA 99260		2.Contract Amount \$96,850		3. Tax ID# 91-6001370	
				4. UEI# PDNCLY8MYJN3	
5. Grantee Representative Jennifer Hammond Spokane Police Department 1100 W. Mallon Spokane, WA 99260 (509) 625-4056 jhammond@spokanepolice.org			6. County's Representative Heather Arnold Grants Administrator Spokane County 1116 W. Broadway Avenue Spokane, WA 99260-2052 (509) 477-7272 hamold@spokanecounty.org		
7. Grantor ID #		8. Original Grant ID# 15PBJA-22-GG-02188-JAGX		9. Start Date 10/1/2021	
10. End Date 9/30/2025					
11. Funding Source: <input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other					
12. Federal Funds (as applicable)		CFDA # 16.738		Federal Agency: U.S. Department of Justice	
13. Contractor Selection Process: (check all that apply or qualify) <input type="checkbox"/> Sole Source <input type="checkbox"/> A/E Services <input type="checkbox"/> Competitive Bidding <input checked="" type="checkbox"/> Pre-approved by Funder			14. Contractor Type: (check all that apply) <input type="checkbox"/> Private Organization/Individual <input checked="" type="checkbox"/> Public Organization/ Individual <input type="checkbox"/> Vendor <input checked="" type="checkbox"/> Subrecipient <input checked="" type="checkbox"/> Non – Profit <input type="checkbox"/> For-Profit		
15. Grant Purpose: To support local law enforcement efforts to prevent or reduce crime and violence.					
16. The COUNTY and the GRANTEE, as identified above, acknowledge and accept the terms of this Agreement and attachments and have executed this Agreement on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Agreement are governed by this Agreement and the following other documents incorporated by reference: (1) General Terms and Conditions, (2) Attachment A Scope of Work, (3) Attachment B Budget, (4) Attachment C Statement of Assurances, (5) Attachment D Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, (6) Attachment E FFATA, (7) Attachment F Restrictions and Certifications Regarding Non-Disclosure Agreements, (8) Attachment G National Environmental Policy Act, (9) Attachment H Acknowledgement of Allowable and Unallowable Costs, (10) Attachment I Equal Employment Opportunity Plan Certification Form, and (11) Attachment J CCR Registration of Sub-Recipient DUNS Numbers .					
FOR THE GRANTEE:			FOR THE COUNTY:		
Signature		Date		Signature	
Name		Name		Date	
Title		Title		Title	

(FACE SHEET)

1. SERVICES

- 1.1. The CITY shall provide those services set forth in the Scope of Work attached hereto as Attachment A and incorporated herein by reference.

2. COMPENSATION

- 2.1. The COUNTY shall reimburse the CITY an amount not to exceed Ninety-Six Thousand Eight Hundred Fifty Dollars (\$96,850) as set forth in Attachment B, attached hereto and incorporated herein by reference for the performance of all things necessary for or incidental to the performance of Scope of Work as set forth in Attachment A. The CITY's reimbursement for services set forth in Attachment A shall be in accordance with the terms and conditions set forth in the Budget attached hereto as Attachment B and incorporated herein by reference. Invoices must be submitted with appropriate supporting documentation, including copies of receipts and a brief narrative on the work program performed and progress achieved and how any items purchased are being used to further the work program, as directed by the COUNTY's representative designated hereinafter. Requests for reimbursement by the CITY shall be made on or before the 20th of each month for the previous month's expenditures. In conjunction with each reimbursement request, the CITY shall certify that services to be performed under this Agreement do not duplicate any services to be charged against any other grant, subgrant, or other funding source. Requests for reimbursement should not be submitted more than monthly. December's reimbursement request must be received no later than January 10th to be allowable under the grant. A reimbursement voucher is provided and required for requests for payment. Final request for reimbursement for all expenses is October 30, 2025.

- 2.2. Requests for reimbursement shall be submitted electronically to:

Matt Descoteaux, Grants & Contracts Specialist
Spokane County
1116 W. Broadway Avenue
Spokane, WA 99260-2052
mdescoteaux@spokanecounty.org

- 2.3. Payment shall be considered timely if made by the COUNTY within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the CITY.

3. TERM

- 3.1. The term of this Agreement shall commence as of the date on the Face Sheet and shall terminate on the date on the Face Sheet.

4. RELATIONSHIP OF THE PARTIES

- 4.1. The Parties intend that an independent contractor relationship will be created by this Agreement. The COUNTY is interested only in the results that can be achieved, and the

conduct and control of the activities as set forth in Section No. 1 and described in Attachment A will be solely with the CITY. No agent, employee, servant or otherwise of the CITY shall be deemed to be an employee, agent, servant, or otherwise of the COUNTY for any purpose, and the employees of the CITY are not entitled to any of the benefits that the COUNTY provides for COUNTY employees. The CITY will be solely and entirely responsible for its acts and the acts of its agents, employees, servants, and subcontractors or otherwise, during the performance of this Agreement.

5. VENUE STIPULATION

- 5.1. This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement or any provision hereto shall be instituted only in courts of competent jurisdiction within Spokane County, Washington.

6. COMPLIANCE WITH LAWS

- 6.1. The Parties specifically agree to observe all federal, state and local laws, ordinances and regulations and policies to the extent that they may have any bearing on meeting their respective obligations under the terms of this Agreement, including, but not limited to the following:
- 6.1.1. Audits – 2 CFR Part 200;
 - 6.1.2. Labor and Safety Standards – Convict Labor 18 U.S.C. 751, 752, 4081, 4082; Drug-Free Workplace Act of 1988, 41 USC 701 et seq.; Federal Fair Labor Standards Act 29 U.S.C. 201 et seq.; Work Hours and Safety Act of 1962 40 U.S.C. 327-330 and Department of Labor Regulations, 29 CFR Part 5;
 - 6.1.3. Laws Against Discrimination – Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101-07, 45 CFR Part 90 Nondiscrimination in Federally Assisted Programs; Americans with Disabilities Act of 1990 Public Law 101-336; Equal Employment Opportunity, Executive Order 11246, as amended by Executive Order 11375 and supplemented in U.S. Department of Labor Regulations, 41 CFR Chapter 60; Executive Order 11246, as amended by EO 11375, 11478, 12086 and 12102; Employment under Federal Contracts, Rehabilitation Act of 1973, Section 503, 29 U.S.C. 793; Nondiscrimination under Federal Grants, Rehabilitation Act of 1973, Section 504, 29 U.S.C. 794; Minority Business Enterprises, Executive Order 11625, 15 U.S.C. 631; Minority Business Enterprise Development, Executive Order 12432, 48 CFR 32551; Nondiscrimination and Equal Opportunity, 24 CFR 5.105(a); Nondiscrimination in benefits, Title VI of the Civil Rights Act of 1964, Public Law 88-352, 42 U.S.C. 2002d et seq, 24 CFR Part 1; Nondiscrimination in employment, Title VII of the Civil Rights Act of 1964, Public Law 88-352; Nondiscrimination in Federally Assisted Construction Contracts, Executive Order 11246, 42 U.S.C. 2000e, as amended by Executive Order 11375, 41 CFR Chapter 60; Section 3, Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (See 24 CFR 570.607(b));

- 6.1.4. Office of Management and Budget Circulars – 2 CFR Parts 200;
- 6.1.5. Other – Anti-Kickback Act, 18 U.S.C. 874; 40 U.S.C. 276b, 276c; 41 U.S.C. 51-54; Governmental Guidance for New Restrictions on Lobbying: Interim Final Guidance, Federal Register 1, Vol. 54, No. 243\Wednesday, December 20, 1989; Hatch Political Activity Act, 5
- 6.1.6. U.S.C. 1501-8; Lobbying and Disclosure, 42 U.S.C. 3537a and 3545 and 31 U.S.C. 1352 (Byrd Anti-Lobbying Amendment); Non-Supplantation, 28 CFR Sec. 90, 18; Section 8 Housing Assistance Payments Program; and
- 6.1.7. Privacy – Privacy Act of 1974, 5 U.S.C. 552a.
- 6.1.8. Washington State Laws and Regulations
 - 6.1.8.1. Affirmative action, RCW 41.06.020 (11);
 - 6.1.8.2. Boards of directors or officers of non-profit corporations – Liability – Limitations, RCW 4.24.264;
 - 6.1.8.3. Disclosure-campaign finances-lobbying, Chapter 42.17 RCW;
 - 6.1.8.4. Discrimination-human rights commission, Chapter 49.60 RCW;
 - 6.1.8.5. Ethics in public service, Chapter 42.52 RCW;
 - 6.1.8.6. Office of minority and women’s business enterprises, Chapter 39.19 RCW and Chapter 326-02 WAC;
 - 6.1.8.7. Open public meetings act, Chapter 42.30 RCW;
 - 6.1.8.8. Public records act, Chapter 42.56 RCW; and
 - 6.1.8.9. State budgeting, accounting, and reporting system, Chapter 43.88 RCW.

7. AUDIT

7.1. General Requirements

- 7.1.1. The CITY shall procure audit services based on the following guidelines.
- 7.1.2. The CITY shall maintain its records and accounts so as to facilitate the audit requirement and shall ensure that Subcontractors also maintain auditable records.
- 7.1.3. The CITY is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its Subcontractors.
- 7.1.4. The COUNTY reserves the right to recover from the CITY all disallowed costs resulting from the audit.
- 7.1.5. Responses to any unresolved management findings and disallowed or questioned costs shall be included in the audit report. The CITY must respond to the COUNTY requests for information or corrective action concerning audit issues within thirty (30) days of the date of request.

7.2. Federal Funds Requirement – 2 CFR Part 200

- 7.2.1. The CITY, if expending \$750,000 or more in a fiscal year in federal funds from all sources, direct and indirect, is required to have an audit conducted in accordance with 2 CFR Part 200. When state funds are also to be paid under this Agreement a Schedule of State Financial Assistance as well as the required schedule of Federal Expenditure must be included. Both schedules include:
 - 7.2.1.1. Grantor agency name;
 - 7.2.1.2. Federal agency;
 - 7.2.1.3. Federal program income;
 - 7.2.1.4. Other identifying contract numbers;
 - 7.2.1.5. Catalog of Federal Domestic Assistance (CFDA) number (if applicable);
 - 7.2.1.6. Grantor contract number;
 - 7.2.1.7. Total award amount including amendments (total grant award); and
 - 7.2.1.8. Current year expenditures.
- 7.2.2. If the CITY is a state or local government entity, the Office of the State Auditor shall conduct the audit. Audits of non-profit organizations are to be conducted by a certified public accountant selected by the CITY in accordance with 2 CFR Part 200.
- 7.2.3. The CITY shall include the above audit requirements in any subcontracts.
- 7.2.4. In any case, the CITY's financial records must be available for review by the COUNTY and the Department of Justice.

7.3. Documentation Requirements

- 7.3.1. The CITY must send a copy of the audit report described above no later than sixty (60) days after the completion of the audit to the COUNTY representative identified in Section No. 5 Compensation.
- 7.3.2. In addition to sending a copy of the audit, when applicable, the CITY must include:
 - 7.3.2.1. Corrective action plan for audit findings within three (3) months of the audit being received by the COUNTY; and
 - 7.3.2.2. Copy of the Management Letter.

8. REPORTING REQUIREMENTS

- 8.1. The CITY will use the BJA Performance Metric (PMT) at <https://ojpssso.ojp.gov/> (or any other performance metric device the Department of Justice institutes during the lifetime of the grant) to submit quarterly performance metrics relevant to their grant program. Logon and password information will be provided by OJP/DOJ. The CITY must submit its performance metrics into the BJA system before the 29th day of the month following the end of the prior quarter ending March 31st, June 30th, September 30th and December 31st.

- 8.2. The CITY must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
- 8.3. The CITY shall also comply with the Federal Funding Accountability and Transparency Act (FFATA) and related OMB Guidance consistent with Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note) and complete and return to COUNTY the FFATA Form which is incorporated by reference and made a part of this Agreement.

9. AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336

- 9.1. The CITY must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

10. NON-DISCRIMINATION

- 10.1. The Parties hereto specifically agree that no person shall, on the grounds of race, creed, color, sex, sexual orientation, national origin, marital status, age or the presence of any sensory, mental, or physical disability or Vietnam era or disabled veterans status be excluded from full employment rights and participation in, or be denied the benefits of, or be otherwise subject to, discrimination in conjunction with any Services which GRANTEE will receive payment under the provisions of this Agreement.

11. NONCOMPLIANCE WITH NONDISCRIMINATION LAWS

- 11.1. During the performance of this Agreement, the GRANTEE shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the CITY's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part. The CITY shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the "Disputes" procedure set forth herein.

12. NOTIFICATION OF FINDINGS OF DISCRIMINATION OR NON-COMPLIANCE

- 12.1. In the event a state or federal court or a state or federal administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, age, disability, or sex against the CITY, the CITY will forward a copy of the finding to the U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights (OCR), and the COUNTY.
- 12.2. The CITY shall include a statement clearly stating whether or not the funding is related to any grant activity supported with a grant in which U.S. Department of Justice Funds are involved and identify all open grants utilizing U.S. Department of Justice funding, by Contract number and program title.

12.3. The CITY is required to ensure compliance with this requirement.

13. NEW CIVIL RIGHTS PROVISION

13.1. The CITY shall comply with the Violence Against Women Reauthorization Act of 2013 provision that prohibits recipients from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by this Agreement.

14. LIMITED ENGLISH PROFICIENCY (CIVIL RIGHTS ACT OF 1964 TITLE VI)

14.1. The CITY must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. Department of Homeland Security (DHS) published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768 (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. Assistance and information regarding language access obligations can be accessed at DHS Recipient Guidance at <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

15. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (EEOP)

15.1. The CITY will determine whether it is required to formulate an Equal Employment Opportunity Program (EEOP), in accordance with 28 C.F.R. 42.301 et. seq. If the GRANTEE is not required to formulate an EEOP, it will submit a certificate form to the U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights (OCR), and the COUNTY indicating that it is not required to develop an EEOP.

15.2. If the CITY is required to develop an EEOP but not required to submit the EEOP to the OCR, the CITY will submit a certification to the OCR and the COUNTY certifying that it has an EEOP on file which meets the applicable requirements. If the CITY is awarded a grant of Five Hundred Thousand Dollars (\$500,000) or more and has fifty (50) or more employees, it will submit a copy of its EEOP to the OCR. Non-profit organizations, federally recognized Indian Tribes, and medical and education institutions are exempt

from the EEOP requirement, but are required to submit a certification form to the OCR to claim the exemption. A copy of the certification form will also be submitted to the COUNTY. Information about civil rights obligations of grantees can be found at <https://www.ojp.gov/program/civil-rights/eeop/faqs>.

16. NON-SUPPLANTING CERTIFICATION

- 16.1. No grant funds will be used to supplant existing state, local, or other nonfederal funding already in place to support current services. Grant funds will be used to increase the total amount of funds used to prevent or reduce crime and violence. Violation of the non-supplanting requirement can result in a range of penalties, including suspension of future funds under this grant, recoupment of monies provided under this grant, and civil and/or criminal penalties.
- 16.2. If the CITY currently has other active awards of federal funds, or if the CITY receives any other award of federal funds during the period of performance for this award, the CITY promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the CITY must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

17. APPLICANT DUTY TO ENSURE SUB-RECIPIENT COMPLIANCE

- 17.1. The applicant is required to ensure compliance with this requirement by any program partner or participant receiving funding under this grant.

18. INDEMNIFICATION

- 18.1. The COUNTY shall protect, defend, indemnify, and hold harmless the CITY, its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property). The COUNTY will not be required to indemnify, defend, or save harmless the CITY if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the CITY. Where such claims, suits, or actions result from the concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.
- 18.2. The CITY agrees to protect, defend, indemnify, and hold harmless the COUNTY, its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and all costs, claims, judgments and/or awards of damages (both to persons and/or property). The CITY will not be required to indemnify, defend, or save harmless the COUNTY if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the COUNTY.

Where such claims, suits, or actions result from the concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.

- 18.3. The COUNTY and CITY agree that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any COUNTY or CITY employees or agents while performing work authorized under this Agreement. For this purpose, the COUNTY and CITY, by mutual negotiation, hereby waives any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of chapter 51.12 RCW.
- 18.4. These indemnifications and waiver shall survive the termination of this Agreement.
- 18.5. No officer or employee of the CITY or the COUNTY shall be personally liable for any act, or failure to act, in connection with this Agreement, it is understood that in such matters they are acting solely as agents of their respective agencies.

19. INSURANCE

- 19.1. The CITY shall furnish and maintain all insurance as required herein and comply with all limits, terms and conditions stipulated therein, at its expense, for the duration of the Agreement. The following is a list of the required Agreement coverage requirements:
 - 19.1.1. GENERAL LIABILITY INSURANCE: The CITY shall have Commercial General Liability with limits of \$1,000,000.00 per occurrence, which includes general aggregate, products, completed operation, personal injury, fire damage and \$5,000.00 medical expense.
 - 19.1.2. ADDITIONAL INSURED ENDORSEMENT: General Liability Insurance must state that COUNTY, it's officers, agents and employees, and any other entity specifically required by the provisions of this Agreement will be specifically named additional insured(s) for all coverage provided by this policy of insurance and shall be fully and completely protected by this policy from all claims. Language such as the following should be used: "Spokane County, its' officers, agents and employees are named as an additional insured with respect to the 2022 JAG Agreement between the City and Spokane County."
 - 19.1.3. WORKERS COMPENSATION: If the CITY has employees, it shall show proof of Worker's Compensation coverage by providing its State Industrial Account Identification Number. Provision of this number will be the CITY's assurance that coverage is in effect.
 - 19.1.4. PROFESSIONAL LIABILITY INSURANCE: The CITY shall provide errors & omissions coverage in the form of Professional liability insurance coverage in the minimum amount of \$1,000,000.00.
- 19.2. Any exclusion of the Agreement's insurance coverage requirements must be pre-approved by the Spokane County Risk Management Department. Services under this Agreement shall not commence until evidence of all required insurance and bonding is provided to the COUNTY. The CITY's insurer shall have a minimum A.M. Best's rating of A-VII and shall be licensed to do business in the State of Washington. Evidence of

such insurance shall consist of a completed copy of the certificate of insurance, signed by the insurance agent for the CITY and returned to the Spokane County Risk Manager. The insurance policy or policies will not be canceled, materially changed or altered without forty-five (45) days prior notice submitted to the COUNTY. The policy shall be endorsed and the certificate shall reflect that the COUNTY is named as an additional insured on the CITY's general liability policy with respect to activities under the Agreement. The policy shall provide and the certificate shall reflect that the insurance afforded applies separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company's liability.

- 19.3. The policy shall be endorsed and the certificate shall reflect that the insurance afforded therein shall be primary insurance and any insurance or self-insurance carried by the COUNTY shall be excess and not contributory insurance to that provided by the CITY.
- 19.4. The CITY shall not commence providing services until a Certificate of Insurance, meeting the requirements set forth herein, has been approved by the Spokane County Risk Management Department. Said proof of insurance should be mailed to the Risk Management Department: "AGREEMENT BETWEEN THE CITY OF SPOKANE POLICE DEPARTMENT AND SPOKANE COUNTY IN CONJUNCTION WITH FY22 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) GRANT". Upon request, the CITY shall forward to the Risk Management Department the original policy, or endorsement obtained.
- 19.5. Failure of the CITY to fully comply with the insurance requirements set forth herein, during the term of the Agreement, shall be considered a material breach of contract and cause for immediate termination of the Agreement at the COUNTY's discretion.
- 19.6. Providing coverage in the above amounts shall not be construed to relieve the CITY from liability in excess of such amounts.
- 19.7. The CITY shall comply with all applicable provisions of Title 51 RCW Industrial Insurance. If the CITY fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as may be required by law, the COUNTY may collect from the CITY the full amount payable to the Industrial Insurance Accident Fund. The COUNTY may deduct the amount owed by the CITY to the accident fund from the amount payable to the CITY by the COUNTY under this Agreement and transmit the deducted amount to the Department of Labor and Industries, (L&I) Division of Insurance Services. This provision does not waive any of L&I's rights to collect from the CITY.
- 19.8. **Evidence of Self-insurance by a governmental entity is sufficient to meet the insurance requirements in this section.**

20. MAINTENANCE OF RECORDS

- 20.1. The CITY shall maintain all books, records, documents, data and other evidence relating to this Agreement and performance of the Services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement.

- 20.2. The CITY shall retain such records for a period of six (6) years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement, shall be subject at all reasonable times to inspection, review or audit by the COUNTY, personnel duly authorized by the COUNTY, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.
- 20.3. If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved and an additional three (3) years beyond resolution.

21. TERMINATION FOR CAUSE / SUSPENSION

- 21.1. In the event COUNTY determines that the CITY failed to comply with any term or condition of this Agreement, COUNTY may terminate the Agreement in whole or in part upon written notice to the CITY. Such termination shall be deemed "Termination for Cause." Termination shall take effect on the date specified in the notice.
- 21.2. In the alternative, COUNTY upon written notice may allow the CITY a specific period of time in which to correct the non-compliance. During the corrective-action time period, COUNTY may suspend further payment to the CITY in whole or in part, or may restrict the CITY's right to perform duties under this Agreement. Failure by the CITY to take timely corrective action shall allow COUNTY to terminate the Agreement upon written notice to the CITY.
- 21.3. "Termination for Cause" shall be deemed a "Termination for Convenience" when COUNTY determines that the CITY did not fail to comply with the terms of the Agreement or when COUNTY determines the failure was not caused by the CITY's actions or negligence. If the Agreement is terminated for cause, the CITY shall be liable for damages as authorized by law, including, but not limited to, any cost difference between the original agreement and the replacement agreement, as well as all costs associated with entering into the replacement agreement (i.e., competitive bidding, mailing, advertising, and staff time).

22. TERMINATION FOR CONVENIENCE

- 22.1. Except as otherwise provided in this Agreement, COUNTY may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Agreement, in whole or in part. If this Agreement is so terminated, the COUNTY shall be liable only for payment required under the terms of this Agreement for services rendered prior to the effective date of termination.

23. TERMINATION PROCEDURES

- 23.1. After receipt of a Notice of Termination, except as otherwise directed by COUNTY, the CITY shall:
 - 23.1.1. Stop work under the Agreement on the date, and to the extent specified, in the notice;

- 23.1.2. Place no further orders for materials, services, or facilities related to the Agreement;
- 23.1.3. Assign to COUNTY all of the rights, title, and interest of the CITY under the orders and subcontracts so terminated, in which case COUNTY 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 the CITY to settle such claims must have the prior written approval of County; and
- 23.1.3. Preserve and transfer any materials, Agreement deliverables and/or COUNTY property in the CITY's possession as directed by COUNTY.
- 23.2. Upon termination of the Agreement, COUNTY shall pay the CITY for any service provided by the CITY under the Agreement prior to the date of termination. COUNTY may withhold any amount due as COUNTY reasonably determines is necessary to protect COUNTY against potential loss or liability resulting from the termination. COUNTY shall pay any withheld amount to the CITY if COUNTY later determines that loss or liability will not occur.
- 23.3. The rights and remedies of COUNTY under this Section are in addition to any other rights and remedies provided under this Agreement or otherwise provided under law. Provided, further, in the event that the CITY fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of this Agreement, COUNTY reserves the right to recapture funds in an amount to compensate COUNTY for the noncompliance in addition to any other remedies available at law or in equity.
- 23.4. Repayment by the CITY of funds under this recapture provision shall occur within the time period specified by COUNTY. In the alternative, COUNTY may recapture such funds from payments due under this Agreement.

24. DISPUTE RESOLUTION

- 24.1. Any dispute between the Parties which cannot be resolved between the Parties shall be subject to arbitration. Except as provided for to the contrary herein, such dispute shall first be reduced to writing. If the COUNTY and CITY representatives cannot resolve the dispute it will be submitted to arbitration. The provisions of chapter 7.04A RCW shall be applicable to any arbitration proceeding.
- 24.2. The COUNTY and the CITY shall have the right to designate one person each to act as an arbitrator. The two selected arbitrators shall then jointly select a third arbitrator. The decision of the arbitration panel shall be binding on the Parties and shall be subject to judicial review as provided for in chapter 7.04A RCW.
- 24.3. The costs of the arbitration panel shall be equally split between the Parties.

25. COUNTY REPRESENTATIVE

- 25.1. The COUNTY hereby appoints, and the CITY hereby accepts the COUNTY's representative, or her designee as identified on the Face Sheet as the COUNTY'S liaison for the purpose of administering this Agreement. The CITY hereby appoints, and

COUNTY hereby accepts the CITY's representative or his/her designee as identified on the Face Sheet as the CITY's liaison for the purpose of administering this Agreement.

26. WAIVER

- 26.1. No officer, employee, agent or otherwise of the COUNTY has the power, right or authority to waive any of the conditions or provisions to this Agreement. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement or at law, shall be taken and construed as cumulative that is, in addition to every other remedy provided herein or by law. Failure of the COUNTY to enforce at any time any of the provisions of this Agreement, or to require at any time performance by the CITY of any provision hereof, shall in no way be construed to be a waiver of such provisions, nor in any way effect the validity of this Agreement of any part hereof, or the right of the COUNTY to hereafter enforce each and every such provision.

27. MODIFICATION

- 27.1. No modification or amendment of this Agreement shall be valid until the same is reduced to writing and executed with the same formalities as this present Agreement.

28. NO THIRD-PARTY BENEFICIARIES

- 28.1. Nothing in this Agreement is intended to give, or shall give, whether directly or indirectly, any benefit or right, greater than that enjoyed by the general public, to third persons.

29. NOTICES

- 29.1. Except as provided to the contrary herein, all notices or other communications given hereunder shall be deemed given on: (i) the day such notices or other communications are received when sent by personal delivery; or (ii) the third day following the day on which the same have been mailed by first class delivery, postage prepaid addressed to the COUNTY or CITY at the address set forth on the Face Sheet for such party, or at such other address as either party shall from time-to-time designate by notice in writing to the other Party.

30. SURVIVAL

- 30.1. Any Sections of this Agreement which, by their sense and context, are intended to survive shall survive the termination of this Agreement.

31. SEVERABILITY

- 31.1. It is understood and agreed between the Parties that if any parts, terms, or provisions of this Agreement are held by the courts to be illegal, the validity of the remaining portions

or provisions shall not be affected and the rights and obligations of the Parties shall not be affected in regard to the remainder of the Agreement. If it should appear that any part, term or provision of this Agreement is in conflict with any statutory provisions of the State of Washington, then the part, term or provision thereof that may be in conflict shall be deemed inoperative and null and void insofar as it may be in conflict therewith and this Agreement shall be deemed modify to conform to such statutory provision.

32. EXECUTION AND APPROVAL

- 32.1. The Parties warrant that the officers/individuals executing below have been duly authorized to act for and on behalf of the party for purposes of confirming this Agreement.

33. ACCESS TO DATA

33. In compliance with RCW 39.26.180, the GRANTEE shall provide access to data generated under this Agreement to the COUNTY, Department of Justice, the Joint Legislative Audit and Review Committee, and the Office of the State Auditor at no additional cost. This includes access to all information that supports the findings, conclusions, and recommendations of the GRANTEE's reports, including computer models and the methodology for those models.

34. ACKNOWLEDGEMENT OF FEDERAL FUNDING

- 34.1. The CITY shall submit to the COUNTY, for re-submission to the Bureau of Justice Assistance, one copy of all reports and proposed publications resulting from this grant twenty (20) days prior to public release. Any written, visual, or audio publications, with the exception of press releases, whether published at the CITY's or government's expense, shall contain the following statements:
- 34.1.1. "This project was supported by Grant No. **15PBJA-22-GG-02188-JAGX** awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the United States Department of Justice Office of Justice Programs, which also includes the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention and the Office of Victims of Crime. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the United States Department of Justice."

35. ALL WRITINGS CONTAINED HEREIN

- 35.1. This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. The CITY has read and understands all of this Agreement and now states that no representation, promise or condition not expressed in this Agreement has been made to induce the CITY to execute the same.

36. ANTI-KICKBACK

- 36.1. No officer or employee of the CITY, having the power or duty to perform an official act or action related to this Agreement shall have or acquire any interest in the Agreement, 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 Agreement.

37. ASSIGNMENT

- 37.1. Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the CITY without prior written consent of COUNTY.

38. ATTORNEYS' FEES

- 38.1. Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce the terms of the Agreement, each party agrees to bear its own attorneys' fees and costs.

39. AUTHORITY TO OBLIGATE AWARD FUNDS CONTINGENT ON NONINTERFERENCE (WITHIN THE FUNDED "PROGRAM OR ACTIVITY") WITH FEDERAL LAW ENFORCEMENT (8 U.S.C. 1373 AND 1644); UNALLOWABLE COSTS; NOTIFICATION

- 39.1. If the CITY is a "State," a local government, or a "public" institution of higher education:
- 39.1.1. The CITY may not obligate Agreement funds if, at the time of the obligation, the "program or activity" of the CITY (or of any subcontractor at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with Agreement funds is subject to any "information-communication restriction".
 - 39.1.2. In addition, with respect to any project costs it incurs "at risk," the CITY may not obligate award funds to reimburse itself if, at the time it incurs such costs, the program or activity of the CITY (or of any subcontractor at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.
 - 39.1.3. Any drawdown of award funds by the CITY shall be considered, for all purposes, to be a material representation by the CITY to OJP that, as of the date the CITY requests the drawdown, the CITY and each subcontractor (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."
 - 39.1.4. The CITY must promptly notify the COUNTY (in writing) if the CITY, from its requisite monitoring of compliance with award conditions or otherwise, has

credible evidence that indicates that the funded program or activity of the CITY, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subcontract (at any tier) to a subcontractor that is a State, a local government, or a public institution of higher education must require prompt notification to the COUNTY, should the subcontractor have such credible evidence regarding an information-communication restriction.

39.2. Any Agreement, at any tier, to a subcontractor that is a State, a local government, or a public institution of higher education must provide that the subcontractor may not obligate award funds if, at the time of the obligation, the program or activity of the subcontractor (or of any further such subcontractor at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

39.3. Absent an express written determination by the COUNTY or DOJ to the contrary, based upon a finding by the COUNTY or DOJ of compelling circumstances (e.g., a small amount of Agreement funds obligated by the CITY at the time of a subcontractor's minor and transitory non-compliance, which was unknown to the CITY despite diligent monitoring), any obligations of Agreement funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, the COUNTY or DOJ will give great weight to evidence submitted by the CITY that demonstrates diligent monitoring of subcontractors compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" Agreement condition.

39.4. Rules of Construction

39.4.1. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition; and

39.4.2. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.

40. CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY AND VOLUNTARY EXCLUSION – PRIMARY AND LOWER TIER COVERED TRANSACTION

40.1. The CITY, defined as the primary participant and its principal, certifies by signing these General Terms and Conditions that to the best of its knowledge and belief that they:

40.1.1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

40.1.2. Have not within a three (3) year period preceding this Agreement, been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or

performing a public or private agreement or transaction, violation of Federal or state antitrust statutes or commission 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;

- 40.1.3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses enumerated in paragraph (A)(2) of this section; and
- 40.1.4. Have not within a three (3) year period preceding the signing of this Agreement had one or more public transactions (Federal, state, or local) terminated for cause of default.

- 40.2. Where the CITY is unable to certify to any of the statements in this Agreement, the CITY shall attach an explanation to this Agreement.
- 40.3. The CITY agrees by signing this Agreement 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, unless authorized by the COUNTY.
- 40.4. The CITY further agrees by signing this Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

LOWER TIER COVERED TRANSACTIONS

- 40.4.1. The lower tier grantee certifies, by signing this Agreement 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.
- 40.4.2. Where the lower tier grantee is unable to certify to any of the statements in this Agreement, such grantee shall attach an explanation to this Agreement.
- 40.5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the COUNTY for assistance in obtaining a copy of these regulations.

41. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

- 41.1. "Confidential Information" as used in this section includes:
 - 41.1.1. All material provided to the CITY by COUNTY that is designated as "confidential" by COUNTY;
 - 41.1.2. All material produced by the CITY that is designated as "confidential" by COUNTY; and

- 41.1.3. All personal information in the possession of the CITY that may not be disclosed under state or federal law. "Personal information" includes but is not limited to information related to a person's name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver's license number and other identifying numbers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- 41.2. The CITY shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The CITY and any subgrantee at any tier, must comply with all confidentiality requirements of 34 U.S.C. section 10231 and 28 C.F.R. Part 22, that are applicable to collection, use, and revelation of data or information. The GRANTEE agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with the requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23. shall use Confidential Information solely for the purposes of this Grant and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COUNTY or as may be required by law. The CITY shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the CITY shall provide COUNTY with its policies and procedures on confidentiality. COUNTY may require changes to such policies and procedures as they apply to this Grant whenever COUNTY reasonably determines that changes are necessary to prevent unauthorized disclosures. The CITY shall make the changes within the time period specified by COUNTY. Upon request, the CITY shall immediately return to COUNTY any Confidential Information that COUNTY reasonably determines has not been adequately protected by the CITY against unauthorized disclosure.
- 41.3. Unauthorized Use or Disclosure. The CITY shall notify COUNTY within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

42. CONFLICT OF INTEREST

- 42.1. Notwithstanding any determination by the Executive Ethics Board or other tribunal, the COUNTY may, in its sole discretion, by written notice to the CITY terminate this AGREEMENT if it is found after due notice and examination by the COUNTY that there is a violation of the Ethics in Public Service Act, Chapter 42.52 RCW; or any similar statute involving the CITY in the procurement of, or performance under this AGREEMENT.
- 42.2. Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington. The CITY and their subgrantees(s) must identify any state of Washington employees or former state employees employed or on the firm's governing board during the past 24 months, identify the individual by name, the agency previously or currently employed by, job title or position held, and separation date. If it is determined by the COUNTY that a conflict of interest exists, the CITY may be disqualified from further consideration for the award of a contract.

- 42.3. In the event this Agreement is terminated as provided above, the COUNTY shall be entitled to pursue the same remedies against the CITY as it could pursue in the event of a breach of the Agreement by the CITY. The rights and remedies of the COUNTY provided for in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law. The existence of facts upon which the COUNTY makes any determination under this clause shall be an issue and may be reviewed as provided in the "Disputes" clause of this Agreement.

43. COPYRIGHT PROVISIONS

- 43.1. Unless otherwise provided, all Materials produced under this Grant shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COUNTY. COUNTY shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the GRANTEE hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COUNTY effective from the moment of creation of such Materials.
- 43.2. "Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.
- 43.3. For Materials that are delivered under the Grant, but that incorporate pre-existing materials not produced under the Grant, the CITY hereby grants to COUNTY a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The CITY warrants and represents that the CITY has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COUNTY.
- 43.4. The CITY shall exert all reasonable effort to advise COUNTY, at the time of delivery of Materials furnished under this Grant, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Grant. The CITY shall provide COUNTY with prompt written notice of each notice or claim of infringement received by the CITY with respect to any Materials delivered under this Grant. COUNTY shall have the right to modify or remove any restrictive markings placed upon the Materials by the CITY.
- 43.5. The CITY understands and agrees that any training or training materials developed or delivered with funding provided through this Agreement must adhere to the OJP Training Principles for Grantees and Subgrantees. The principles are available at <https://www.ojp.gov/training-and-technical-assistance>.

44. COUNTERPARTS

- 44.1. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.

45. EXPENDITURES PROHIBITED WITHOUT WAIVER

- 45.1. No funds under this Agreement may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

46. HEADINGS

- 46.1. The Section headings in this Agreement have been inserted solely for the purpose of convenience and ready-reference. In no way do they purport to, and shall not be deemed to, define, limit or extend the scope or intent of the Sections to which they appertain.

47. LICENSING, ACCREDITATION, AND REGISTRATION

- 47.1. The CITY shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Grant.

48. LIMITATION OF AUTHORITY

- 48.1. Only the Authorized Representative or Authorized Representative's designee by writing (designation to be made prior to action) shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Agreement. Furthermore, any alteration, amendment, modification, or waiver or any clause or condition of this Agreement is not effective or binding unless made in writing and signed by the Authorized Representative.

49. LOSS OF FUNDING

- 49.1. In the event funding from state, federal, or other sources which is the source of funding by the COUNTY for this Agreement is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to normal completion, COUNTY may terminate the Agreement under the "Termination for Convenience" clause, without the ten (10) business day notice requirement. In lieu of termination, the Agreement may be amended to reflect the new funding limitations and conditions.

50. NON-INTERFERENCE (WITHIN THE FUNDED "PROGRAM OR ACTIVITY") WITH FEDERAL LAW ENFORCEMENT: 8 U.S.C. 1373 AND 1644; ONGOING COMPLIANCE

- 50.1. With respect to the "program or activity" funded in whole or part under this Agreement, including any such program or activity of any subcontractor at any tier, throughout the period of performance, no State or local government entity, agency, or official may prohibit or in any way restrict: (1) any government entity or official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or agency from sending, requesting or receiving,

maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

50.2. Monitoring. The CITY's monitoring responsibilities include monitoring of subcontractors compliance with the requirements of this condition.

50.3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the CITY, or any subcontractor at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

50.4. Rules of Construction

50.4.1. For purposes of this condition:

50.4.1.1. State and local government include any agency or other entity thereof, but not any institution of higher education or any Indian tribe;

50.4.1.2. A public institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.");

50.4.1.3. Program or activity means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a);

Immigration status means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa; and

50.4.1.4. Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the DHS.

50.4.2. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

50.4.3. IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

51. NON-INTERFERENCE (WITHIN THE FUNDED "PROGRAM OR ACTIVITY") WITH FEDERAL LAW ENFORCEMENT: INTERROGATION OF CERTAIN ALIENS

51.1. SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the CITY accepts this award, and

throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

- 51.1.1. Noninterference with statutory law enforcement access to correctional facilities. Consonant with federal law enforcement statutes and regulations, including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" within the funded program or activity, no State or local government entity, agency, or official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose "interrogating any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."
- 51.1.2. Monitoring. The CITY's monitoring responsibilities include monitoring of subcontractors compliance with this condition.
- 51.1.3. Allowable costs. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.
- 51.1.4. Rules of construction
 - 51.1.4.1. For purposes of this condition:
 - 51.1.4.2. The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3));
 - 51.1.4.3. The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7));
 - 51.1.4.4. The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that: (1) is designed to prevent or to significantly delay or complicate; or (2) has the effect of preventing or of significantly delaying or complicating.
- 51.1.5. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

52. NON-INTERFERENCE (WITHIN THE FUNDED "PROGRAM OR ACTIVITY") WITH FEDERAL LAW ENFORCEMENT: NO PUBLIC DISCLOSURE OF CERTAIN LAW ENFORCEMENT SENSITIVE INFORMATION

52.1. SCOPE: This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this Agreement, as of the date the CITY accepts this Agreement, and throughout the remainder of the period of performance. Its provisions must be among those included in any subcontracts (at any tier).

52.1.1. Noninterference: No public disclosure of federal law enforcement information, in order to conceal, harbor, or shield. Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

52.1.2. Monitoring. The CITY's monitoring responsibilities include monitoring of subcontractors compliance with this condition.

52.1.3. Allowable costs. To the extent that such costs are not reimbursed under any other federal program, Agreement funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

52.1.4. Rules of construction:

52.1.4.1. For purposes of this condition:

52.1.4.1.1. The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3));

52.1.4.1.2. The term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, agency, or official, through any means, including, without limitation: (1) through any database; (2) in connection with any law enforcement partnership or task-force; (3) in connection with any request for law enforcement assistance or cooperation; or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

52.1.4.1.3. The term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and

52.1.4.1.4. The term "public disclosure" means any communication or release other than one: (a) within the CITY; or (b) to any subcontractor (at any tier) that is a government entity.

52.1.4.2. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

53. NON-INTERFERENCE (WITHIN THE FUNDED "PROGRAM OR ACTIVITY") WITH FEDERAL LAW ENFORCEMENT: NOTICE OF SCHEDULED RELEASE

53.1. SCOPE: This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this Agreement, as of the date the CITY accepts the Agreement, and throughout the remainder of the period of performance. Its provisions must be among those included in any subcontract at any tier.

53.1.1. Noninterference with "removal" process: Notice of scheduled release date and time. Consonant with federal law enforcement statutes including: 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a ninety (90) day removal period during which the federal government shall detain and then "shall" remove an alien from the U.S. begins no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, agency, or official (including a government-contracted correctional facility) may interfere with the removal process by failing to provide, as early as practicable (see para. 4.C. below), advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

53.1.2. Monitoring: The CITY's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

53.1.3. Allowable costs: To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

53.1.4. Rules of construction:

- 53.1.4.1. For purposes of this condition:
 - 53.1.4.1.1. The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3)).
 - 53.1.4.1.2. The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).
- 53.1.4.2. Nothing in this condition shall be understood to authorize or require any CITY, any subcontractor at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.
- 53.1.4.3. Applicability:
 - 53.1.4.3.1. Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.
 - 53.1.4.3.2. Current DHS practice is to use the same form for a second, distinct purpose, to request that an individual be detained for up to forty-eight (48) hours after the scheduled release. This condition does not encompass such DHS requests for detention.
- 53.1.4.4. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award conditions are incorporated by reference as though set forth here in full.

54. ORDER OF PRECEDENCE:

- 54.1. In the event of an inconsistency between the provisions in Agreement, the inconsistency shall be resolved by giving precedence in the following order:
 - 54.1.1. Applicable federal and State of Washington statutes and regulations;
 - 54.1.2. Face Sheet;
 - 54.1.3. Attachment A-Scope of Work; and
 - 54.1.4. Attachment B-Budget.

55. POLITICAL ACTIVITIES

- 55.1. Political activity of GRANTEE employees and officers are limited by the State Campaign Finances and Lobbying provisions of Chapter 42.17 RCW and the Federal Hatch Act, 5 USC 1501-1508.
- 55.2. No funds may be used under this Agreement for working for or against ballot measures or for or against the candidacy of any person for public office.

56. PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION

- 56.1. The assistance provided under this Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such assistance or any other approval or concurrence under this Agreement provided, however, that reasonable fees or bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

57. PROCUREMENT STANDARDS FOR FEDERALLY FUNDED PROGRAMS

- 57.1. A CITY which is a local government or Indian Tribal government must establish procurement policies and procedures in accordance with 2 CFR Part 200, for all purchases funded by this Agreement.
- 57.2. The CITY's procurement system should include at least the following:
 - 57.2.1. A code or standard of conduct that shall govern the performance of its officers, employees, or agents engaged in the awarding of Grants using federal funds.
 - 57.2.2. Procedures that ensure all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.
 - 57.2.3. Minimum procedural requirements, as follows:
 - 57.2.3.1. Follow a procedure to assure the avoidance of purchasing unnecessary or duplicative items;
 - 57.2.3.2. Solicitations shall be based upon a clear and accurate description of the technical requirements of the procured items;
 - 57.2.3.3. Positive efforts shall be made to use small and minority-owned businesses;
 - 57.2.3.4. The type of procuring instrument (fixed price, cost reimbursement) shall be determined by the CITY, but must be appropriate for the particular procurement and for promoting the best interest of the program involved;
 - 57.2.3.5. Subgrants shall be made only with reasonable Subgrantees who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement;
 - 57.2.3.6. Some form of price or cost analysis should be performed in connection with every procurement action;

57.2.3.7. Procurement records and files for purchases shall include all of the following:

- 57.2.3.7.1. GRANTEE's selection or rejection;
- 57.2.3.7.2. The basis for the cost or price; and
- 57.2.3.7.3. Justification for lack of competitive bids if offers are not obtained.
- 57.2.3.7.4. A system for Grant administrator to ensure CITY conformance with terms, conditions and specifications of this Agreement, and to ensure adequate and timely follow-up of all purchases.
- 57.2.3.7.5. The CITY and subgrantees must receive prior approval from the COUNTY for using funds from this Agreement to enter into a sole source contract or a contract where only one bid or proposal is received when value of this Agreement is expected to exceed \$5,000.

57.3. Prior approval requests shall include a copy of proposed Grants and any related procurement documents and justification for non-competitive procurement, if applicable.

58. PUBLICITY

58.1. The CITY agrees not to publish or use any advertising or publicity materials in which the COUNTY's name is mentioned, or language used from which the connection with the COUNTY's name may reasonably be inferred or implied, without the prior written consent of the COUNTY.

59. RECLASSIFICATION OF VARIOUS STATUTORY PROVISIONS TO A NEW TITLE 34 OF THE UNITED STATES CODE

- 59.1. On September 1, 2018, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.
- 59.2. Effective September 1, 2018, any reference in this Agreement to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in material incorporated by reference through conditions, and references set out in other requirements.

60. REMEDIES FOR NON-COMPLIANCE OR FOR MATERIALLY FALSE STATEMENTS

60.1. Failure to comply with any one or more of these Agreement requirements – whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period – may result in the

COUNTY or OJP taking appropriate action with respect to the CITY and the agreement. Among other things, the COUNTY may withhold funds, disallow costs, or suspend or terminate this Agreement. The COUNTY may also take other legal action as appropriate.

- 60.2. Any materially false, fictitious, or fraudulent statement to the federal government related to this Agreement (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

61. REQUIREMENTS OF THE AWARD

- 61.1. The conditions of this Agreement are material requirements of the Agreement. Compliance with any certifications or assurances submitted by or on behalf of the CITY that relate to conduct during the period of performance also is a material requirement of this Agreement.

62. REQUIREMENT TO COLLECT CERTAIN INFORMATION FROM SUBCONTRACTORS

- 62.1. The CITY may not make a subcontract to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subcontractor responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subcontractor responses must be collected and maintained by the CITY, consistent with regular document retention requirements, and must be made available to the COUNTY or DOJ upon request. Responses to these questions are not required from subcontractors that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

63. REQUIREMENT TO DISCLOSE WHETHER RECIPIENT IS DESIGNATED "HIGH RISK" BY A FEDERAL GRANT-MAKING AGENCY OUTSIDE OF DOJ

- 63.1. If the CITY is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the CITY must disclose that fact and certain related information to the COUNTY and DOJ by email at harnold@spokanecounty.org and jeffrey.felten-green@usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the CITY's past performance, or other programmatic or financial concerns with the CITY. The CITY's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk; 2. The date the recipient was designated high risk; 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address); and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

64. REQUIREMENT TO REPORT ACTUAL OR IMMINENT BREACH OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

- 64.1. The CITY, and any subcontractor at any tier, must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient): 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of Personally Identifiable Information (PII) (2 CFR 200.79) within the scope of an OJP grant-funded program or activity; or 2) uses or operates a Federal information system (OMB Circular A-130). The CITY's breach procedures must include a requirement to report actual or imminent breach of PII to the COUNTY's Program Manager no later than twenty-four (24) hours after an occurrence of an actual breach, or the detection of an imminent breach.

65. RIGHT OF INSPECTION

- 65.1. The CITY shall provide right of access to its facilities to the COUNTY, or any of its officers, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement.

66. SITE SECURITY

- 66.1. While on COUNTY premises, the CITY, its agents, employees, or subcontractors shall conform in all respects with physical, fire or other security policies or regulations.

67. SPECIAL PROVISIONS

- 67.1. Applicable and attached and incorporated by reference to this Agreement is the following: Attachment C Statement of Assurances; Attachment D Certification Regarding Debarment, Suspension, Ineligibility; Attachment E FFATA; Attachment F Restrictions and Certifications Regarding Non-Disclosure Agreements; Attachment G National Environmental Policy Act; Attachment H Acknowledgment of Allowable and Unallowable Costs; Attachment I Equal Employment Opportunity Plan Certification Form; Attachment J CCR Registration of Sub-Recipient DUNS Numbers, and Washington State Department of Commerce Justice Assistance Grant Subrecipient Compliance Verification.

68. SUBCONTRACTORS

- 68.1. The CITY shall seek and whenever appropriate will receive approval from the COUNTY for all subcontracts under this Agreement. All subcontractors employed or used by the CITY to provide the services under the terms of this Agreement agree to comply with this Agreement. The CITY shall notify the COUNTY's representative of any subcontractor and certify that the subcontractor has been advised of the above provisions and has satisfied the Insurance provisions prior to providing any subcontracting services.

69. SUBMISSION OF ELIGIBLE RECORDS RELEVANT TO THE NATIONAL INSTANT BACKGROUND CHECK SYSTEM

- 69.1. Consonant with federal statutes that pertain to firearms and background checks, including 18 U.S.C. 922 and 34 U.S.C. ch. 409, if the GRANTEE, or any subrecipient at any tier, uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the CITY (or subcontractor, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".
- 69.2. In the event of minor and transitory non-compliance, the CITY may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

70. TAXES

- 70.1. If this Agreement applies to CITY staff, all payments accrued on account of payroll taxes, unemployment contributions, the CITY income or gross receipts, any other taxes, insurance or expenses for the CITY or its staff shall be the sole responsibility of the CITY.

ATTACHMENT A
SCOPE OF WORK

The Agreement is to clearly identify the roles and responsibilities of the CITY as they relate to the FY21 Edward Byrne Memorial Justice Assistance (JAG) Grant.

The term of this Agreement is the period within which the project responsibilities of this Agreement shall be performed. The term commences October 1, 2021 and terminates September 30, 2025. The principal purpose of this grant is to provide funding that supports local law enforcement to prevent and reduce crime and violence. Funding from this grant shall be used to purchase equipment to be used for law enforcement purposes. The CITY further agrees to, but not limited to, the following conditions:

1. Support local law enforcement efforts to prevent and reduce crime and violence by purchasing the equipment approved in the application.
2. Work together with the Spokane County to prevent and reduce crime and violence in the City of Spokane and Spokane County.
3. Subject to all administrative and financial requirements under Award Number 15PBJA-22-GG-02188-JAGX forth in the current edition of the Office of Justice Program (OJP) Guide.
4. Submit timely programmatic and performance reports due quarterly and submitted through the BJA Performance Tools website. The reports are considered to be timely filed if submitted no later than the 29th of the month following the end of each quarter. In addition to the quarterly reports, semi-annual reports must be timely filed within the JustGrants System website. These reports are considered to be timely filed if submitted no later than the 29th of the month following the end of the semi-annual period.
5. Submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
6. Must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.
7. Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an “OJP financial management and grant administration training” by 120 days after the date of the GRANTEE’s acceptance of the award.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an “OJP financial management and grant administration training” by 120 calendar days after – (1) the date of OJP’s approval of the “Change Grantee Contact” GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in JustGrants (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

A list of OJP trainings that OJP will consider “OJP financial management and grant administration training” for purpose of this condition is available at <http://ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

OJP will immediately withhold (“freeze”) award funds if the GRANTEE fails to comply with this condition. Failure to comply also may lead OJP to impose additional appropriate conditions on this award.

ATTACHMENT B
BUDGET

<u>Funding Category</u>	<u>Computation</u>	<u>Amount</u>
CITY OF SPOKANE POLICE DEPARTMENT		
• Ballistic Panel Kit-Ford Explorer-Level 3+ for both driver & passenger	Qty 36 X \$2690.29	\$96,850.00
Total Budget		\$96,850.00

Approved expenditures for the program as set forth in Attachment A (Scope of Work) must be itemized. Transfer of funds between Project categories must be approved by the COUNTY’S representative listed on the face sheet to this Agreement. Any amendments to the budget must be made in writing and approved by the COUNTY’S representative listed on the face sheet to this Agreement.

The CITY shall obligate all grant funds prior to June 30, 2025. Any portion of the grant funds which remain un-obligated or not expended at the end of this period will be available for use by the COUNTY.

Payment will be on a cost reimbursement basis only.

If eligible under the Part 200 Uniform Requirements and other applicable law to use the “de minimis” indirect cost rate described in 2 C.F.R. 200.414(f), and elects to use the “de minimis” indirect cost rate, the CITY must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The “de minimis” rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

The CITY and any subcontractor at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences. Information on the pertinent DOJ definition of conferences and the rules applicable to this award appear in the DOJ Grants Financial Guide (currently, as section 3.10 of “Postaward Requirements” in the “DOJ Grants Financial Guide”).

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

**Spokane County
INVOICE VOUCHER**

Subrecipient Number	Award Number	Award Name

AGENCY NAME
Spokane County Office of Financial Assistance Grants Administrator 1116 W Broadway Spokane, WA 99260 Spokane City

INSTRUCTIONS TO CLAIMANT: Submit this form to claim payment for materials, merchandise or services. Show complete detail for each item.

Claimant's Certificate: I hereby certify under penalty of perjury that the items and totals listed herein are proper charges for materials, merchandise or services furnished to Spokane CITY, and that all goods furnished and/or services rendered have been provided without discrimination because of age, sex, marital status, race, creed, color, national origin, handicap, religion, or Vietnam era or disabled veterans status and all expenses claimed will not be charged to any other grant, subgrant or funding source.

CLAIMANT (Warrant is to be payable to)
Spokane Police Dept. 1100 W. Mallon Spokane, WA 99260

BY _____
(SIGN IN INK)

(TITLE) (DATE)



FEDERAL I.D. NO. OR SOCIAL SECURITY NO. (For reporting Personal Services Contract Payments to I.R.S.) 	RECEIVED BY	DATE RECEIVED
-----------------------------------------------------------------------------------------------------------	-------------	---------------

DATE	DESCRIPTION	AMOUNT BILLED

ATTACHMENT C

STATEMENT OF ASSURANCES

The CITY:

1. The CITY and any subcontractor at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that, for purposes of federal grants administrative requirements, OJP considers a “subaward” (and therefore does not consider a procurement “contract”). The details of the requirement for authorization of any subaward are posted on the OJP web site at (Award condition: All subawards (“subgrants”) must have specific federal authorization), and are incorporated by reference here.
2. Has sufficient fiscal and management controls to implement and maintain the program in accordance with this application and program requirements. The CITY has sufficient monetary resources to implement and maintain program operations in accordance with this application.
3. Agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as “high-risk” for purposes of the DOJ high-risk grantee list.
4. Will not use any grant funds to supplant local funds, but will use such grant funds to increase the amounts of funds that would, in the absence of federal funds, be made available for program activities.
5. The CITY and any subcontract at any tier, must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee’s disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant. The CITY also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712. Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this AGREEMENT, the CITY is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.
6. Will comply with the financial and administrative requirements as set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide. In addition to the financial and administrative requirements, will conform to the grant program requirements as stated in BJA program guidance. Agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
7. The CITY and any subcontractor must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award: 1) submitted a claim that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by: 1) mail direct to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or 2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499

(phone) or (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

8. Agrees to comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the “Part 200 Uniform Requirements”) apply to this 2021 award from the Office of Justice Programs (OJP) and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if recipient does not satisfactorily and promptly address outstanding audit issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
9. The CITY and any subcontractor at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various “general provisions” in the Consolidated Appropriations Act, 2021, are set out at <https://www.ojp.gov/funding/explore/award-condition-general-appropriations-law-restrictions-use-federal-award-funds-fy-2021?msclkid=e4131fc2b06711ec86b7df563f71f296> and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by the CITY or subrecipient would or might fall within the scope of an appropriations-law restriction, the CITY is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.
10. Understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
11. Will follow the “Federal Leadership on Reducing Text Messaging While Driving”, 74 Federal Regulation 51225. The Department of Justice encourages recipients and sub-recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant and to establish workplace safety policies and conduct education, awareness and other outreach to decrease crashes caused by distracted drivers.
12. Understands and agrees that (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
13. Must verify its Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the JustGrants System to document changes.
14. Agrees to comply with DOJ’s Global Justice Information Sharing Initiative guidelines. The CITY and any subgrantee at any tier, must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The CITY and any subgrantee at any tier must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

15. Agrees that within one hundred twenty (120) days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four (4) years if multiple OJP awards include this requirement. The required training is available free of charge online through BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the CITY must compile and maintain a task force personnel roster, along with course completion certificates. Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
16. Agrees to comply with OJP grant monitoring of this award pursuant to OJP's guidelines, protocols, procedures and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including those related to desk reviews and/or site visits. The CITY agrees to provide to OJP all documentation necessary to complete monitoring tasks, including documentation related to the CITY's Agreement. Further the CITY agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in sanctions affecting the CITY's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the CITY's access to grant funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee, or termination of an award(s).
17. Agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
18. Will comply with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the federal government to maintain a drug-free workplace.
19. Will comply with Title II of the Americans with Disabilities Act of 1990.
20. Will not undertake any prohibited political activities with these funds including, but not limited to, voter registration; partisan political activity; lobbying congress, the Legislature, or any federal or state agency for project of jurisdictionally specific activity; or campaign for any ballot measure.
21. Will comply with the provisions of Title 28, Code of Federal Regulations; Part 61, Procedures for Implementing the National Environmental Policy Act; and Part 63, Floodplain Management and Wetland Protection Procedures.
22. Guarantees in performing any contract, purchase, or other agreement, the organization shall not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, marital status, national origin, political affiliation, or the presence of any sensory, mental, or physical disability. The organization agrees to take affirmative action to ensure that applicants are employed and that employees are treated during the employment without discrimination because of their race, color, religion, age, sex, political affiliation, handicap or national origin. Such action shall include, but not be limited to, employment upgrading, demotion or transfer, recruitment and recruitment advertising, layoff or termination, rates of pay

or other forms of compensation, and training. This guarantee shall implement federal, state, and any local equal opportunity and non-discrimination statutes. The CITY further will, without delay, bring any finding of an equal opportunity or non-discrimination violation to the attention of the Department of Justice.

23. Agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing “Equal Treatment for Faith Based Organizations” (the “Equal Treatment Regulation”). The Equal Treatment Regulation provides in part that the Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of funding may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the CITY must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary’s religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment.
24. The Grantee and any subgrantee at any tier, must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
25. Agrees to comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of the CITY or individuals defined as employees of the CITY. Details of CITY’s obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>.
26. Understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>
27. Understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP’s request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
28. Understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-

acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: http://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf

29. Understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
30. Understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure List may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
31. Understands and agrees that, notwithstanding 2 CFR 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described as follows: a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certification to BJA as if it was requesting approval to use award funds for the initial purchase of items on the Controlled Expenditure List; b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award; c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale. GRANTEE further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
32. If award funds are being drawn down in advance, the CITY (or subgrantee, with respect to a subaward) is required to establish a trust fund account. The CITY (and subgrantee's) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The CITY also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of performance for the award and expend within ninety (90) days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

Authorized Signature for the CITY:

VALID THROUGH

SIGNATURE

DATE

PRINTED NAME OF SIGNATURE

TITLE

ATTACHMENT D

**DEBARMENT, SUSPENSION, INELIGIBILITY OR VOLUNTARY EXCLUSION
CERTIFICATION FORM**

NAME [REDACTED]		Doing business as (DBA) [REDACTED]	
ADDRESS [REDACTED]	Applicable Procurement or Solicitation #, if any: [REDACTED]	WA Uniform Business Identifier (UBI) [REDACTED]	Federal Employer Tax Identification #: [REDACTED]
This certification is submitted as part of a request to contract.			

Instructions For Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

READ CAREFULLY BEFORE SIGNING THE CERTIFICATION. Federal regulations require contractors and bidders to sign and abide by the terms of this certification, without modification, in order to participate in certain transactions directly or indirectly involving federal funds.

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the department, institution or office to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable CFR, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under applicable CFR, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the

certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business activity.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under applicable CFR, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction

The prospective lower tier participant certifies, by submission of this proposal or 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. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this form.

SIGNATURE

DATE

PRINTED NAME OF SIGNATURE

TITLE

ATTACHMENT E

FFATA FORM

Subrecipient Agency: <input type="text"/>		Date Completed: <input type="text"/>	
Grant and Year: <input type="text"/>		Agreement Number: <input type="text"/>	
Completed by: _____ <i>Name</i>		_____ <i>Title</i>	
_____ <i>Telephone</i>			
STEP 1			
Is your grant agreement less than \$25,000?	YES <input type="checkbox"/>	STOP, no further analysis needed, GO to Step 6	NO <input type="checkbox"/> GO to Step 2
STEP 2			
In your preceding fiscal year, did your organization receive 80% or more of its annual gross revenues from federal funding?	YES <input type="checkbox"/>	GO to STEP 3	NO <input type="checkbox"/> STOP, no further analysis needed, GO to Step 6
STEP 3			
In your preceding fiscal year, did your organization receive \$25,000,000 or more in federal funding?	YES <input type="checkbox"/>	GO to STEP 4	NO <input type="checkbox"/> STOP, no further analysis needed, GO to Step 6
STEP 4			
Does the public have access to information about the total compensation* of senior executives in your organization?	YES <input type="checkbox"/>	STOP, no further analysis needed, GO to step 6	NO <input type="checkbox"/> GO to STEP 5
STEP 5			
Executive #1	Name: _____		
	Total Compensation amount: \$ _____		
Executive #2	Name: _____		
	Total Compensation amount: \$ _____		
Executive #3	Name: _____		
	Total Compensation amount: \$ _____		
Executive #4	Name: _____		
	Total Compensation amount: \$ _____		
Executive #5	Name: _____		
	Total Compensation amount: \$ _____		
STEP 6			
If your organization does not meet these criteria, specifically identify below each criteria that is not met for your organization: <u>For Example: "Our organization received less than \$25,000."</u>			

Signature: _____

Date: _____

* Total compensation refers to:

- Salary and bonuses
- Awards of stock, stock options, and stock appreciation rights
- Other compensation including, but not limited to, severance and termination payments
- Life insurance value paid on behalf of the employee

* Additional Resources:

- <http://www.whitehouse.gov/omb/open>
- <http://www.hrsa.gov/grants/ffata.html>
- <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf>
- <http://www.grants.gov/>

ATTACHMENT F

**RESTRICTIONS AND CERTIFICATIONS REGARDING NON-DISCLOSURE
AGREEMENTS**

October 1, 2021 through September 30, 2025

No Grantee or subcontractor under this Agreement, or entity that receives a contract or subcontract with any funds under this grant, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this Agreement, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this Agreement, the CITY:

- Represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- Certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of fund funds, will provide prompt written notification to the agency making this grant, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the CITY does or is authorized to make subcontracts or contracts under this Agreement:

It represents that:

- It has determined that no other entity that the GRANTEE's application proposes may or will receive grant funds (whether through a subgrant, contract, or subcontractor) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- It has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
- It certifies that, if it learns or is notified that any subgrantee, contractor, or subcontractor entity that received funds under this grant is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of grant funds to or by that entity, will provide prompt written

notification to the agency making this grant, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

Agency Name

Name of Authorized Official

Title

Signature of Authorized Official

Date

ATTACHMENT G

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The following information is required from each federal grant recipient. The CITY understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or Environmental Impact Statement, as directed by BJA. The CITY further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to the CITY’s Existing Program or Activities: For any Grantee or its subcontractors existing programs or activities that will be funded by this Agreement, the CITY, upon specific request from the COUNTY or BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

The CITY agrees to first determine if any of the below listed activities will be funded by the project funds. Prior to obligating funds for the purpose of any of the below listed activities, the CITY agrees to contact the COUNTY’s representative who will contact the BJA for approval.

Please check one of the blanks to the left of each item below to indicate whether or not the activity described is being undertaken to support or facilitate the federally funded activity by the grant recipient or any other party.

- | Yes | | |
|--------------------------|--------------------------|-----------------------------------------------------------------------------------------|
| Activity | N/A | |
| <input type="checkbox"/> | <input type="checkbox"/> | 1. New Construction |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Minor renovation or remodeling of a property either: |
| <input type="checkbox"/> | <input type="checkbox"/> | a. listed on or eligible for listing on the National Register of Historical Places; |
| | | or |
| <input type="checkbox"/> | <input type="checkbox"/> | b. located in an environmentally or historically sensitive area, including |
| | | properties located within a 100-year flood plain, a wetland, or habitat for |
| | | endangered species. |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. A renovation, lease, or any proposed use of a building or facility that will either: |
| <input type="checkbox"/> | <input type="checkbox"/> | a. result in a change in its basic prior use (between industrial, office, |
| | | residential, etc.); or |
| <input type="checkbox"/> | <input type="checkbox"/> | b. significantly change its size (total structure, not program’s portion thereof). |
| | | 4. Implementation of a new program involving use of chemicals other than |
| | | chemicals that are: |
| <input type="checkbox"/> | <input type="checkbox"/> | a. purchased as an incidental component of the funded activity; or |
| <input type="checkbox"/> | <input type="checkbox"/> | b. traditionally used, for example, in office, household, recreational, or |
| | | educational environments. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Implementation of a program relating to clandestine methamphetamine |
| | | laboratory operations, including the identification, seizure, or closure of |
| | | clandestine methamphetamine laboratories. |

If any item above is checked, a clarification of the activity may be requested.

Response is made related to the following Justice Assistance Grant funded program/project:

Project: _____

Certificate Valid Through (max of 2 years) _____

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Representing: _____

ATTACHMENT H

ACKNOWLEDGEMENT OF ALLOWABLE AND UNALLOWABLE COSTS

ALLOWABLE COSTS

Allowable uses of federal grant funds include, but are not limited to, the following as they relate to the coordination and implementation of activities performed under the goal(s), objectives, and activities of the grant as described in Attachments A and B of the Agreement, including:

- Operating costs, including:
 - Approved costs of personnel (salaries and benefits, and/or overtime).
 - Overtime
 - Costs reflected in the project budget proposal (such as training fees, printing, supplies, or contractual services).
- Procurement and installation of equipment (limitations may apply for high dollar items)
- Space and utilities, to the extent utilized for the approved project.
- Travel, per diem, and lodging at the federally approved rates.
- Printing and duplication of written and visual materials.

UNALLOWABLE COSTS

Unallowable uses of federal grant funds include:

- Body armor/protective vests
- Vehicles, vessels, and aircraft
- Construction
- Land acquisition
- Automatic and military grade weapons
- Victim compensation (direct payment)
- Food, beverages or other refreshments for meetings, conferences or training (prohibition does not include standard per diem when otherwise authorized)
- Consultant Fees (above a reasonable and consistent rate for similar services, and/or above \$650 for an eight-hour day—excluding travel and per diem)
- Losses arising from uncollected accounts
- Contributions to a contingency reserve
- Contributions or donations
- Entertainment
- Fines and penalties
- Interest and other financial costs

The undersigned agrees to the above requirements.

Certificate Valid Through (max of 2 years) _____

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Agency: _____

ATTACHMENT I
CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEO) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name: <input style="width: 80%;" type="text"/>	
Address: <input style="width: 80%;" type="text"/>	
Is agency a: <input type="checkbox"/> Direct or <input type="checkbox"/> Sub recipient of OJP, OVW or COPS funding? Law Enforcement Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
DUNS Number: <input style="width: 40%;" type="text"/>	Vendor Number (only if direct recipient) <input style="width: 40%;" type="text"/>
Name and Title of Contact Person: <input style="width: 80%;" type="text"/>	
Telephone Number: <input style="width: 40%;" type="text"/>	E-Mail Address: <input style="width: 40%;" type="text"/>

Section A—Declaration Claiming Complete Exemption from the EEO Requirement

Please check all the following boxes that apply.

- | | | |
|-----------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Less than fifty employees. | <input type="checkbox"/> Indian Tribe | <input type="checkbox"/> Medical Institution. |
| <input type="checkbox"/> Nonprofit Organization | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) less than \$25,000. |

I, _____ [responsible official], certify that _____ [recipient] is not required to prepare an EEO for the reason(s) checked above, pursuant to 28 C.F.R § 42.302. I further certify that _____ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.
If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

_____ _____
Print or Type Name and Title *Signature* *Date*

Section B—Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or, subaward, of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEO to the OCR for review as long as it certifies the following (42 C.F.R § 42.305):

I, _____ [responsible official], certify that _____ [recipient], which has fifty or more employees and is receiving a single award of \$25,000 or more, but less than \$500,000, has formulated an EEO in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEO and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEO is on file at the following office:

[organization],

[address].

_____ _____
Print or Type Name and Title *Signature* *Date*

Section C—Declaration Stating that an EEO Short Form Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award, or subaward, of \$500,000 or more, then the recipient agency must send an EEO Short Form to the OCR for review.

I, _____ [responsible official], certify that _____ [recipient], which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEO in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on _____ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D.

_____ _____
Print or Type Name and Title *Signature* *Date*

ATTACHMENT J

CCR REGISTRATION OF SUB-RECIPIENT UEI NUMBERS

The CITY must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The CITY also must comply with applicable restrictions on subawards (“subgrants”) to first-tier subrecipients (first-tier “subgrantees”), including restrictions on subawards to entities that do not acquire and provide (to the CITY) the unique entity identifier required for SAM registration.

The details of the CITY’s obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e. unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Failure to maintain a valid UEI and SAM registry in the CCR system prohibits disbursement of federal funds to that agency, effective the date of the registrations lapse. Equally renewed registration clears this prohibition effective the date of the renewed registration.

Spokane CITY Office of Financial Assistance Compliance Checklist

A. FEDERALLY-MANDATED ACTIVITIES: EQUAL OPPORTUNITY PROGRAM					
		Yes	No	N/A	Comments
1.	EEOP total exemption criteria:				
a.	Recipient agency (total agency/jurisdiction, not just applying component) has less than 50 employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	Recipient agency is an educational institution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c.	Recipient agency is an Indian Tribe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d.	Recipient agency is a medical institution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e.	Recipient agency is a non-profit organization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f.	Recipient agency's award is less than \$25,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Totally Exempt? Is any complete exemption factor above (1a. thru 1f.) a "Yes"? In comments enter "EEOP Total Exemption" or "EEOP Required"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	If totally EEOP exempt recipient agency has certified it is so exempt and that it will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Not Totally Exempt:					
3.	If the award is for \$500,000 or more, EEOP submission made to the USDOJ Office of Civil Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Was the EEOP submitted to DOJ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Approval and Expiration dates				Effective Date: <input style="width: 50px;" type="text"/> Expiration Date: <input style="width: 50px;" type="text"/>
6.	EEOP is available for review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.	If the award is for less than \$500,000 EEOP Certification Form has been submitted to DOJ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.	EEOP has been formulated and signed into effect within the past two (2) years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Generic Civil Rights Compliance (Non-EEOP):					
9.	How does the agency notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services (e.g. posters, inclusion in brochures or other program materials, etc.)?				<input type="checkbox"/> Job Announcements <input type="checkbox"/> Web Site <input type="checkbox"/> Posters <input type="checkbox"/> Other (specify):
10.	How does the agency notify employees that it does not discriminate on the basis of race, color, national origin, religion, sex, and disability in employment practices (e.g. posters, dissemination of relevant orders or policies, inclusion in recruitment materials, etc.)				<input type="checkbox"/> Job Announcement <input type="checkbox"/> Orientation Training <input type="checkbox"/> Web Site <input type="checkbox"/> Refresher Training <input type="checkbox"/> Posters <input type="checkbox"/> Employee Handbook <input type="checkbox"/> Other (specify):

Spokane CITY Office of Financial Assistance Compliance Checklist

		Yes	No	N/A	Comments	
11.	Does the agency have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the agency with PG&R and the USDOJ Office for Civil Rights? Explain	<input type="checkbox"/>	<input type="checkbox"/>			
12.	Grievance Procedures – Notification – Training - Point of Contact					
a.	Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 CFR Part 42, Subpart G, which prohibit discrimination on the basis of a disability in employment practices and the delivery of services	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Policy & Procedures <input type="checkbox"/> Web Site or Intranet <input type="checkbox"/> Employee Handbook <input type="checkbox"/> Collective Bargaining Agreement <input type="checkbox"/> Other (specify):	
b.	Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 CFR Part 42, Subpart G (Who).	<input type="checkbox"/>	<input type="checkbox"/>		Designee's Title: _____	
c.	Notified participants, beneficiaries, employees, applicants, and others that the agency does not discriminate on the basis of disability (How).	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Job Announcement <input type="checkbox"/> Orientation Training <input type="checkbox"/> Web Site <input type="checkbox"/> Refresher Training <input type="checkbox"/> Posters <input type="checkbox"/> Employee Handbook <input type="checkbox"/> Other (specify): _____	
d.	Does the agency conduct any training for its employees on the requirements under federal civil rights laws - Explain	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Orientation Training <input type="checkbox"/> Supervisor's Training <input type="checkbox"/> Refresher Training (type): <input type="checkbox"/> Other (specify): _____	
Limited English Proficiency					Jurisdiction in general Law Enforcement	
13.	Steps has the agency taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Assessed LEP population & critical services	<input type="checkbox"/>
<input type="checkbox"/> Hiring LEP language proficient speakers					<input type="checkbox"/>	
<input type="checkbox"/> Training personnel in LEP languages					<input type="checkbox"/>	
<input type="checkbox"/> Coordinating for LEP speakers in advance					<input type="checkbox"/>	
<input type="checkbox"/> LEP speakers called upon contact					<input type="checkbox"/>	
<input type="checkbox"/> Language Line used					<input type="checkbox"/>	
<input type="checkbox"/> Corresponding common phrase (crib) sheets					<input type="checkbox"/>	
14.	Limited English Proficiency (LEP) – Written policy on providing language access to services (<i>Not a requirement, a question</i>)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Jurisdiction in general <input type="checkbox"/> Law Enforcement	
		Yes	No	N/A	Comments	

Spokane CITY Office of Financial Assistance Compliance Checklist

15.	Education Program or Activity operated by the agency, has the agency taken the following actions:			
a.	Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 CFR Part 54, which prohibit discrimination on the basis of sex?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 CFR Part 54? (Who)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Notified applicants for admission and employment, employees, students, parents, and others that the agency does not discriminate on the basis of sex in its educational programs or activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Religious Activities , if conducted as part of its program or services:			
a.	Provide services to everyone regardless of religion or religious belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Ensure that it does not use federal funds to conduct inherently religious activities, such as prayer, religious instruction, or proselytization, and that such activities are kept separate in time or place from federally-funded activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Ensure that participation in religious activities is voluntary for beneficiaries of federally funded programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Finding/Rulings			
a.	Has the contractor, or its subcontractors/formal participants, had any formal findings or rulings against it or its key officers regarding Equal Opportunity (grounds of race, color, religion, national origin, or sex), within the last two years? – Explain if Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Was DOJ (or Task Force Lead agency) and USDOJ Office of Civil Rights promptly notified of any finding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Corrective action, as negotiated or directed, been implemented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	In accordance with the Federal Civil Rights Compliance Checklist, incorporated in this section of the monitoring tool, does the agency appear to be in full compliance with federal law and regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. DRUG-FREE WORKPLACE		Yes	No	N/A
19.	Does the agency have a Drug-Free Workplace policy in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	Who administers the Drug-Free Workplace Program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No	N/A
		Comments		

Spokane CITY Office of Financial Assistance Compliance Checklist

21.	Do the provisions include: • Counseling • Rehabilitation • Employee Assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22.	Do violations result in: • Termination • Penalties • Rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	Has any employee of the contractor, or its subcontractors/formal participants, been convicted of a criminal drug offense on the job or premises, within the last two years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	Was DOJ (or Task Force lead agency) notified promptly (within 5 days, BJA within 10 days of the conviction)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	Was appropriate personnel action taken within 30 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. CONFLICT OF INTEREST					
26.	Has any allegation or finding of Conflict of Interest been made against any employee or official of the contractor, or its subcontractors/formal participants, in relation to the grant within the last two years? (Limit response to project's personnel, supervisors and policy chain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	Was DOJ (or Task Force lead agency) notified promptly (within 30 days; if actively investigated, after conclusion of the investigation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	Describe the allegation or finding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Certification: The undersigned certifies that the above is a true representation of the Civil Rights and other issues covered by this checklist for (responding City, County, or Tribal jurisdiction):

Signature (of Human Resources/Personnel Respondent)

Date

Signature (of grant activity coordinator (items 13, 14, 17 & 23-27))

Date

Printed Name & Title of Respondent

Printed Name & Title of Respondent

NOTE: Project coordinator/liaison for the grant supported activity (right signature block) should respond to questions with color accented line numbers (13, 14, 17, and 23-27) as in some jurisdictions these events are not consistently reported to Human Resources/Personnel.

Committee Agenda Sheet

Finance and Administration Committee

Submitting Department	Spokane Police Department
Contact Name & Phone	Justin Lundgren 625-4115
Contact Email	jclundgren@spokanepolice.org
Council Sponsor(s)	Councilmembers Kinnear & Stratton
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: _____
Agenda Item Name	Joint application MOU with Spokane County on JAG22 grant program
Summary (Background)	<p>Each year, the Department of Justice Solicits Grant applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The County and City act as Disparate Jurisdictions and must share the monies. In 2011, the City and County entered into the MOU OPR 2011-0729 on how to apply and split the money each year. The monies are to be split equally, and the fiscal agent of the grant is allowed an additional 10% of the joint money.</p> <p>The Spokane Police Department in collaboration with the Spokane County Sheriff's Office wishes to submit a request for funding for a joint proposal under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. A grant application will be submitted in total for \$180,880, which will be split as follows: City - \$81,396 and County - \$99,484.</p>
Proposed Council Action & Date:	Approval of MOU between Spokane County & City of Spokane in regards to a joint JAG22 grant application
Fiscal Impact:	
Total Cost: <u>\$81,396</u>	
Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Specify funding source: Dept. of Justice Edward Byrne Memorial grant	
Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts	
What impacts would the proposal have on historically excluded communities?	
N/A	
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	
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?

N/A

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

11/20/2023

Date Rec'd	11/1/2023
Clerk's File #	OPR 2023-1212
Renews #	
Cross Ref #	OPR 2023-1000
Project #	ORD C36463
Bid #	
Requisition #	

Submitting Dept	POLICE
Contact Name/Phone	JUSTIN LUNDGREN 625-4115
Contact E-Mail	JCLUNDGREN@SPOKANEPOLICE.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1620-FY23 JAG GRANT AWARD

Agenda Wording

Acceptance 2023 BJA FY23 Edward Byrne Memorial Justice Assistance (JAG) in the amount of \$214,815.

Summary (Background)

In September, 2023, the City of Spokane Police Department filed a joint application with Spokane County. The application was successfully approved and grant funds awarded. Total award - \$214,815 of which \$96,667 will be subawarded to Spokane County. Grant ID#15PBJA-23-GG-03916-JAGX CFDA#16.738. Period of performance 10/1/2022 to 09/30/2026.

Lease? NO Grant related? YES Public Works? NO

Fiscal Impact

Revenue \$ 214,815

Expense \$ 214,815

Select \$

Select \$

Budget Account

1620-91818-99999-33116-99999

1620-91818-21250-VARIOUS

#

#

Approvals**Dept Head** MEIDL, CRAIG**Division Director** MEIDL, CRAIG**Finance** SCHMITT, KEVIN**Legal** PICCOLO, MIKE**For the Mayor** JONES, GARRETT**Council Notifications****Study Session\Other** Finance 09/18/2023**Council Sponsor** Council President Kinnear**Distribution List**

spdfinance@spokanecity.org

Additional Approvals**Purchasing****ACCOUNTING - GRANTS** MURRAY, MICHELLE



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Name and Address of Recipient:		SPOKANE, CITY OF 808 W SPOKANE FALLS BLVD	
City, State and Zip:		SPOKANE, WA 99201	
Recipient UEI:		PDNCLY8MYJN3	
Project Title: JAG FY2023 - City of Spokane, City of Spokane Valley, and Spokane County Enhancement and Expansion of Law Enforcement and Prosecution Programs		Award Number: 15PBJA-23-GG-03916-JAGX	
Solicitation Title: BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation			
Federal Award Amount: \$214,815.00		Federal Award Date: 9/25/23	
Awarding Agency:		Office of Justice Programs Bureau of Justice Assistance	
Funding Instrument Type:		Grant	
Opportunity Category: D			
Assistance Listing: 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
Project Period Start Date: 10/1/22		Project Period End Date: 9/30/26	
Budget Period Start Date: 10/1/22		Budget Period End Date: 9/30/26	
Project Description: The disparate jurisdictions of Spokane County, City of Spokane, and City of Spokane Valley will use JAG funds to support prosecution and procurement of equipment. Specifically, Spokane County will use JAG funds to supporting the salary and benefits of critical administrative prosecution staff who assist the Spokane County prosecutors. Spokane County will further enhance Spokane County Sheriff's Office (SCSO) deputies' safety and capacity through the purchase of equipment; and enhancement of Spokane Valley Police Department (SVPD) officers' safety and capacity through the purchase of equipment. City of Spokane will purchase equipment and vehicles that will enhance officer safety and capacity.			

Award Letter

September 25, 2023

Dear Justin Lundgren,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by SPOKANE, CITY OF for an award under the funding opportunity entitled 2023 BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation. The approved award amount is \$214,815.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Maureen Henneberg
Deputy Assistant Attorney General
Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria.

These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Memorandum Regarding NEPA

NEPA Letter Type

OJP - Ongoing NEPA Compliance Incorporated into Further Developmental Stages

NEPA Letter

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

NEPA Coordinator

First Name

Orbin

Middle Name

Last Name

Terry

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

SPOKANE, CITY OF

UEI

PDNCLY8MYJN3

Street 1

808 W SPOKANE FALLS BLVD

Street 2

City

SPOKANE

State/U.S. Territory

Washington

Zip/Postal Code

99201

Country

United States

County/Parish

Province

Award Details

Federal Award Date

9/25/23

Award Type

Initial

Award Number

15PBJA-23-GG-03916-JAGX

Supplement Number

00

Federal Award Amount

\$214,815.00

Funding Instrument Type

Grant

Assistance Listing Number	Assistance Listings Program Title
16.738	Edward Byrne Memorial Justice Assistance Grant Program

Statutory Authority

Title I of Public Law 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151-10158); see also 28 U.S.C. 530C(a)

[]
I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project

Information, Financial Information, and Award Conditions.

Solicitation Title

2023 BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

Awarding Agency

OJP

Program Office

BJA

Application Number

GRANT13960278

Grant Manager Name

Jeffrey Felten-Green

Phone Number

[202-514-8874](tel:202-514-8874)

E-mail Address

Jeffrey.Felten-Green@usdoj.gov

Project Title

JAG FY2023 - City of Spokane, City of Spokane Valley, and Spokane County Enhancement and Expansion of Law Enforcement and Prosecution Programs

Performance Period Start

Date

10/01/2022

Performance Period End Date

09/30/2026

Budget Period Start Date

10/01/2022

Budget Period End Date

09/30/2026

Project Description

The disparate jurisdictions of Spokane County, City of Spokane, and City of Spokane Valley will use JAG funds to support prosecution and procurement of equipment. Specifically, Spokane County will use JAG funds to supporting the salary and benefits of critical administrative prosecution staff who assist the Spokane County prosecutors. Spokane County will further enhance Spokane County Sheriff's Office (SCSO) deputies' safety and capacity through the purchase of equipment; and enhancement of Spokane Valley Police Department (SVPD) officers' safety and capacity through the purchase of equipment. City of Spokane will purchase equipment and vehicles that will enhance officer safety and capacity.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1

Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment> (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

2

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

3

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

4

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at

any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

5

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

6

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

7

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

8

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

9

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious

practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

10

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

11

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

12

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an

equal employment opportunity program.

13

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

14

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm

employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

15

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

16

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

17

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator

enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

19

Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

20

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

21

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

22

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

23

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

24

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

25

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

26

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

27

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

28

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

29

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

31

Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

32

Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

33

Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

34

Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

35

Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

36

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

37

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justicegrants.usdoj.gov/training/training-entity-management>.

38

Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

39

Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (<https://www.justice.gov/olp/page/file/1204386/download>), and must collect and report the metrics identified in Section IX of that document to BJA.

40

Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41

All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two (\$25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than \$25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website: <https://bjapmt.ojp.gov/>. For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage (<https://bjapmt.ojp.gov/help/jagdocs.html>). Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

42

Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

43

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2022

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2022), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum - (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

44

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. With the exception of Forensic Genetic Genealogy, no profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

45

Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court

dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

46

Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

47

Certification of body armor "mandatory wear" policies, and compliance with NIJ standards

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that each law enforcement agency receiving body armor purchased with funds from this award has a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>

48

Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.

49

Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making

such expenditures essential to the maintenance of public safety and good order.

50

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

51

Exceptions regarding Prohibited and Controlled Equipment under OJP awards

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards," the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs" and the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs" do not apply to this award.

52

The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

53

Initial period of performance; requests for extension.

The recipient understands that for award amounts of less than \$25,000 under JAG (Category 1), the initial period of performance of the award is two years. The recipient further understands that any requests for an extension of the period of performance for an award of less than \$25,000 will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

54

Applicants must ensure that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

55

Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial

Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

56

Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

57

Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

58

Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

59

Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

60

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

61

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

62

In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and

responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

63

Withholding of funds for Memorandum of Understanding

The recipient may not expend or draw down any award funds until OJP has reviewed and approved the Memorandum of Understanding (MOU), and an Award Condition Modification has been issued to remove this condition.

[]
I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

- A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.
- B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.
- C. Accept this award on behalf of the applicant.
- D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Deputy Assistant Attorney General	Maureen Henneberg	9/20/23 9:07 PM

Authorized Representative

Entity Acceptance

Title of Authorized Entity Official
Assistant Chief

Signed Date And Time

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	Police
Contact Name	Justin Lundgren
Contact Email & Phone	jlundgren@spokanepolice.org 625-4115
Council Sponsor(s)	Council President Kinnear
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	MOU with Spokane County for JAG FY23 grant
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Spokane Police Department, in collaboration with the Spokane County Sheriff's Office, wishes to submit a request for funding for a joint proposal under the Edward Byrne Memorial Justice Assistance Grant (JAG) FY23 Program. A grant application will be submitted in total for \$214,815, which will be split as follows: City - \$118,148 and County - \$96,667. County allocation is further split to the Prosecutors Office, SCSO, and City of Spokane Valley.</p> <p>The City of Spokane will be the designated applicant & fiscal agent in conjunction with this grant</p> <p>Upon award – the department will require a special budget ordinance to appropriate revenues and expenditures related to this grant.</p>
Proposed Council Action	Approval of MOU – October 2nd
Fiscal Impact	<p>Total Cost: <u>\$0</u></p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Click or tap here to enter text.</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input 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)	
What impacts would the proposal have on 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?	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	

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?



Agenda Sheet for City Council Meeting of:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	ORD C36462
Renews #	
Cross Ref #	OPR 2023-1211
Project #	
Bid #	
Requisition #	

Submitting Dept	POLICE
Contact Name/Phone	JUSTIN LUNDGREN 625-4115
Contact E-Mail	JCLUNDGREN@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	0680 - POLICE - SBO FOR DOJ-JAG 22 GRANT AWARD

Agenda Wording
SBO to create budget capacity for grant revenues and expenses.

Summary (Background)
The Spokane Police Department, in collaboration with the Spokane County Sheriff's Office, submitted grant applications to the Dept. of Justice for Edward Byrne Memorial Justice Assistance Grant (JAG) awards in both fiscal year 2022 & 2023. The JAG22 award, of which Spokane County was the primary recipient, was awarded in Summer 2023. Total funding sub-awarded to the City is \$96,850 which will be used to procure and install ballistic door panels into SPD patrol vehicles to enhance officer safety.

Lease? NO	Grant related? YES	Public Works? NO
Fiscal Impact		Budget Account
Revenue	\$ 96,850	# 1620-91817-99999-33316-99999
Expense	\$ 96,850	# 1620-91817-21250-53502-99999
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	MEIDL, CRAIG	Study Session\Other	Public Safety 11-6-2023
Division Director	MEIDL, CRAIG	Council Sponsor	CP Kinnear & CM Bingle
Finance	SCHMITT, KEVIN	Distribution List	
Legal	MURAMATSU, MARY		
For the Mayor	JONES, GARRETT		
Additional Approvals			
Purchasing			
MANAGEMENT & BUDGET	STRATTON, JESSICA		
ACCOUNTING - GRANTS	MURRAY, MICHELLE		

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	Police
Contact Name	Justin Lundgren
Contact Email & Phone	jlundgren@spokanepolice.org 625-4115
Council Sponsor(s)	CP Kinnear & CM Bingle
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10min
Agenda Item Name	SBOs for Dept. of Justice JAG22 & 23 grant awards
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Spokane Police Department, in collaboration with the Spokane County Sheriff's Office, submitted grant applications to the Dept. of Justice for Edward Byrne Memorial Justice Assistance Grant (JAG) awards in both fiscal year 2022 & 2023.</p> <p>The JAG22 award, of which Spokane County was the primary recipient, was awarded in Summer 2023. Total funding sub-awarded to the City is \$96,850 which will be used to procure and install ballistic door panels into SPD patrol vehicles to enhance officer safety.</p> <p>The JAG23 award, of which City of Spokane was the primary recipient, was awarded in Fall 2023. Total award is \$214,815 with \$118,148 for the City and \$96,667 being sub-awarded to Spokane County. The City award will be used to procure gas masks and a patrol vehicle.</p> <p>These Special Budget Ordinances are required in order to create budget capacity for grant revenues and expenses.</p>
Proposed Council Action	Approval of SBOs – November 20 th .
Fiscal Impact Total Cost: <u>\$311,665</u> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Dept. of Justice grant awards JAG22 & JAG23 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	
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	
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?

n/a

ORDINANCE NO C36462

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 Public Safety & Judicial Grants Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

Section 1. That in the budget of the Public Safety & Judicial Grants Fund, and the budget annexed thereto with reference to the Fund, the following changes be made:

- 1) Increase revenue by \$96,850.
 - A) Of the increased revenue, \$96,850 is provided by the Department of Justice, through Spokane County, as part of the JAG22 grant award program.

- 2) Increase appropriation by \$96,850.
 - A) Of the increased appropriation, \$96,850 is provided solely for equipment.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to accept Edward Byrne Memorial JAG22 grant funding from the Department of Justice, 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:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	ORD C36463
Renews #	
Cross Ref #	OPR 2023-1212
Project #	
Bid #	
Requisition #	

Submitting Dept	POLICE
Contact Name/Phone	JUSTIN LUNDGREN 625-4115
Contact E-Mail	JCLUNDGREN@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	0680-POLICE-SBO FOR DOJ - JAG 23 GRANT AWARD

Agenda Wording
SBO required in order to create budget capacity for grant revenues and expenses.

Summary (Background)
The Spokane Police Department, in collaboration with the Spokane County Sheriff's Office, submitted grant applications to the Dept. of Justice for Edward Byrne Memorial Justice Assistance Grant (JAG) awards in both fiscal year 2022 & 2023. The JAG23 award, of which City of Spokane was the primary recipient, was awarded in Fall 2023. Total award is \$214,815 with \$118,148 for the City and \$96,667 being sub-awarded to Spokane County. The City award will be used to buy gas masks & a patrol vehicle.

Lease? NO	Grant related? YES	Public Works? NO
Fiscal Impact		Budget Account
Revenue	\$ 214,815	# 1620-91818-99999-33116-99999
Expense	\$ 42,678	# 1620-91818-21250-53205-99999
Expense	\$ 75,470	# 1620-91818-94000-56404-99999
Expense	\$ 96,667	# 1620-91818-21250-54201-99999

Approvals		Council Notifications	
Dept Head	MEIDL, CRAIG	Study Session\Other	Public Safety 11-6-2023
Division Director	MEIDL, CRAIG	Council Sponsor	CP Kinnear & CM Bingle
Finance	SCHMITT, KEVIN	Distribution List	
Legal	MURAMATSU, MARY		
For the Mayor	JONES, GARRETT		
Additional Approvals			
Purchasing			
MANAGEMENT & BUDGET	STRATTON, JESSICA		
ACCOUNTING - GRANTS	MURRAY, MICHELLE		

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	Police
Contact Name	Justin Lundgren
Contact Email & Phone	jlundgren@spokanepolice.org 625-4115
Council Sponsor(s)	CP Kinnear & CM Bingle
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10min
Agenda Item Name	SBOs for Dept. of Justice JAG22 & 23 grant awards
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Spokane Police Department, in collaboration with the Spokane County Sheriff's Office, submitted grant applications to the Dept. of Justice for Edward Byrne Memorial Justice Assistance Grant (JAG) awards in both fiscal year 2022 & 2023.</p> <p>The JAG22 award, of which Spokane County was the primary recipient, was awarded in Summer 2023. Total funding sub-awarded to the City is \$96,850 which will be used to procure and install ballistic door panels into SPD patrol vehicles to enhance officer safety.</p> <p>The JAG23 award, of which City of Spokane was the primary recipient, was awarded in Fall 2023. Total award is \$214,815 with \$118,148 for the City and \$96,667 being sub-awarded to Spokane County. The City award will be used to procure gas masks and a patrol vehicle.</p> <p>These Special Budget Ordinances are required in order to create budget capacity for grant revenues and expenses.</p>
Proposed Council Action	Approval of SBOs – November 20 th .
Fiscal Impact Total Cost: <u>\$311,665</u> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Dept. of Justice grant awards JAG22 & JAG23 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	
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	
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?

n/a

ORDINANCE NO C36463

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 Public Safety & Judicial Grants Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

Section 1. That in the budget of the Public Safety & Judicial Grants Fund, and the budget annexed thereto with reference to the Fund, the following changes be made:

- 1) Increase revenue by \$214,815.
 - A) Of the increased revenue, \$214,815 is provided by the Department of Justice as part of the JAG23 grant award program.

- 2) Increase appropriation by \$214,815.
 - A) Of the increased appropriation, \$42,678 is provided solely for personal protective equipment.
 - B) Of the increased appropriation, \$75,470 is provided solely for a vehicle.
 - C) Of the increased appropriation, \$96,667 is provided solely for contractual services.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to accept Edward Byrne Memorial JAG23 grant funding from the Department of Justice, 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:

11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	ORD C36464
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	HOUSING & HUMAN SERVICES
Contact Name/Phone	RICHARD CULTON 625-6009
Contact E-Mail	RCULTON@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	1680-CHHS-SBO-HOME-AMERICAN RESCUE PLAN GRANT AWARD

Agenda Wording
 Approval of the SBO to create budget capacity for the grant revenue and expenditures.

Summary (Background)
 The American Rescue Plan Act (ARPA) of 2021 appropriated \$5 billion to provide housing, services, and shelter to homeless individuals/families and other vulnerable populations. This appropriation was to be allocated to jurisdictions that qualified for the U.S. Department of Housing and Urban Development's (HUD) HOME Investment Partnerships Program allocations in 2021. The City of Spokane was qualified for this program and was therefore eligible to receive funding.

Lease? NO	Grant related? YES	Public Works? NO
Fiscal Impact		Budget Account
Revenue	\$ 4,628,671	# 1710-95657-99999-33114-99999
Expense	\$ 4,207,883	# 1710-95657-51030-54201-99999
Expense	\$ 420,788	# 1710-95657-51030-various
Select	\$	#

Approvals		Council Notifications	
Dept Head	FINCH, ERIC	Study Session\Other	Public Safety 11-6-2023
Division Director	FINCH, ERIC	Council Sponsor	CM Wilkerson & CM Stratton
Finance	MURRAY, MICHELLE	Distribution List	
Legal	PICCOLO, MIKE		
For the Mayor	JONES, GARRETT		
Additional Approvals			
Purchasing			
ACCOUNTING - GRANTS	MURRAY, MICHELLE		
MANAGEMENT & BUDGET	STRATTON, JESSICA		

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	Community, Housing & Human Services (CHHS)
Contact Name	Richard Culton
Contact Email & Phone	rculton@spokanecity.org x6009
Council Sponsor(s)	CM Wilkerson & CM Stratton
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5:00
Agenda Item Name	SBO – HOME-American Rescue Plan Grant Award
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The American Rescue Plan Act (ARPA) of 2021 appropriated \$5 billion to provide housing, services, and shelter to homeless individuals/families and other vulnerable populations.</p> <p>This appropriation was to be allocated to jurisdictions that qualified for the U.S. Department of Housing and Urban Development’s (HUD) HOME Investment Partnerships Program allocations in 2021. The City of Spokane was qualified for this program and was therefore eligible to receive funding through the HOME – American Rescue Plan (HOME-ARP) program.</p> <p>The City of Spokane has been awarded \$4,628,671 through the HOME-ARP program. The award will be used in the following ways:</p> <ul style="list-style-type: none"> - \$4,207,883 is for contractual services provided by the City’s sub-recipients who are responsible for providing housing, services, and shelter to eligible citizens. - \$260,398 is for salaries and benefits of the City of Spokane’s employees who will be administering the program. - \$160,390 is for supplies, services, and equipment required for the administration of the program. <p>The populations that qualify for assistance under this program include:</p> <ol style="list-style-type: none"> 1. Homeless individuals/families, 2. Those at risk of becoming homeless, or 3. Those fleeing/attempting to flee domestic violence, sexual assault, stalking, or human trafficking. <p>The program allows the City of Spokane to use the funding in the following ways:</p> <ol style="list-style-type: none"> 1. Tenant-based Rental Assistance (TBRA) 2. Development and support of affordable housing 3. Provision of supportive services 4. Acquisition and development of non-congregate shelter (NCS) units.
Proposed Council Action	Approval of the SBO to create budget capacity for the grant revenue and expenditures.

Fiscal Impact

Total Annual Cost: \$4,628,671

Total Cost Remaining This Year: \$4,628,671

Approved in current year budget? Yes No N/A

Funding Source One-time Recurring

Specify funding source: Grant awarded by the U.S. Dept of Housing and Urban Development (HUD)

Expense Occurrence One-time 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?

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?

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

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?

ORDINANCE NO C36464

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 Home Entitlement Program Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase revenue by \$4,628,671
 - A) Of the increased revenue, \$4,628,671 is provided by the U.S. Department of Housing and Urban Development (HUD) as part of the HOME – American Rescue Plan (HOME-ARP) program.

- 2) Increase appropriation by \$4,628,671
 - A) Of the increased appropriation, \$4,207,883 is provided solely for contractual services to be provided by the City's sub-recipients to deliver housing and shelter services to the community.
 - B) Of the increased appropriation, \$260,398 is provided solely for salaries and benefits for the City of Spokane's employees who will be administering the programs.
 - C) Of the increased appropriation, \$160,390 is provided solely for other supplies, services, and equipment required for the administration of the programs.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to provide housing and shelter services to the citizens of Spokane via the HOME-ARP program, 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:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	ORD C36465
Renews #	

Submitting Dept	FIRE	Cross Ref #	
Contact Name/Phone	BRIAN SCHAEFFER 625-7001	Project #	
Contact E-Mail	BSCHAEFFER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Budget Ordinance	Requisition #	
Agenda Item Name	1970-FIRE-SBO FOR REALIZED WILDFIRE MOBILIZATION COSTS/INSURANCE RECOVERY		

Agenda Wording

SFD is requesting a Special Budget Ordinance that would recognize the realized costs and revenues in excess of the budgeted amounts.

Summary (Background)

During 2023, SFD personnel were deployed to assist and work more than 17 individual mobilizations throughout the region. These costs are reimbursed by various state agencies, primarily the Department of Natural Resources. The department is still working wildfires in the region and expects to incur at least \$600,000 in total costs by the end of the season. Also, \$28,000 in insurance recoveries have been made for damaged vehicles.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Revenue \$ 628,000

Expense \$ 628,000

Select \$

Select \$

Budget Account

1970-various

1970-various

#

#

Approvals

Dept Head SCHAEFFER, BRIAN

Division Director SCHAEFFER, BRIAN

Finance SCHMITT, KEVIN

Legal PICCOLO, MIKE

For the Mayor JONES, GARRETT

Council Notifications

Study Session\Other Public Safety 11-6-2023

Council Sponsor CP Kinnear & CM Wilkerson

Distribution List

kschmitt@spokanecity.org

fireaccounting@spokanecity.org

Additional Approvals

Purchasing

MANAGEMENT & BUDGET STRATTON, JESSICA

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	Fire
Contact Name	Brian Schaeffer
Contact Email & Phone	bschaeffer@spokanecity.org 625-7001
Council Sponsor(s)	CP Kinnear & CM Wilkerson
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5min
Agenda Item Name	SBO for realized wildfire mobilization costs and insurance recovery
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>During 2023, SFD personnel were deployed to assist and work more than 17 individual mobilizations throughout the region, accumulating to date, a total cost on the department of approximately \$536,000 in overtime and other associated expenses.</p> <p>These costs are reimbursed by various state agencies, primarily the Department of Natural Resources.</p> <p>SFD would like to request a Special Budget Ordinance that would recognize the realized costs and revenues in excess of the budgeted amounts. The department is still working wildfires in the region and expects to incur at least \$600,000 in total costs by the end of the season.</p> <p>Additionally, SFD has also recovered \$28,000 in insurance recoveries from damaged vehicles. Additional vehicle repair budget is requested to help fund the cost of vehicle repairs.</p>
Proposed Council Action	Approval of SBO – November 20 th .
Fiscal Impact Total Cost: <u>\$628,000</u> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Dept of Natural Resources & WA State Patrol 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	
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	
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?

n/a

ORDINANCE NO C36465

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 Fire/EMS Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase revenue by \$628,000.
 - A) Of the increased revenue, \$600,000 is provided solely for wildfire mobilization reimbursement from the Department of Natural Resources and other agencies.
 - B) Of the increased revenue, \$28,000 is provided solely for insurance recoveries on damaged vehicles and apparatus.
- 2) Increase appropriation by \$628,000.
 - A) Of the increased appropriation, \$600,000 is provided solely for overtime and travel of firefighters deployed to wildfire events.
 - B) Of the increased appropriation, \$28,000 is provided solely for vehicle and apparatus repairs.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to realize wildfire mobilization reimbursement and insurance recoveries, 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:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	RES 2023-0096
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	INTEGRATED CAPITAL MANAGEMENT
Contact Name/Phone	NATE SULYA 625-6988
Contact E-Mail	NSULYA@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	4250 – WATER AND SEWER REHABILITATION PROGRAM

Agenda Wording

Resolution to establish a Water and Sewer Rehabilitation Program. The proposed program provides low-interest loans to qualified individuals to complete resident-owned water and sewer systems rehabilitation.

Summary (Background)

Resident-owned sewer and water connections and systems are a part of the aging infrastructure within the City's Utility Service Areas. The failure of these systems poses potential risks and costs to the City and the area's drinking water. This proposed program provides low-interest loans to qualified individuals to complete resident-owned water and sewer systems rehabilitation.

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

Expense	\$ 500,000	# 0
Select	\$	#
Select	\$	#
Select	\$	#

Approvals

Dept Head	DAVIS, MARCIA
Division Director	MILLER, KATHERINE E
Finance	ORLOB, KIMBERLY
Legal	PICCOLO, MIKE
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10/23/23
Council Sponsor	Kinnear/Bingle
Distribution List	
	ddaniels@spokanecity.org
	icmaccounting@spokanecity.org
Additional Approvals	eraea@spokanecity.org
Purchasing	nsulya@spokanecity.org
	mdavis@spokanecity.org

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	ICM
Contact Name	Nate Sulya
Contact Email & Phone	nsulya@spokanecity.org 509-625-6988
Council Sponsor(s)	CP Kinnear and CM Bingle
Committee Date	10/23/2023
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 minutes
Agenda Item Name	Water and Sewer Rehabilitation Program
Summary (Background) *use the Fiscal Impact box below for relevant financial information	Resident-owned sewer and water connections and systems are a part of the aging infrastructure within the City's Utility Service Areas. The failure of these systems poses potential risks and costs to the City and the area's drinking water. The property owner is responsible for the maintenance of these systems; the replacement of these systems poses a significant financial burden for the average homeowner. This proposed program provides financial assistance to qualified individuals to complete necessary rehabilitation, minimizing City resources needed to investigate, educate residents about, and remediate the potential failures of septic and side sewer systems, protect our drinking water source, and comply with environmental regulations.
Proposed Council Action	Approve policy and resolution
Fiscal Impact Total Cost: <u>\$500,000</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: Utility Rates 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? 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.	
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 is a public works project 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?

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: 10/26/23

Type of expenditure:

Goods Services

Department: ICM

Approving Supervisor: Marcia Davis

Amount of Proposed Expenditure: \$500,000

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

Funding Source Utility Rates

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

Why is this expenditure necessary now?

This has been an ongoing concern for several years. Now is an ideal time to establish a program aimed at assisting residents with repairs that ultimately benefit all City residents by protecting our drinking water and limiting City resources need to remedy issues caused by failing water/sewer +

What are the impacts if expenses are deferred?

On-going risks to drinking water and the continued use of city resources need to identify and remedy water/sewer failures.

What alternative resources have been considered?

There are no effective alternatives. We researched other programs that could be used for sewer and water replacements, but none are available in Spokane.

Description of the goods or service and any additional information?

Funds will be used to provide loans for residents for water/sewer rehabilitations, as well as hiring a qualified third-party to administer the program.

Person Submitting Form/Contact:

Division Director:

Marlene Fiest

CFO Signature:

Tonya Wallace

City Administrator Signature:

Garrett Wallace
Garrett Wallace (Nov 6, 2023 22:03 PST)

Additional Comments:












ECF - Water and Sewer Rehab Program

Final Audit Report

2023-11-07


Created:	2023-10-30
By:	Brittany Kraft (bkraft@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7zN6gBldObG_gUY9Y3tMTIv2CUXYfw64

"ECF - Water and Sewer Rehab Program" History

-  Document created by Brittany Kraft (bkraft@spokanecity.org)
2023-10-30 - 2:36:53 PM GMT- IP address: 198.1.39.252
-  Document emailed to Marlene Feist (mfeist@spokanecity.org) for signature
2023-10-30 - 2:38:06 PM GMT
-  Email viewed by Marlene Feist (mfeist@spokanecity.org)
2023-10-30 - 4:44:50 PM GMT- IP address: 155.190.3.6
-  Document e-signed by Marlene Feist (mfeist@spokanecity.org)
Signature Date: 2023-10-30 - 4:44:59 PM GMT - Time Source: server- IP address: 155.190.3.6
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-10-30 - 4:45:03 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-10-30 - 5:07:54 PM GMT- IP address: 198.1.39.252
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-11-01 - 4:38:31 PM GMT- IP address: 172.226.41.48
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-11-07 - 0:31:30 AM GMT- IP address: 73.83.126.59
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-11-07 - 0:31:42 AM GMT - Time Source: server- IP address: 73.83.126.59
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-11-07 - 0:31:44 AM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-11-07 - 6:03:18 AM GMT- IP address: 104.28.116.102

 Document e-signed by Garrett Jones (gjones@spokanecity.org)

Signature Date: 2023-11-07 - 6:03:35 AM GMT - Time Source: server- IP address: 73.221.102.108

 Agreement completed.

2023-11-07 - 6:03:35 AM GMT

RESOLUTION NO. 2023-0096

A Resolution of the City of Spokane relating to the Water and Sewer Rehabilitation program for on-site septic systems, side sewer, and water service lines.

WHEREAS, under chapters 35.92 and 35.67 RCW authorize cities to ‘provide assistance to aid low-income person in connection with services’ provided by municipal utilities; and

WHEREAS, the Washington State Constitution Article 8, Section 7 permits “support of the poor or infirmed”; and

WHEREAS, the City of Spokane has the legal authority to operate a water system (RCW 35.92.010) and a sewerage and solid waste disposal system (RCW 35.92.020); and

WHEREAS, an estimated fifteen point six (15.6%) of persons in the City of Spokane reported an income below the poverty line in 2021 according to the US Census Bureau data and the City Council has recognized that any increase of utility rates has a profound impact on low-income customers; and

WHEREAS, these sewer and water connections and systems are a part of the aging infrastructure within the City of Spokane’s Designated Service Areas and are not maintained by the City of Spokane or its Wastewater or Water Departments; and

WHEREAS, these connections and systems include: on-site septic disposal systems, sewer pipes and systems, and side sewer laterals which connect non-public property to the public sewer. Water service lines which connect a property to the public water supply system; and

WHEREAS, these connections may be in poor repair and failing that present public health concerns which can endanger the public and the environment; and

WHEREAS, City staff spend an inordinate amount of staff time each year in investigating these utility problems and educating the public and property owners on property owner responsibilities for the maintenance of such systems; and

WHEREAS, providing for assistance with repair and replacement of on-site septic systems, side sewer, water service connections, and sewers and water lines would benefit the City and its customers by minimizing City resources needed to investigate, educate residents about, and remediate the potential failures of septic and side sewer systems, to protect our drinking water source, and to comply with environmental regulations; and

WHEREAS, the Utilities Division proposes \$500,000 per year starting in 2024 and ending in 2028 to finance the program and establish low interest loans and potential income-based assistance based on specific criteria and qualifications as outlined in Attachment “A”.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane:

The Water and Sewer Rehabilitation program for on-site septic systems, side sewer, and water services as attached in Exhibit "A" is approved and shall be administered by the City of Spokane's Public Works Division and Integrated Capital Management Department.

ADOPTED by the City Council this _____ day of _____, 2023.

City Clerk

Approved as to form:

Assistant City Attorney

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN XXX – XX - XX
TITLE: Water and Sewer Rehabilitation Program Policy EFFECTIVE DATE: Month, Day, Year REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

1.1 The purpose of this policy is to provide uniform operating rules and procedures for the consideration and award of financial assistance (low interest loans) for resident-owned water and sewer infrastructure projects located within the City of Spokane’s service area(s).

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

2.1 This policy shall apply to the Water, Sewer, and Utility Billing Departments.

3.0 REFERENCES

- 3.1 City Council Resolution XXX-XXXX
- 3.2 Spokane Municipal Code SMC XX

4.0 DEFINITIONS

- 4.1 “City” refers to the City of Spokane
- 4.2 “Director” refers to the City’s Director of Public Works
- 4.3 “Qualified Project” means a water or sewer infrastructure repair project which has received an initial determination and/or entered into a contract with the City for reimbursement by the Water and Sewer Rehabilitation Program as applicable under the program.
- 4.4 “Qualified third-party administrator” (Project Administrator) means the selected vendor to administer the program.

- 4.5 “Resident-owned” means development on private property; plot of land and not located within the city right-of-way
- 4.6 “Water and Sewer Rehabilitation Program” also referred to as WSRP means the City program designed to provide financial assistance for costs related to resident-owned qualified projects.

5.0 POLICY

- 5.1 Qualified project must be within City’s water or sewer service area.
- 5.2 The program is designated to provide financial assistance to single-family property owners with an Area Median Income (AMI) of 80% or less.
- 5.3 The application may only be from the current property owner.
- 5.4 Applicants are limited to currently existing, owner-occupied, single-family residences. New construction is not eligible.
- 5.5 Eligible project costs are outlined in Appendix A, Section 5.2
- 5.6 Ineligible project costs are outlined in Appendix A, Section 5.2
- 5.7 Qualified projects are eligible for low-interest loans up to \$49,995. Loan monthly payments will be added to the Owner’s monthly utility bill and repaid through the monthly utility bill.
- 5.8 A priority system may be needed depending on applications received and the availability of annual funds. If needed, the priority for funding projects will be in accordance with public health concerns, public health and environmental protection, and the location of property to available city infrastructure.
 - 5.8.1 Qualified applicants will receive loan funds on a first come first served basis.
 - 5.8.1.1 Projects that are most ready to proceed with construction will be used to distinguish between applications received at the same time.

6.0 PROCEDURE

- 6.1 Potential applicants shall complete and submit to Administrator, a pre-eligibility application (application), included herein as “Appendix B.” A completed pre-eligibility application is one that fully answers all questions listed in the application.
- 6.2 The completed application will be reviewed by the Administrator, and, if approved, the applicant will be notified they are eligible to enter into a contract with the City.
- 6.3 The Director of Public Works, or their designee, will make the final decision on funding the project, subject to needs and funding. No single project shall exceed the funding amount previously outlined, without the express written permission from the Director of Public Works and approval from the City Council.
- 6.4 The Administrator reviews the application for income and project eligibility.

- 6.5 When the application is approved, the Administrator will manage the selection of the contractor from the approved list and initiation of the contract.
- 6.6 The contractor pulls the required permits.
- 6.7 The contractor completes construction work.
- 6.8 The final work is inspected by City staff.
- 6.9 Loan is turned over to Utility Billing Dept.
- 6.10 Lien recorded by City staff or the Administrator.
- 6.11 Loan repayment begins through monthly utility bill.

7.0 RESPONSIBILITIES

- 7.1 The City of Spokane Integrated Capital Management Department (ICM) shall administer this policy.
- 7.2 ICM will be responsible for managing the Administrator and making program recommendations to the Director.
- 7.3 ICM will be responsible for updating the Director, Utility Billing Department, and City Council annually regarding the program and funding needs.

8.0 APPENDICES

- 8.1 Appendix A – Water and Sewer Rehabilitation Program Overview
- 8.2 Appendix B – Pre-application Template
- 8.3 Appendix C – Loan Documents

APPROVED BY:

City Attorney

Date

Director

Date

City Administrator

Date

Appendix A

Water and Sewer Rehabilitation Program

1. Background

Resident-owned sewer and water connections and systems are a part of the aging infrastructure within the City of Spokane's (The City) Designated Service Areas. Residential water and sewer connections and systems are not maintained by the City of Spokane or its Wastewater or Water Departments. These sewer connections and systems include on-site septic disposal systems, residential sewer pipes and systems, and side sewer laterals, which conveys wastewater from a residence to the public sewer. Residential water service lines are those that connect the meter to the public water supply system. Property owners are responsible for the maintenance and replacement costs of these connections and systems. Costs associated with replacing these systems often are more than a low-income property owner can afford and many require the property owner to borrow or secure a loan to cover the expense. Often, maintenance or repair of these non-publicly maintained utility connections do not qualify for financial assistance from governmental entities, such as through the City's Housing Repair Programs.

2. Current Policy

The City has no maintenance or repair obligations for residential connections or systems. City Code requires sewer facilities to be connected to public sewer for all premises (SMC 13.03.0306); to be discharged to the Public Owned Treatment Works (POTW) or authorized on-site sewage disposal system (SMC 13.03.0302A); and to be repaired if not working properly (SMC 13.03.0312). A violation of this section requires the property owner to repair the issue and be compliant within 30 days of notification. The property owner is responsible to maintain the water service pipe connections in good repair and condition. The City has limited authority to make repairs when necessary and will charge the property owner any incurred costs (SMC 13.04.1002). There are few options for financial assistance to property owners for repairs to septic systems, side sewer connections, or water service lines.

SMC 13.03.0304 provides that no new septic systems will be installed within the City limits without a written permit from the Spokane Regional Health District and written authorization by the Director of Wastewater Management. A septic system must be connected to public sewer within the Spokane City limits on the earlier of failure, requires pumping, or within one year of new public sewer availability. Existing septic systems within 200 feet of a public sewer will be required to connect to the City's sewer system and will have a maximum of one (1) year to connect. Abandonment may only be deferred if a septic system is farther than 200 feet from a public sewer line to the property line, with written authorization from the Director of Wastewater Management.

3. Reasons to Connect to the Public System

3.1 City Municipal Code Requires Connection to Public Sewer

The Spokane Municipal Code (SMC) requires all properties to be properly connected to the public sewer, in accordance with City requirements (SMC 13.03.0306). SMC 13.03.0304 prohibits any on-site sewage disposal system if (1) public sewer is available, (2) premises are occupied by a significant industrial user, or (3) public health or safety would be adversely affected.

3.2 Public Health and Environmental Concerns

Failed septic systems, side sewer, and residential sewer systems leach human waste into groundwater, backyards, the Spokane-Valley Rathdrum-Prairie Sole Source Aquifer, and the Spokane River, which endangers the public and environment. The Spokane-Valley Rathdrum-Prairie Sole Source Aquifer is located under much of the City of Spokane and leaching sewage could be a possible source of contamination to our drinking water. Converting septic systems and repairing or replacing the other systems located within the City's service area will help alleviate a possible source of contamination to the drinking water and health hazards that may exist.

3.3 Benefits Property Owners

Septic systems or failing sewer connections can be expensive to maintain or repair. Converting or rehabilitating residential utility systems provides effective long-term cost savings, reduces maintenance costs, and improves property values for property owners. It ensures a properly functioning utility into the future.

3.4 Benefits City of Spokane

Property owners served by non-municipal utilities currently look to the City of Spokane for solutions when their sewer does not work or when their water service is inadequate. Often these property owners cannot afford to finance the maintenance or replacement of the system. This program is intended to minimize city resources needed to investigate, educate residents about, and remediate the potential failures of septic and side sewer systems, protect our drinking water source, and comply with environmental regulations.

4. Programs in Other Communities

Cities and counties across the nation continue to have challenges with on-site septic systems and residential sewer connections and systems. Several communities or utilities have established policies and programs for the rehabilitation of sewer extensions, elimination of septic systems, and repair of water lines. The motivation for these programs varies from environmental compliance to growth moratoriums.

Financial assistance programs are financed by the jurisdiction in several ways:

- Costs are paid in part or full either for construction or deferring payment.
- Low-interest loans or grants.
- Costs are reimbursed through utility bills.
- Special programs provide financial assistance for low-income property owners.

Example programs:

Jurisdiction	Program	Details
Clark Regional Wastewater District (Clark County, WA)	SEP	Cost to connect to sewer 30% deferred if connected within one year; Loan for all new connections: 60 (prime +1.5%) or 120 (prime +3.0%) monthly installments.
Columbus, OH	STEP Loan Program	No-interest loans to cover the two potential costs to the homeowner. The first: the city will defer payment on fees (capacity and frontage) that are normally due at the time of connection; the second: private plumbing costs up to \$10,000. Must hire a licensed sewer contractor.
Fort Wayne, IN	SEP	Connection fee waived; City contributes \$3,200 toward the cost to a contractor; Income-based assistance: the city reduces the assessment on the property.
Martin County, FL	Connect to Protect	Depends on the type of system (Grinder or Vacuum). Grinder – new connection pays \$10,000; reduced to \$8,000 if the homeowner connects within 365 days of the new force main being available. Vacuum – The owner pays a special assessment on the annual property tax bill amortized over 20 years. Local non-profit lending organization helps reduce loan costs by up to \$1,000.
Tacoma, WA	Septic Amnesty Program	50% reduction in sewer fee up to \$10,000 – property owner must connect within 2 years of sewer becoming available.
	Sewer Conservation Loan Program	Low-interest loan program for repair or replacement of existing (not new) side sewers up to 90%. 2% below prime (min. 4%); \$1k to \$10k. Secured by property lien.
Helena, MT	Service Line Replacement Loan Program	0% interest up to \$15k for SF residential repair or replacement. Term up to 10 years. Water or sewer service lines within 2 ft. of the foundation. (Low income can pay off with the sale or transfer of property). No early payoff penalty. Example Resolution available.
Seattle, WA	Home Repair Loan Program	Low Income; 0% interest. Start at \$3k and a low-income deferred loan.

Pierce County, WA	Residential Side Sewer Conservation Loan Program	Loans may be made for up to 90% of the estimated project cost. The maximum loan amount is \$10,000. The current interest rate on this loan is 2.42%. Loans must be secured by a lien on the project property. Loan repayments are made monthly and are not part of the regular sewer bill.
Philadelphia, PA	Homeowner Emergency Loan Program	0% interest, installment payment loan for the water service line, water supply line, curb trap, main drain and/or sewer lateral, also basement backup prevention program. For emergency or lead service. Repayment added to water bill for 60 months. 0% interest for good standing on payments years. 5% penalty and missed payment penalty.

5. City of Spokane’s Proposed Program

To assist property owners who need to replace residential utilities, the City of Spokane is proposing a five (5) year program that will provide financial assistance to property owners residing within the City of Spokane. The goal of this program is to provide an affordable option for rehabilitating or replacing water and/or sewer connections and systems in need of repair, either by deferral or, in some cases, offset of repair costs. The cost of replacing one of these systems can range from less than \$5,000 to greater than \$35,000. This is a new program for the City of Spokane and as such the number of property owners and the associated costs are undetermined. Most water and sewer disruptions occur with little forewarning and limited time to repair. The program will operate first-come, first-served, based on approved applications; applications will be approved as received until funds are exhausted. Both the need and success of the program will drive future funding discussions and options. The program is expected to be a five (5) year project, subject to available funding, but may be terminated at any time.

The proposed program contains these elements:

Program Management: This program is recommended to be managed by a qualified third party.

Program Evaluation: The program will be reviewed and evaluated on an annual basis. The review will evaluate the number of projects completed, future needs, the amount of funds spent on projects, the amount of funding available for next year, and other criteria, as determined. This evaluation will be compiled into a report and submitted to the Director of Public Works.

Financial policies: The goal of the program will be to provide interim or short-term financial assistance to the property owner that is simple to administer and simple to understand. For this reason, a low-interest loan program is recommended. Loan payments will return to the program. As repayments under the program continue, the investment from utility funds may be able to decrease over time.

Eligibility criteria: Objective eligibility criteria will be established and administered through an Administrative Policy. Criteria elements may include, without limitation, the requirement of the property owner to sign a contract for repayment/terms; use of a licensed contractor; written estimates and invoices to be submitted to the City before any reimbursements; compliance with any applicable

City standards, rules, and regulations; execute lien against the property, etc. A certain amount of evaluation will be needed to determine if a project meets the criteria for this program.

5.1 Financial Policies

The City of Spokane Integrated Capital Management has budgeted \$500,000 per year, starting in 2024 and ending in 2028, to finance this program. The amount of funds available for the program will be reviewed each year in consideration of the overall utility budgets, the expected interest in the program, and the amount of loan payments received back to the program. This amount may be adjusted as necessary, during future reviews, depending on overall utility finances. Any amounts remaining at the end of a given year will roll over into the next year.

Low-interest loans

Property owners may apply for a low-interest loan from this program with an interest rate of 3% with a repayment term of up to 120 months. A repayment schedule will be created for each loan based on the cost and the financial ability for repayment by the property owner. A property owner must enter into a written agreement and agree to a lien to be placed on the property until the loan is paid in full. Payments will be made as part of the monthly utility bill.

Income Based Assistance

Property owners who reside in their homes and whose income and resources are below 50% of the AMI may be eligible for a payment deferral upon the future sale of the property after the project is completed.

5.2 Eligibility Criteria

A set of criteria will be needed to determine if the project is eligible. A priority system may be needed depending on applications received and the availability of annual funds. Priority criteria should be in accordance with public health concerns, public health and environmental protection, and the location of property to available city infrastructure.

Qualifications

The program will be available for property owners with an Area Median Income (AMI) of 80% or less.

Property

The project must be currently connected to the City of Spokane's water or sewer systems, or in the case of septic systems, be within the City's sewer service area. The application may only be from the current property owner. Applicants are limited to currently existing, owner-occupied, single-family residences. In the future, commercial properties and multi-family housing may be considered if the need is identified and the funding is available. New construction is not eligible.

Projects

Eligible projects include:

- Crushed, broken, leaking side sewer lines
- Corroded, leaking, misaligned water service lines
- Long water service lines
- Residential sewers
- Elimination of septic systems

Eligible Costs include:

- Excavation
- Necessary on-site reroute of plumbing and associated repair
- New pipe, fitting, valves, and appurtenances
- Landscape repair
- Connection to existing sewer pipes or manholes
- Curb and sidewalk repair
- Street repair
- Permits
- Tap/Meter fees

Ineligible Costs include:

- Property enhancements
- New service connections
- New sidewalk outside of the construction area

5.3 Process

The proposed process will follow current City rules, regulations, and practices.

1. Property owner will contact the City of Spokane to report a water or sewer problem on their property.
2. City staff confirms it is not a city system problem, but a problem on the private property. Staff will provide information about next steps for the property owner, including details about this program.
3. The property owner applies for the City's program through the qualified third-party vendor.
4. The qualified third-party vendor reviews the application for income and project eligibility.
5. When the application is approved, the qualified third-party vendor will manage the selection of the contractor from the approved list and initiation of the contract.
6. The contractor pulls the required permits.
7. The contractor completes construction work.
8. The final work is inspected by City staff.
9. Loan is turned over to Utility Billing Dept.
10. Lien recorded by Legal/Administrator.
11. Loan repayment begins through utility bill.

5.4 Qualified contractor required to perform work

The construction work must be performed by a licensed and bonded contractor qualified for this type of work. The qualified third-party vendor will ensure contractors on the list meet the necessary qualifications.

5.5 Funding

Residential utility repairs or replacements generally do not have a preventative maintenance schedule. Repairs or replacement is necessary soon after the problem is identified. The need for this program will vary year by year. The program will be funded annually with any unused funds carried forward to the

next year. The funding amount and funds carried forward will be reviewed annually to determine the appropriate amount needed for this program.

5.6 Engagement

The City will provide information to inform those community members that are most likely to be eligible. The City will produce an educational flyer that provides an overview of the types of repairs that may be necessary, details of the program, and steps of the process. The flyer will be used for community engagement, available on the City's Utility Billing webpage, and translated into different languages as appropriate/needed. In addition, the flyer will be shared with the following:

- Neighborhood community centers
- Martin Luther King, Jr Community Center
- Neighborhood Councils
- Resettlement programs such as World Relief and Refuge Connections Spokane
- Non-profit organizations such as Asian Pacific Islander Coalition and Latinos en Spokane
- Qualified contractors on the approved list

Appendix B

Water and Sewer Rehabilitation Program Pre-Application

Applicant Information

Name(s)		
Property Address		
Zip		
Phone	(h)	(m)
Email		
Total Annual Income*	\$	
Proposed Project Description		
Estimated Project Cost	\$	
Do you consent to a lien?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

*Proof of income will be required prior to final loan approval

What Utility assistance are you seeking?

- Water Sewer

<p>For City Use (checked box means "yes")</p> <p><input type="checkbox"/> Is the applicant the owner of the property?</p> <p><input type="checkbox"/> Is the property a single-family residence located within the City's water or sewer service area?</p> <p><input type="checkbox"/> Is the applicant's total annual income 80% of the area median income?</p> <p><input type="checkbox"/> Does the applicant consent to the placement of a lien on the property for the total cost of the of the project?</p> <p><input type="checkbox"/> Is the applicant eligible for the WSRP?</p>

Appendix C – Loan Documents
SECURED PROMISSORY NOTE
WSRP PROGRAM

Date: **DATE**

Principal Amount: **ENTER THE AMOUNT OF LOAN (\$)**

Interest Rate: *Three and 00/100 percent (3 %) fixed; twelve percent (12%) upon default*

Maturity Date: **MONTH FOLLOWING PLUS 10 YEARS**

Borrower: **ENTER NAME(S) OF BORROWER**

1. **Promise to Pay.** **ENTER NAME(S) OF BORROWER**, ("*Borrower*") promises to pay to the CITY OF SPOKANE, a Municipal corporation, organized and existing under the laws of the State of Washington, 808 West Spokane Falls Boulevard, Spokane, Washington 99201 ("*Lender*"), or order, in lawful money of the United States of America, the principal amount set forth above, together with interest on the unpaid outstanding principal balance from the date funds are actually advanced until paid in full.

2. **Loan Documents.** This Note is given in connection with Borrower's agreement to rehabilitate certain real property located at **ENTER COMPLETE PROPERTY ADDRESS**, City of Spokane, County of Spokane, Washington ("*Property*") as a part of Lender's program. In connection with the execution of this Note, Borrower has also executed several legal documents including, without limitation, a Loan Agreement ("*Loan Agreement*"), a Deed of Trust – WSRP Program ("*Deed of Trust*") and an Agreement for Utility Repair or Replacement Work ("*WSRP Agreement*") (Note, Loan

Agreement, Deed of Trust, Utility Repair or Replacement Agreement and other documents, collectively, "Loan Documents"). Borrower agrees to perform and comply with all of the agreements, terms and conditions of the Loan Documents.

3. **Payments; Reduction of Principal.**

3.1 **Optional Payment Schedule.** From the date hereon, Borrower shall pay to Lender, at Lender's sole discretion, in accordance with one (1) of the following option:

Monthly payments of interest only on all amounts disbursed at the rate set forth in Section 5 below, beginning on the first day of the first month after Borrower completes construction phase of the project and continuing on the same day of each month thereafter until the Maturity Date set forth above when Borrower shall pay the entire balance of principal in the amount of _____ Dollars (\$_____.__) plus accrued interest and late charges, if any. Maker will pay a late charge of five percent (5%) of the payment amount to the note holder if the monthly payment is not received within Fifteen (15) days after the due date.

or

Monthly principal and interest payments of approximately _____ Dollars (\$_____.__) beginning _____, 20__ and continuing on the first day of each month thereafter until the Maturity Date set forth above, when all principal, accrued interest and late charges, if any, shall be payable in full. Monthly principal and interest payments shall be determined upon completion of construction phase. Maker will pay a late charge of five percent (5%) of the payment amount to the note holder if the monthly payment is not received within Fifteen (15) days after the due date.

and/or

One deferred loan payment of principal plus accrued interest from the completion of construction in the total sum of _____ and 00/100 Dollars (\$_____) on the Maturity Date set forth above.

3.2 **Prepayment.** Maker may prepay interest or principal, in whole or in part, at any time without penalty. No prepayment hereunder shall affect the obligation of the Maker to pay the balloon payment of principal and interest. Prepayments shall not extend or postpone the due date of the balloon payment. Maker may not prepay any amounts due on any superior indebtedness without making pro rata prepayments of this Note.

4. **Terms and Conditions.** The payment shall be applied first to interest accrued to the balloon payment date and then to principal. The payment shall be payable in lawful money of the United States of America which shall be the legal tender for public and private debts at the time of payments and shall be in funds current and available at the time of such payment in Spokane, Washington. The payment shall be made to the Lender, or order, 808 West Spokane Falls Boulevard,

Spokane, Washington 99201, or at such other place as the Lender or subsequent holder hereof may specify in writing from time to time.

5. **Interest Rate.** Provided Maker is not in default as defined below, all sums from time to time owing hereon shall bear interest at the rate of 3 and 0/100 percent (Three %) per annum from the date hereon. Upon occurrence of an Event of Default, all sums owing hereunder shall bear interest at the rate of twelve percent (12%) per annum from the date of occurrence of the Event of Default.

6. **Default and Remedies.**

6.1 **Events of Default.** Borrower will be in default if any of the following happens:

6.1.1 **Default on Indebtedness.** Failure of Borrower to pay when due any sum owing hereunder or under any of the other Loan Documents.

6.1.2 **Failure to Repair or Replace.** Failure of Borrower to complete the required utility repairs in accordance with the approved plans and specifications and the WSRP Agreement within a reasonable time, as determined by Lender, from the date hereon.

6.1.3 **Unapproved Transfer.** Borrower's sale, transfer or other disposition of the Property without the Lender's prior written consent, excluding the creation of a purchase money security interest for household appliances.

6.1.4 **Failure to Reside in Property.** Borrower's failure at any time to reside in the Property as Borrower's primary residence.

6.1.5 **Failure to Comply.** Borrower's failure to comply with any covenant, agreement, term or condition contained in this Note or in any of the Loan Documents.

6.1.6 **Other Defaults.** Borrower's failure to pay, or other default, in any other indebtedness secured by the Property.

6.1.7 **Appointment of Receiver, Etc.; Insolvency.** The appointment of a receiver or liquidator for the Borrower or Borrower's property, the filing of any state or federal bankruptcy or insolvency petition by or against the Borrower, or any assignment by Borrower for the benefit of Borrower's creditors.

6.1.8 **Death.** Borrower's death or, if Borrower is a husband and wife forming a marital community, the death of both husband and wife.

6.1.9 **False Statements.** Any warranty, representation, or statement made or furnished to Lender by or on behalf of Borrower under this Note or the Loan Documents is false or misleading in any material respect at the time made or furnished, or becomes false or misleading at any time thereafter.

6.1.10 **Defective Collateralization.** This Note or any of the Loan Documents ceases to be in full force and effect (including failure of any security agreement to create a valid and perfected security interest) at any time and for any reason.

6.2 Remedies.

6.2.1 **Acceleration.** In the event of any default, the Lender or any subsequent holder may, at its option, declare the entire principal balance and accrued interest of this Note immediately due and payable without notice or other demand and may exercise any rights or remedies available under the Loan Documents, at law or in equity. Failure to exercise this option to accelerate shall not constitute a waiver of the right to exercise such option at any time Borrower is in default. All payments made after default shall be applied first to interest then to principal.

6.2.2 **Attorney's Fees, Costs and Expenses.** In the event of any default under this Note, and if this Note is referred to an attorney for collection or suit is brought hereon, the Borrower shall pay to Lender or any subsequent holder all expenses and costs of collection, including, but not limited to, reasonable attorney's fees. Any judgment recovered by the Lender or subsequent holder shall bear interest at twelve percent (12%) per annum on such judgment. The Borrower shall also pay all attorney's fees and costs Lender incurs in connection with any amendment, modification, extension or renewal of the loan evidenced by this Note.

6.2.3 **Venue and Applicable Law.** Borrower agrees that the venue of any action hereon may be laid in the City of Spokane, Spokane County, Washington, at the option of the Lender or subsequent holder, and that this Note shall be construed according to the laws of the State of Washington.

7. General Provisions.

7.1 **Liability.** All persons signing this Note as Borrower agree that they shall be liable hereon jointly and severally, and they waive demand, presentment for payment, protest and notice of protest, and of nonpayment. Each such person agrees that any modification or extension of the terms of payment made by the Lender or subsequent holder of this Note with or without notice, at the request of any person liable hereon or owning an interest in any property, real or personal, described in the Deed of Trust, or a release of any party liable for his obligation, or a release of property, real or personal, or any part hereof from the lien of the Deed of Trust shall not diminish or impair his or their liability for the payment hereof.

7.2 **Modification.** The Lender or any subsequent holder may, from time to time at its sole option, extend the time for payment of the outstanding balance of principal or interest or any part thereof, release anyone liable on any of the outstanding principal or interest balance, accept a renewal, modification, or extension of this Note, join in any extension or subordination agreement, or agree in writing with the Borrower hereof to modify the rate of interest or period of amortization of this Note, without liability on the part of the holder hereof. Such action will not affect the obligation of the Borrower or its successors or assigns to pay the outstanding balance of principal or interest and to observe the covenants contained herein or in the several loan documents. Lender or any

subsequent holder need not give notice to or obtain the consent of the Borrower or its successors or assigns.

7.3 Lack of Assignability. The obligations of the Borrower are not assignable nor assumable by any person or firm, nor may any person or firm take or receive the property "subject to" this Note, without the prior written consent of Lender.

NOTICE CONCERNING ORAL AGREEMENTS
Oral agreements or oral commitments to lend money, extend credit or to forbear from enforcing repayment of a debt are not

BORROWER:

ENTER NAME(S) OF BORROWER

Date

ENTER NAME(S) OF BORROWER

Date

HOMEOWNER
WATER AND SEWER REHABILITATION PROGRAM AGREEMENT
“WSRP” PROGRAM

This Homeowner – WSRP Program Written Agreement Water and Sewer Rehabilitation Program (WSRP) (“Agreement”) is made as of **ENTER DATE OF LOAN DOCS** by The City of Spokane (“City”) and **ENTER NAME(S) OF BORROWER** (“Owner”).

RECITALS

- A. The City is a Municipal corporation organized and existing pursuant City owns and operates Wastewater and Water Departments.
- B. The City established WSRP for onsite septic systems, side sewer, water services, private sewers and water lines repair or replacement.
- C. The Owner is a Low-Income Person that has submitted to the City a proposal for use of WSRP Program funds for an eligible utility repair or replacement program under WSRP Program regulations.
- D. The City is willing to provide the Owner a WSRP Program loan in the amount of up to **SPELL THE AMOUNT OF THE LOAN** and No/100 Dollars (**\$TYPE NUMERIC LOAN AMOUNT**) as described more fully below ("Loan") that the Owner will use for solely for the construction of improvements to the real property and building (“Project”) located at **PROPERTY ADDRESS** City of Spokane, Washington (“Property”), and more particularly described as follows:
- E. To govern the documentation, disbursement and administration of the City’s WSRP Program, the Owner and the City agrees as set forth below.

AGREEMENT

1. **Definitions.**

- **“Agreement”** shall mean this Homeowner – WSRP Program Written Agreement – between the City and the Owner, together with all amendments hereto.

- “**Annual Income**” shall have the meaning set out in part 5 of 24 CFR 5.609.
- “**Area Median Income**” shall mean the median Annual Income for families in the City of Spokane as published by HUD and as adjusted annually by HUD for different family sizes.
- “**Commitment Letter**” shall mean the written loan commitment from the City to the Owner dated as of **ENTER COMPLETE DATE OF COMMIT LTR.**
- “**Contract**” shall mean the written agreement between the Owner and the Contractor, if any, for the Utility Repair or Replacement Work on the Property
- “**Contractor**” shall mean the licensed and bonded general contractor in the State of Washington with which the Owner enters into the Contract for the Project, if the Owner chooses to use a Contractor.
- “**City**” shall mean City of Spokane, Washington.
- “**Deed of Trust**” shall mean the Deed of Trust and Security Agreement – WSRP Program, in form and substance satisfactory to the City, encumbering the Property in the full amount of the Loan, which the Owner will execute in favor of the City prior to the release of Loan funds.
- “**Director**” shall mean the City’s Director of Wastewater Management or their designee.
- “**Executive Order**” shall mean Executive Order 11246 of September 24, 1965.
- “**WSRP Program**” shall mean the Water and Sewer Rehabilitation Program funded by the City of Spokane.
- “**Household**” shall mean all persons, related or unrelated, either residing, or intending to reside, in the Property as their primary residence.
- “**Loan**” shall mean a WSRP Program loan in the amount of up to **SPELL THE AMOUNT OF THE LOAN** and No/100 Dollars (\$**TYPE NUMERIC LOAN AMOUNT**) which the Owner will use solely for the construction of improvements to, and completion of the Private Utility Work on, the Project.
- “**Loan Documents**” shall mean the Note, this Agreement, the Deed of Trust, the Contract, if any, the Commitment Letter and any other documents or agreements including required disclosure documents, the City reasonably requires to document the Loan and the WSRP Program requirements pertaining thereto.

- **“Low Income Persons”** shall mean Households or persons whose Annual Income is below 80% of the area median income for **Spokane County as published by HUD**.
- **“Maximum Property Value”** shall mean an estimated value of the Property, after rehabilitation of not greater than ninety five percent (95%) of the median purchase price for the area, as described in 24 CFR 92.254(a)(2)(iii).
- **“Note”** shall mean the secured promissory note in the full amount of the Loan which the Owner will execute and deliver to the City prior to the release of Loan funds.
- **“Owner”** shall mean all persons who (1) have any right, title or interest in the Property and (2) reside in the Property as their primary residence, but excluding tenants or live-in caregivers; in connection with this Loan, “Owner” shall include, without limitation, **ENTER NAME(S) OF BORROWER**, their heirs, successors and assigns.
- **“Plans and Specifications”** shall mean the plans and specifications the City shall prepare for the Project in accordance with the WSRP Program’s City’s standards for the utility work, as more fully described in Section 4.5 below.
- **“Project”** shall mean the Owner’s construction of improvements to, and completion of the Utility Work on, the residential housing located on the Property.
- **“Project Schedule”** shall mean the progress schedule prepared by the Owner and Contractor, if applicable, and approved by the City as more fully described in Sections 6.2 and 7.2 below.
- **“Property”** shall mean the real property in **ENTER COMPLETE PROPERTY ADDRESS**, City of Spokane, Washington more particularly described in Recital E above.
- **“Property Standards”** shall mean, as set forth more specifically in Section 5.1 below, generally accepted WSRP and construction industry standards, including compliance with all applicable codes and regulations and completion of the Utility Repair or Replacement Work in all material respects as necessary to allow full residential use and occupancy of the buildings on the Property. In particular, the utility repair or replacement work shall meet all City and State of Washington building codes, **all HUD** and WSRP standards and all applicable zoning ordinances.
- **“Rehabilitation Program”** shall mean the City sponsored program to use WSRP funds for the utility work of substandard owner-occupied housing for Low-Income Persons and families.
- **“Rehabilitation Work”** shall mean the scope of work the Owner undertakes, through the Contractor, to complete the Project and repair the Property in accordance with the terms of this Agreement and the Loan Documents.

2. **Loan.** The City hereby agrees to lend to Owner, and the Owner agrees to borrow from the City, the Loan, which Owner will use for the construction of improvements to the real property and building located at the Property.

2.1. **Purpose of Loan.** The Owner shall use the Loan proceeds to accomplish the construction of utility repair or replacement to the residential housing located on the Property to meet all applicable local code requirements and in accordance with the Plans and Specifications. The Owner will use the Loan to meet the objectives of the WSRP Program in accordance with the applicable guidelines thereof.

2.2. **Commitment Letter.** Additional terms and conditions of the Loan are set forth, in part, in the Commitment Letter from the City to the Owner, which letter is incorporated herein by reference. In the event of a conflict between a provision in the Commitment Letter and any other provisions of this Agreement, such other provision of this Agreement shall control.

3. **Loan Documents.**

3.1. **Note.** The Loan will be evidenced by the Note in favor of the City made by the Owner on the Property in the full amount of the Loan. Provided the Owner is not in default hereunder or under any of the Loan Documents, the Note will bear no interest. Upon default, all sums owing on the Note will bear interest at twelve percent (12%) per annum from the date of default. Provided the Owner is not in default hereunder or under any of the Loan Documents, the Note will bear interest at the rate of Three and 00/100 percent (3%) per annum and, at the City's option, will be payable under one of the following payment structures:

3.1.1. Monthly payments of interest only with the principal balance due and payable on the Maturity Date as defined in the Note; or

3.1.2. Monthly principal and interest payments sufficient to amortize the Loan in full over its Ten (10) year term; or

3.1.3. One deferred loan payment of principal plus accrued interest from the completion of construction due on the Maturity Date as defined in the Note.

3.2. **Deed of Trust.** As security for all funds drawn under the Loan, the Owner shall make, execute and deliver to the City as beneficiary the Deed of Trust in the full amount of the Loan. The Deed of Trust shall be subject only to such encumbrances as the City may hereafter approve or waive in writing.

3.3. **Contract.** If Owner uses a Contractor, Owner and Contractor shall sign the Contract, in a form approved by the City, between the Owner and the Contractor for the construction of the improvements and completion of the Utility Work, which Contract shall bind the Contractor to complete such Repair or Replacement Work at a cost not to exceed the amounts specified in such Contract. Owner will provide the City with a copy of the fully-executed Contract.

3.4. **Other Loan Documents.** Owner shall execute and deliver to the City such other documents and agreements, including without limitation the Commitment Letter and any required disclosure documents, as the City shall request to document to Loan and/or comply with the WSRP Program.

4. **Conditions Precedent to the Obligation of the City to Provide Funds.** The obligation of the City to provide or release any portion of the Loan funds under this Agreement shall, subject to such other terms and conditions of this Agreement as may be applicable thereto, also be conditioned on the following:

4.1. **Loan Documents.** The Owner shall provide the City with fully executed originals of all Loan Documents, including the Contract if the Owner uses a Contractor for the Project.

4.2. **Title and Fire Insurance.** The Owner shall, at the Owner's expense, furnish the City with an acceptable mortgagee's ALTA title insurance policy insuring the City in the amount of the Loan and shall provide fire and extended coverage insurance in the full amount of the Loan, naming the City as the beneficiary and additional loss payee, as its interest may appear. The title policy shall be extended coverage with lien protection endorsement. If the City disburses Loan proceeds in separate draws, the City at the City's option but at the Owner's expense may request the title company to endorse its policy of title insurance at and as of the date of each such subsequent disbursement by the City of Loan proceeds.

4.3. **Other Insurance.** The Owner shall submit to the City, as requested by the City, such forms of construction risk insurance policies against fire, extended coverage and builder's risk in amounts and in form acceptable to City, including the City thereon as an additional insured as its interest may appear, which policies shall be continuously maintained at no cost to the City.

4.4. **Commitment Letter Conditions.** The Owner shall submit to the City as required proof of satisfaction of all conditions noted on the Commitment Letter.

4.5. **Maximum Property Value.** The estimated post-rehabilitation value of the Property, based on the City's pre-rehabilitation appraisal, shall not exceed the Maximum Property Value.

4.6. **Plans and Specifications.** The City shall prepare the Plans and Specification for approval by the Owner and the Contractor, if any. The Plans and Specification shall address at a minimum all local code violations as noted in the City's initial inspection.

4.7. **Project Schedule.** If the Owner uses a Contractor, the Owner shall furnish the Project Schedule to the CITY for its approval.

4.8. **Additional Funding; Sources and Uses.** The Owner will secure additional funds in the amount Zero and no/100 Dollars (\$0.00), which the Owner will apply to

the balance of the construction costs for the Property. The sources and uses of the WSRP Program funds and the additional funds are as follows: **CONTRACT COSTS ESTIMATE \$, SOFT COSTS ESTIMATE \$**. The Owner warrants that all of such additional funding will be used for payment of the construction costs of the Property. In the event of changes in the sources and uses the Owner will submit a revised budget for approval by the City.

4.9. **Federal Funds Availability.** Any obligation of the City to make disbursements of any proceeds of the City Loan is subject to and contingent upon the availability and the City's receipt of the federal funds which are to be used to fund such disbursements.

4.10. **Fees.** The Owner shall promptly pay upon demand of the City all of the City's costs in connection with the closing of the Loan, including, without limitation, its title insurance costs, recording fees, escrow fees, attorney's fees, loan fees and other expenses associated with the Loan. The Owner will further pay all costs incurred by the City in connection with any renewal or modification of the Loan or any other activity undertaken in connection with the administration of the Loan including, without limitation, the City's attorney's fees and costs.

5. **Repair or Replacement of Property.** The Owner will carry out, either personally or through the use of a Contractor, all Work of the Project specified in the approved Plans and Specifications and in the WSRP Program.

5.1. **Property Standards.** The Owner will approve all Work that, in the good faith opinion of the Contractor, if any, the Owner hires to complete the Project and the City, has been accomplished in accordance with generally accepted construction industry and WSRP Property Standards. The Owner will also provide the Project in compliance with all applicable codes and regulations and complete all material respects as necessary to allow full residential use and occupancy of the buildings on the Property. Upon completion, the Project shall meet all City and State of Washington building codes, and WSRP program standards and all applicable zoning ordinances.

5.2. **Bidding.** Unless otherwise approved by the City, if the Owner uses a Contractor, the Owner shall solicit competitive bids for the Contractor, and the Contractor shall solicit competitive bids for any subcontractors and suppliers, in a manner provided for by the City. If the Owner does not use a Contractor, the Owner shall solicit competitive bids for any suppliers in a manner provided for by the City.

5.3. **Lead-Based Paint Requirements.** **The Owner shall undertake the Work,** or cause it to be undertaken, in compliance with the applicable requirements of HUD Lead-Based Paint regulations, 24 CFR Part 35. In particular, the Owner

5.3.1. Shall eliminate any lead-based paint hazards and provide the appropriate certification as required by 24 CFR Section 25.24; and

5.3.2. Shall not use lead-based paint in structures for which the rehabilitation assistance is provided.

5.4. **Inspection of the Work.** The City or its representatives will have the right to inspect the Utility Repair or Replacement Work at all reasonable times for the purpose of ascertaining whether such Utility Repair or Replacement work is in accordance with the requirements of this Agreement, the Contract and applicable laws and codes. While the City and its representatives, including employees, will, in order to protect its interest and the interest of the general public, endeavor to bring to the attention of the Owner and the Contractor, if any, work which is not performed in accordance with this Agreement, the Contract and applicable laws and codes, neither the City nor their respective agents or employees shall be responsible for the failure of the Owner or Contractor, if any, to carry out work in accordance with this Agreement, the Contract and applicable laws and codes, or for the acts or omissions of the Owner, the Contractor (if any), subcontractors, any of their agents or employees, or any others performing any Utility Repair or Replacement Work. The Owner shall take all steps necessary to assure that the City or its designee is permitted to examine and inspect the Utility Repair or Replacement Work and all contracts, materials, equipment, payrolls conditions of employment pertaining to the work, including all relevant data and records.

5.5. **Change Orders.** The City shall have approved all change orders prior to execution by the Owner and the Contractor. In reviewing proposed change orders, the City shall undertake a reasonableness analysis and may reject a proposed change order if, as a result of such analysis, it determines that the change order and/or the proposed cost thereof is unreasonable. If, as a result of the discovery of latent defects or unforeseen health and safety hazards, it is necessary to make a change order or orders which exceed the contingency amount (i.e., ten percent (10%) of the original price under the Contract), the City may, at its option, and after consultation with the Owner, reevaluate the scope of utility repair or replacement assistance to be provided and, in conjunction therewith, order the elimination or reduction of certain work items set forth in the Project Schedule or work write-up note related to bringing the Property into substantial compliance with the applicable housing code.

5.6. **Sufficient Funds.** The Owner will provide at all times, when necessary, sufficient funds to provide for such Project completion with all practical dispatch in a sound, economical and efficient manner.

5.7. **No Assignment.** The Owner may not assign any Loan funds to be disbursed hereunder or any rights of the Owner under this Agreement except upon the City's prior written consent.

5.8. **Incorporation of Equal Opportunity Regulations.** The Owner hereby agrees that to incorporate or cause to be incorporated into any Contract, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the federal government or borrowed on the credit of the federal government pursuant to a grant, contract, loan, insurance or guaranty, the Equal Opportunity Clause found in 41 CFR Chapter 60 Part 60-1.4.

6. **WSRP by Contractor.** The Owner may accomplish the WSRP work of the Property through the Contractor pursuant to the Contract and through such written subcontracts as the Contractor may make, with the prior concurrence of the Director.

6.1. **Contractor Selection.** Pursuant to the competitive bidding required in Section 5.2 above, the Owner may select the Contractor to perform the work on the Property provided that the Contractor's bid is within 10% of the City's cost estimate for the Utility Repair or Replacement Work. If the bid exceeds 10% of the City's cost estimate, the City reserves the right to reject the bid.

6.2. **Project Schedule.** The Owner and the Contractor shall adhere to the following schedule for commencing, proceeding with and completing the Utility Work on the Property:

Select the Contractor: [REDACTED] . 201 [REDACTED] ;

Execute the Contract: [REDACTED];

Commence the WSRP Work: [REDACTED];

Complete the WSRP Work: [REDACTED]

6.3. **Contractor's Warranty.** The Owner shall cause the Contractor, upon completion of the Utility Repair or Replacement Work, to give to the Owner and the City a one (1) year unconditional warranty of the labor and materials used in the Utility Repair or Replacement Work, on such form as the City shall designate.

6.4. **Contractor and Subcontractor Compliance.** If the Owner uses a Contractor, the Owner agrees to assist and be cooperative actively with the City in obtaining the compliance of the Contractor and all subcontractors with the Equal Opportunity Clause referenced in Section 5.8 above and with the rules, regulations and relevant orders of the Secretary of Labor. The Owner shall cause the Contractor to furnish the City with such information as they may require for the supervision of such compliance, and to otherwise assist the City in the discharge of the primary responsibility for securing compliance.

6.5. **Certain Contractors Ineligible for Contract Awards.** The Owner will not award any Contract to be paid for in whole or in part with the proceeds of the Loan to any Contractor who is, at the time, ineligible under the provisions of any applicable regulations issued by the Secretary of Labor, United States Department of Labor, to receive an award of such Contract.

6.6. **Debarred Contractors.** The Owner further agrees to refrain from entering into any Contract or Contract modification subject to the Executive Order, with a Contractor debarred from, or who has not demonstrated eligibility for government contracts and

federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity Clause referenced in Section 5.8 above as may be imposed upon contractors and subcontractors by the Secretary of Housing and Urban Development or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, if the Owner fails or refuses to comply with these undertakings, the City may take any or all of the following actions: (a) Cancel, terminate or suspend in whole or in part this Loan application and this Agreement; (b) refrain from extending any further assistance to the Owner under the WSRP Program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such the Owner; and (c) refer the case to the Department of Justice for appropriate legal proceedings.

7. Rehabilitation by Owner. Subject to the City's approval, the Owner may carry out the Rehabilitation Work himself or herself.

7.1. Demonstrated Ability. The Owner must demonstrate to the City's reasonable satisfaction that the Owner possesses the requisite skill and experience to perform the Rehabilitation Work in a timely manner.

7.2. Project Schedule. The Owner shall adhere to the following schedule for commencing, proceeding with and completing the Utility Repair or Replacement Work on the Property:

Commence the Utility Repair or Replacement Work: **ESTIMATED CONTRACT DATE;**

Complete the Utility Repair or Replacement Work: **ESTIMATED COMPLETION DATE**

7.3. Owner's Employment Practices. The Owner will be bound by the Equal Opportunity Clause referenced in Section 5.8 above with respect to Owner's own employment practices when the Owner participates in federally-assisted construction work pursuant to this Agreement.

8. Loan Proceeds Disbursement; Payment

8.1. General.

8.1.1. Upon execution this Agreement and of the Note, the recording of the Deed of Trust and the other Loan Documents and the satisfaction of any other conditions precedent applicable to Loan disbursement, the proceeds of the Loan will be disbursed in accordance with this Agreement and with applicable City requirements and regulations. The Owner does not have a right to the Loan proceeds other than to have the same disbursed in accordance with the terms of this Agreement. All expenditures will be in compliance with 24 CFR 92.206, and the City will only provide funds for work completed.

8.1.2. Project expenses shall be paid based on vouchers for actual expenses incurred or paid submitted by the Owner on forms specified by the City, with adequate

and proper documentation of eligible costs incurred in compliance with 24 CFR 92.206 and necessary for disbursement requirements. All such expenses shall be in conformance to the approved Project budget. Budget revision and approval shall be required prior to payment of any expenses not conforming to the approved Project budget.

8.1.3. The City reserves the right to inspect records and the Project site to determine that reimbursement and compensation requests are reasonable. The City also reserves the right to hold payment until adequate documentation has been provided and reviewed.

8.2. Repair or Replacement by Contractor

8.2.1. The proceeds of the Loan shall be withdrawn and used only as necessary for disbursement to the Contractor for payment of indebtedness incurred for labor performed and materials incorporated into the Project, or for reimbursement to the Owner for payments made by the Owner for such purposes. The City shall apply all proceeds of the Loan not so withdrawn to reduce the outstanding and unpaid principal amount of the Loan and any additional amounts secured by the Deed of Trust.

8.2.2. The Contractor will be paid only for the Contractor's actual cost of providing such Utility Repair or Replacement Work. The Owner will require the Contractor to so agree and provide such documentation as the City may reasonably require to show that the Contractor does not receive any payment in excess of the Contractor's actual cost for the completion of the Utility Repair or Replacement Work.

8.2.3. All disbursements shall be upon certification by the Contractor and by the Owner of the percentage of work completed and the cost thereof. Before the City makes any disbursements, the Owner shall provide the City with a true and correct statement of all indebtedness incurred for labor performed and materials ordered and/or delivered, and shall have the right to inspect all records, books and accounts relating to the work. The City may, at its option, require the Owner to provide a statement setting forth the names of all contractors, subcontractors and materialmen engaged on the project since the date of the last request for disbursement, and may further require lien waivers, releases or receipts from substantiating payment for all work, services and labor performed and materials supplied. The City shall perform an inspection in connection with each request for disbursement to determine that the applicable portion of the Utility Repair or Replacement Work was completed in accordance with the Plans and Specifications. The City may, at its option, make any such payments to the Owner, or to the Owner and the Contractor jointly, or to the Contractor or to subcontractors, materialmen or laborers engaged in rendering labor or materials to the Project.

8.2.4. Upon the Owner's and the City's acceptance of the work, the City, through the City staff acting on the City's behalf, will approve progress payments and final payment, withholding such sums as provided by the Contract until all the conditions of the Contract are met. Requests for payment shall, when applicable, be accompanied by certificates of

compliance with Federal Wage and Labor Standard provisions and Equal Employment Opportunity requirements.

8.2.5. Final payment to the Owner or Contractor shall be made only upon the City's receipt of such satisfactory evidence as the City may require that (a) the construction is complete in accordance with the City Standards and the Contract, (b) the Owner has issued its written acceptance thereof, and (c) all mechanics' or materialman's liens upon the Project (or claims of mechanics or materialmen which, with notices or passage of time, or both, would mature into a lien) shall have been satisfied, released or bonded. The Contractor shall have issued the warranty described in Section 6.5 above. The title insurance required by this Agreement shall have been updated with current endorsements at the Owner's expense. The City shall perform an inspection in connection with the request for final disbursement to determine that the Utility Repair or Replacement Work was completed in accordance with the Plans and Specifications. These requirements are for the benefit of the City, and the City, at its option, shall have the right to waive any such requirements.

8.3. Rehabilitation by Owner.

8.3.1. ~~No person, including the Owner, shall be entitled to payment for any labor performed in connection with the Rehabilitation Work. If the any person receives payment for such labor, the Owner shall withdraw from the Project and use Loan proceeds only as necessary for disbursement to the Owner for payment of indebtedness incurred for materials incorporated into the Project, provided that the CITY shall apply all proceeds of the Loan to reduce the outstanding and unpaid principal amount of the Loan and any additional amount secured by the Deed of Trust.~~

8.3.2. ~~The Owner may only request reimbursement by WSRP Program funds when the Project is complete and the Owner certifies that the funds are needed to pay eligible costs. The Owner will be reimbursed upon completion of the Project and only for the cost of materials involved in such Rehabilitation Work and will provide such documentation as the CITY may require to show that the Owner does not receive payments in excess of the Owner's actual cost for materials in the Rehabilitation Work. The CITY shall perform an inspection in connection with the request for disbursement to determine that the Rehabilitation Work was completed in accordance with the Plans and Specifications.~~

8.3.3. ~~In connection with the disbursement of Loan proceeds, the Owner shall provide the CITY a true and correct statement of all indebtedness incurred for materials ordered and/or delivered and the CITY shall have the right to inspect all records, books and accounts relating to the work. The CITY may, at its option, require the Owner to provide a statement setting the names of all materialmen engaged on the Project since the date of the last request for disbursement, and may further require lien waivers, releases or receipts from all such parties and other data satisfactory to the CITY substantiating payment for all materials supplied. The CITY may, at its option, make such payments to the Owner or materialmen providing materials to the Project.~~

9. **Representations and Warranties.** The Owner represents and warrants to the City as of the date of this Agreement and as of the date of each disbursement of Loan proceeds, as of the date of any renewal, extension or modification of the Loan, and at all times any indebtedness exists under the Loan:

9.1. **Financial Information.** Each financial statement of the Owner supplied to the City truly and completely disclosed the Owner's financial condition as of the date of the statement, and there has been no material adverse change in the Owner's financial condition subsequent to the date of the most recent financial statement supplied to the City. The Owner has no material contingent obligations except as disclosed in such financial statements.

9.2. **Legal Effect.** This Agreement constitutes, and any instrument or agreement the Owner is required to give hereunder, when delivered, will constitute, legal, valid and binding obligations of the Owner enforceable against the Owner in accordance with their respective terms.

9.3. **Hazardous Substances.** The terms "hazardous waste," "hazardous substance," "disposal," "release," and "threatened release," as used in this Agreement, shall have the same meanings as set forth in the "CERCLA," "SARA," the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 49 U.S.C. Section 6901, et seq., or other applicable state or Federal laws, rules or regulations adopted pursuant to any of the foregoing. Except as disclosed to and acknowledged by the City in writing, the Owner represents and warrants that: (a) during the period of the Owner's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any hazardous waste or substance by any person on, under, or about any of the Property. (b) the Owner has no knowledge of, or reason to believe that there has been (i) any use, generation, manufacture, storage, treatment, disposal, release, or threatened release of any hazardous waste or substance by any prior owners or occupants of the Property, or (ii) any actual or threatened litigation or claims of any kind by any person relating to such matters. (c) neither the Owner nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of, or release any hazardous waste or substance on, under or about the Property; and any such activity shall be conducted in compliance with all applicable federal, state and local laws, regulations, and ordinances, including without limitation those laws, regulations and ordinances described above. The Owner authorizes the City and its agents to enter upon the Property to make such inspections and tests as the City may deem appropriate to determine compliance of the Property with this section of the Agreement. Any inspections or tests made by the City shall be at the Owner's expense and for the City's purposes only and shall not be construed to create any responsibility or liability on the part of the City to the Owner or to any other person. The representations and warranties contained herein are based on the Owner's due diligence in investigating the Property for hazardous waste. The Owner hereby (a) releases and waives any future claims against the City for indemnity or contribution in the event the Owner becomes liable for clean up or other costs under any such laws, and (b) agrees to indemnify and hold harmless the City against any and all claims, losses, liabilities, damages,

penalties, and expenses which the City may directly or indirectly sustain or suffer resulting from a breach of this section of the Agreement or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to the Owner's ownership or interest in the Property, whether or not the same was or should have been known to the Owner. The provisions of this section of the Agreement, including the obligation to indemnify, shall survive the payment of the Indebtedness and the termination or expiration of this Agreement and shall not be affected by the City's acquisition of any interest in the Property, whether by foreclosure or otherwise.

9.4. **Litigation and Claims.** No litigation, claim, investigation, administrative proceeding or similar action (including those for unpaid taxes) against the Owner is pending or threatened, and no other event has occurred which may materially adversely affect the Owner's financial condition or properties, other than litigation, claims, or other events, if any that have been disclosed to and acknowledged by the City in writing.

9.5. **Taxes.** To the best of the Owner's knowledge, all tax returns and reports of the Owner that are or were required to be filed, have been filed, and all taxes, assessments and other governmental charges have been paid in full, except those presently being or to be contested by the Owner in good faith in the ordinary course of business and for which adequate reserves have been provided.

9.6. **Binding Effect.** This Agreement, the Note, the Deed of Trust and all Loan Documents are binding upon the Owner as well as upon the Owner's successors, representatives and assigns, and are legally enforceable in accordance with their respective terms.

9.7. **Information.** All information heretofore or contemporaneously herewith furnished by the Owner to the City for the purposes of or in connection with this Agreement or any transaction contemplated hereby is, and all information hereafter furnished by or on behalf of the Owner to the City will be, true and accurate in every material respect on the date as of which such information is dated or certified; and none of such information is or will be incomplete by omitting to state any material fact necessary to make such information not misleading.

9.8. **Survival of Representation and Warranties.** The Owner understands and agrees that the City is relying upon the above representations and warranties in extending Loan advances to the Owner. The Owner further agrees that the foregoing representations and warranties shall be continuing in nature and shall remain in full force and effect until such time as the Owner's Loan and Note shall be paid in full, or until this Agreement shall be terminated in the manner provided above, whichever is the last to occur.

10. **Affirmative Covenants.** The Owner covenants and agrees with the City that, while this Agreement is in effect, the Owner will do as follows:

10.1. **Title VI of the Civil Rights Act of 1964.** The Owner will utilize the proceeds of the Loan in compliance with all requirements imposed by or pursuant to regulations

of the City. The Owner also agrees not to discriminate upon the basis of race, color, creed or national origin in the sale, lease, rental, use or occupancy of the Property rehabilitated with the assistance of the Loan. The United States shall be deemed to be beneficiary of these provisions both for and in its own right and also for the purpose of protecting the interests of the community and other parties, public or private, in whose favor or for whose benefit this provision has been provided and shall have the right, in the event of any breach of this provision to maintain any actions or suits at law or in equity or any other proper proceedings to enforce the curing of such breach.

10.2. **Other Agreements.** The Owner will comply with all terms and conditions of all other agreements, whether now or hereafter existing, between the Owner and any other party and notify the City immediately in writing of any default in connection with any other such agreements.

10.3. **Loan Proceeds.** The Owner will use all Loan proceeds solely for the Rehabilitation Work on the Property, unless the City specifically consents to the contrary in writing.

10.4. **Taxes, Charges and Liens.** The Owner will pay and discharge when due all of its indebtedness and obligations, including without limitation all assessments, taxes, governmental charges, levies and liens, of every kind and nature, imposed upon the Owner or the Owner's properties, income, or profits, prior to the date on which penalties would attach, and all lawful claims that, if unpaid, might become a lien or charge upon any of the Owner's properties, income, or profits. The Owner upon demand of the City will furnish to the City evidence of payment of the assessment, taxes, charges, levies, liens and claims and will authorize the appropriate governmental official to deliver to the City at any time a written statement of any assessments, taxes, charges, levies, liens and claims against the Owner's properties, income, or profits.

10.5. **Performance.** The Owner will perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements between the Owner and the City in a timely manner, and promptly notify the City if the Owner learns of the occurrence of any event which constitutes an Event of Default under this Agreement or any of the Loan Documents.

10.6. **Operations.** In the performance of this Agreement and the construction of improvements of the Property, the Owner shall comply, in all material respects, with applicable Federal and State laws, orders, rules and regulations as any agency having jurisdiction thereto, and the Owner shall defend, protect and save harmless the County and the City, their officers and employees, from and against all claims, suits, actions, liability, loss, damage and expense arising from any failure of the Owner, its architect, agents, contractors or subcontractors, to comply with the same. Any such requirement which, under the applicable federal grant Agreement, is required to be set forth in this Agreement is by this reference incorporated herein as though fully set forth at this point.

10.7. **Inspection.** The Owner will permit employees or agents of the City at any reasonable time to inspect the Property, the Project and any and all collateral for the Loan and the Owner's other properties and to examine or audit the Owner's books, accounts and records and to make copies and memoranda of the Owner's books, accounts and records. If the Owner now or at any time hereafter maintains any records (including without limitation computer generated records and computer software programs for the generation of such records) in the possession of a third party, the Owner, upon request of the City, shall notify such party to permit the City free access to such records at all reasonable times and to provide the City with copies of any records it may request, all at the Owner's expense.

10.8. **Additional Assurances.** The Owner will make, execute and deliver to the City such promissory notes, mortgages, deeds of trust, security agreements, financing statements, instruments, documents and other agreements as the City or its attorneys may reasonably request to evidence and secure the Loan and to perfect all security interests.

10.9. **Household Disclosure to City.** The Owner will disclose to the City on or before the execution of this Agreement, and at any time upon the City's request, the names of all persons in the Owner's Household and their Annual Incomes, if such persons are 18 years of age or older.

11. **Default.** Each of the following shall be an Event of Default under this Agreement:

11.1. **Default on Indebtedness.** Failure of the Owner to pay when due any sum owing hereunder, under the Note or under any of the other Loan Documents.

11.2. ~~**Failure to Rehabilitate.** Failure of the Owner to complete the Rehabilitation Work in accordance with the approved Plans and Specifications and with the Project Schedule.~~

11.3. **Unapproved Transfer.** The Owner's sale, transfer or other disposition of the Property without the City's prior written consent, excluding the creation of a purchase money security interest for household appliances.

11.4. **Failure to Reside in Property.** The failure of the Owner, or of all Owners if there is more than one Owner, at any time to reside in the Property as the Owner's primary residence.

11.5. **Failure to Comply.** The Owner's failure to comply with any covenant, agreement, term or condition contained in this Agreement, the Note or in any of the Loan Documents.

11.6. **Other Defaults.** The Owner's failure to pay, or other default, in any other indebtedness secured by the Property.

11.7. **Appointment of Receiver, Etc.; Insolvency.** The appointment of a receiver or liquidator for the Owner or the Owner's property, the filing of any state or federal bankruptcy or insolvency petition by or against the Owner, or any assignment by the Owner for the benefit of the Owner's creditors.

11.8. **Death.** The Owner's death or, if the Owner is a husband and wife forming a marital community, the death of both husband and wife.

11.9. **False Statements.** Any warranty, representation, or statement made or furnished to City by or on behalf of the Owner under this Agreement, the Note or the Loan Documents is false or misleading in any material respect at the time made or furnished, or becomes false or misleading at any time thereafter.

11.10. **Defective Collateralization.** This Agreement, the Note, the Deed of Trust or any of the Loan Documents ceases to be in full force and effect (including failure of any security agreement to create a valid and perfected security interest) at any time and for any reason.

12. **Remedies.** Upon the occurrence of an Event of Default, the City shall have the following nonexclusive remedies:

12.1. **Cancellation of Commitment.** At its option, the City reserves the right to cancel the Loan and terminate its obligation hereunder and under any other Loan Documents evidencing the Loan if, for a period of sixty (60) days from the date of execution of the Note, the Owner shall have failed or refused to cause the commencement of physical Utility Repair or Replacement Work on the Property, or if the Owner shall have failed or refused to complete such Utility Repair or Replacement Work within a reasonable time, as determined by the City, after commencing the work. The City shall exercise this cancellation by sending written notice thereof to the Owner at its mailing address set forth below. In the event of cancellation after the City has disbursed funds, any amounts so disbursed shall become immediately due and payable. The City's failure to exercise this right of cancellation shall not be deemed a waiver thereof as long as the Utility Repair or Replacement Work remains incomplete.

12.2. **Acceleration.** The City or any subsequent holder may, at its option, declare the entire principal balance and accrued default interest, if any, of this Note immediately due and payable without notice or other demand and may exercise any rights or remedies available under the Loan Documents, at law or in equity. Failure to exercise this option to accelerate shall not constitute a waiver of the right to exercise such option at any time the Owner is in default. All payments made after default shall be applied first to default interest, then to late charges, if any, then to due but unpaid interest and then to principal.

12.3. **Attorney's Fees, Costs and Expenses.** Upon the occurrence of an Event of Default, and if this Agreement is referred to an attorney for collection or suit is brought hereon, the Owner shall pay to the City all expenses and costs of collection, including, but not limited to,

reasonable attorney's fees. Any judgment recovered by the City or subsequent holder shall bear interest at twelve percent (12%) per annum on such judgment.

12.4. **Venue and Applicable Law.** The Owner agrees that the venue of any action hereon may be laid in the City of Spokane, Washington, at the option of the City or subsequent holder, and that this Agreement shall be construed according to the laws of the State of Washington.

13. **Miscellaneous.**

13.1. **County as Third Party Beneficiary.** ~~The provisions of this Agreement are made for the benefit of, and are fully enforceable by, the County.~~

13.2. **Interest of Certain Federal Officials.** No member or delegate to the Congress of the United States, and no resident commissioner, shall be admitted to any share or part of the proceeds of the Loan, or to any benefit to arise from the same.

13.3. **Bonus, Commission, or Fee.** The Owner will not pay any bonus, commission or fee for the purpose of obtaining the County's approval of its application for the Loan, or any other approval or concurrence required by the County or its designee to complete the construction work financed in whole or in part with the Loan.

13.4. **Interest of City Personnel.** No member of the City who exercises any functions or responsibilities in connection with the administration of any of this program, and no other officer or employee of the City who exercises such functions or responsibilities, shall have any interest, direct or indirect, in the proceeds of the Loan, or in any contract or agreement entered into by the Owner for the performance of work financed in whole or in part with the proceeds of the Loan.

13.5. **Interest of Other Local Public Officials.** No member of the City Council and no other public official of the City who exercises any functions or responsibilities in connection with the administration of the Loan shall have any interest, direct or indirect, in the proceeds of the Loan, or in any contract or agreement entered into by the Owner for the performance of work financed in whole or in part with the proceeds of the Loan.

13.6. **Waiver of Personal Liability of Individuals.** No member, official or employee of the City shall be personally liable to the Owner or any successor in interest in the event of any default or breach by the City or for any amount which may become due to the Owner or its successor or on any obligation under the terms of this Agreement.

13.7. **Anti Lobbying.** No Federal appropriated funds have been paid or will be paid, by or on behalf of the Owner, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering

into of any cooperative agreement, and the extension, continuation, renewal , amendment, or modification of any Federal contract, grant, loan or cooperative agreement. If any funding source other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit standard form LLL, "Disclosure Form to report lobbying in accordance with its instructions."

13.8. **Compliance With Laws and Requirements; Indemnification.** In the performance of this Agreement, the construction of improvements and the management of the Property, the Owner shall comply, in all material respects, with applicable Federal and Washington state laws, orders, rules and regulations as determined by agency having jurisdiction thereto, and the Owner shall defend, protect and save harmless the City, their officers and employees, from and against all claims, suits, actions, liability, loss, damage and expense arising from any failure of the Owner, its architect, agents, contractors or subcontractors, to comply with the same. Any such requirement which, under the applicable federal grant agreement, is required to be set forth in this Agreement is by this reference incorporated herein as though fully set forth at this point.

13.9. **Fees.** The Owner shall promptly pay upon demand of the City all of the City's costs in connection with the closing of the Loan, including, without limitation, its title insurance costs, recording fees, escrow fees, attorney's fees, loan fees and other expenses associated with the Loan. The Owner will further pay all costs incurred by the City in connection with any renewal or modification of the Loan or any other activity undertaken in connection with the administration of the Loan including, without limitation, the City's attorney's fees and costs.

13.10. **Limit of Liability.** All liability and obligation of the City arising pursuant to this Agreement and any payment to be made by the City pursuant to this Agreement shall be satisfied exclusively and solely from City funds made available for such purpose, and no creditor or other person or entity of whatever nature shall have any recourse to the assets, credits, or services of the City by reason of any liability or obligation arising out of this Agreement, and neither this Agreement nor any note, loan or other documents hereunder shall constitute a debt or indebtedness of the City within the meaning of any constitutional, statutory, local, or charter provision.

13.11. **Notices and Demands.** Any notice or demand which either party hereto is required or desires to give to or make upon the other shall be in writing and shall be delivered or made by United States registered or certified mail, return receipt requested, postage prepaid, addressed in the case of the City to:

The City of Spokane

808 West Spokane Falls Blvd

Spokane, WA 99201

and addressed in the case of the Owner to:

ENTER BORROWER(S) NAME

ENTER PROPERTY LOCATION

CITY, STATE ZIP

subject to the right of any such party to designate a different address by notice similarly given. Any notice or demand so sent shall be deemed to have been given or made when delivered as evidenced by the return receipt.

13.12. **Successors and Assigns.** The terms of this Agreement shall be binding upon the parties hereto, their respective successors and assigns; provided, however, the Owner shall not assign or transfer any of its rights, duties, benefits, obligations, liabilities or responsibilities under this Agreement without the express written consent of the City.

13.13. **Modification.** This Agreement may be amended, modified, superseded, cancelled, renewed or extended, and the terms and conditions hereof may be waived only by a written instrument signed by the parties or, in the case of a waiver, the party waiving compliance.

13.14. **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.

13.15. **Survival.** All warranties, representations, and covenants made by the Owner in this Agreement or in any certificate or other instrument delivered by the Owner to the City under this Agreement shall be considered to have been relied upon by the City and will survive the making of the Loan and delivery to the City of the Loan Documents, regardless of any investigation made by the City or on the City's behalf.

13.16. **Waiver.** The City shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by the City. No delay or omission on the part of the City in exercising any right shall operate as a waiver of such right or any other right. A waiver by the City of a provision of this Agreement shall not prejudice or

constitute a waiver of the City's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by the City, nor any course of dealing between the City and the Owner constitute a waiver of any of the City's rights or of any obligations of the Owner as to any future transactions. Whenever the consent of the City is required under this Agreement, the granting of such consent by the City in any instance shall not constitute continuing consent in subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of the City.

13.17. **Time is of the Essence.** Time is of the essence in the performance of this Agreement.

NOTICE CONCERNING ORAL AGREEMENTS
Oral agreements or oral commitments to lend money, extend credit or to forbear from enforcing repayment of a debt are not enforceable under Washington law.

ENTER BORROWER(S) NAME _____

Date

CITY OF SPOKANE

By: _____

Title: _____

Date: _____

EXHIBIT A

LEGAL DESCRIPTION

ENTER LEGAL DESCRIPTION OF PROPERTY

DRAFT

When recorded, return to:
City of Spokane
808 West Spokane Falls Blvd.
Spokane, Washington 99201

WATER AND SEWER REHABILITATION PROGRAM

DEED OF TRUST

DATE: **ENTER DATE**

Reference # (if applicable) _____

Grantor(s):

1. **ENTER VESTED BORROWER'S NAME**
2. **ENTER VESTED BORROWER'S NAME**

Grantees

1. City of Spokane

Legal Description:

ENTER LEGAL DESCRIPTION OF PROPERTY

Assessor's Tax Parcel ID#: **ENTER ASSESSOR'S TAX PARCEL NUMBER**

This Deed of Trust – Water and Sewer Rehabilitation Program (“WSRP”) Program (“Deed of Trust”) is made as **ENTER DATE OF LOAN DOCS** by **ENTER BORROWER'S NAME(S), AND MARITAL STATUS**, whose address is **ENTER COMPLETE PROPERTY ADDRESS (“Borrower”)**, _____

_____ Title Insurance Company, whose address is: _____, WA
_____ ("Trustee"), and the Beneficiary, City of Spokane, _____
_____ a public corporation, whose address is: 808 West Spokane Falls Boulevard, Spokane,
Washington 99201 ("Lender").

1. **Conveyance in Trust.** For the purpose of securing payment and performance of the obligations described in Section 2 below, Borrower grants, bargains, sells, conveys, mortgages and warrants to Trustee and Beneficiary, with power of sale and with right of entry and possession, all estate, right, title and interest which Borrower now has or may later acquire in and to the following property (all or any part of such property, or any interest in all or any part of it, the "Property"): (a) the real property located in the City of Spokane, Washington, as described in Exhibit A attached hereto and incorporated herein by reference ("Property"); (b) all buildings, structures and improvements now located or later to be constructed on the Property and all fixtures, now or later to be attached to all or any part of the Property and Improvements; (c) all existing and future appurtenances, privileges, easements, rights of way, franchises and tenements of the Property, including without limitation all minerals, oil, gas, other hydrocarbons and associated substances, and air rights, water, water rights and water stock; (d) all books and records pertaining to any and all of the Property; and (e) all proceeds of, additions and accretions to, substitutions and replacements for, and changes in the Property.

2. **Obligations Secured.** This Deed of Trust shall secure the following obligations:

2.1. **Note.** The repayment of the indebtedness evidenced by Borrower's Secured Promissory Note – WSRP Program in the principal sum of **SPELL THE AMOUNT OF THE LOAN** and 00/100 Dollars (**\$TYPE NUMERIC LOAN AMOUNT**), and all renewals, extensions and modifications thereof ("Note").

2.2. **Loan Documents.** Performance of the covenants of the Borrower contained in this Deed of Trust and in the WSRP Program Loan Agreement, dated **ENTER DATE OF LOAN DOCS** ("Loan Agreement"), the loan commitment letter from the Lender dated **ENTER DATE OF COMMITMENT LTR**, ("Commitment Letter"), the Agreement for Water and Sewer Rehabilitation Program Program between Lender and Borrower dated **ENTER DATE OF LOAN DOCS**, ("WSRP Agreement") and all other documents that Borrower executes in connection with the Loan, as defined in the Loan Agreement ("Loan Documents").

2.3. **Advances.** The payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust.

2.4. **Future Advances.** Payment of all future advances made by Lender, at Lender's option and at Borrower's request.

3. **Uniform Commercial Code Security Agreement.** This Deed of Trust is intended to be a security agreement pursuant to the Uniform Commercial Code for any of the items specified as part of the Property which, under applicable law, may be subject to a security interest pursuant to the Uniform Commercial Code, and Borrower hereby grants Lender a security interest in the items. Borrower agrees that Lender may file this Deed of Trust, or a reproduction thereof, in the real estate records or other appropriate index, as a financing statement for any of the items specified above as part of the Property. Any reproduction of this Deed of Trust or of any other security agreement or financing statement shall be sufficient as a financing statement. In addition, Borrower agrees to

execute and deliver to Lender, upon Lender's request, any financing statements, as well as extensions, renewals and amendments thereof, and reproduction of this Deed of Trust in such form as Lender may require to perfect a security interest with respect to the items. Borrower shall pay all costs of filing such financing statements and any extensions, renewals, amendments and releases thereof, and shall pay all reasonable costs and expenses of any record searches for financing statements Lender may reasonably require. Without the prior written consent of Lender, Borrower shall not create or suffer to be created pursuant to the Uniform Commercial Code any other security interest in the items, including replacements and additions thereto. Upon Borrower's breach of any covenant or agreement of Borrower contained in this Deed of Trust, including the covenants to pay when due all sums secured by this Deed of Trust, Lender shall have the remedies of a secured party under the Uniform Commercial Code and, at Lender's option, may also invoke the remedies provided in this Deed of Trust as to such items. In exercising any of the remedies, Lender may proceed against the items of real property and any items of personal property specified above as part of the Property separately or together and in any order whatsoever, without in any way affecting the availability of Lender's remedies under the Uniform Commercial Code or of the remedies provided in this Deed of Trust.

4. **Construction Loan Provisions.**

4.1. **WSRP Agreement and Loan Agreement.** Borrower agrees to comply with the covenants and conditions of the WSRP Agreement, which is hereby incorporated by reference in and made a part of this Deed of Trust. All advances made by Lender pursuant to the Water and Sewer Rehabilitation Program Program shall be indebtedness of Borrower secured by this Deed of Trust, and such advances may be obligatory as provided in the WSRP Agreement. All sums disbursed by Lender prior to completion of the improvements to protect the security of this Deed of Trust up to the principal amount of the Note shall be treated as disbursements pursuant to the WSRP Agreement. All such sums shall bear interest from the date of disbursement at the highest contract rate which may be collected from Borrower under applicable law at the time and shall be payable upon notice form Lender to Borrower requesting payment therefore.

4.2. **Breach.** From time to time as Lender deems necessary to protect Lender's interests, Borrower shall, upon request of Lender, execute and deliver to Lender, in such form as Lender shall direct, assignments of any and all rights or claim which relates to the construction of the Property and which Borrower may have against any party supplying or who has supplied labor, materials or services in connection with construction of the Property. In case of breach by Borrower of the covenants and conditions of the WSRP Agreement, Lender, at Lender's option, with or without entry upon the Property, (i) may invoke any of the rights or remedies provided in the agreement, (ii) may accelerate the sums secured by this Deed of Trust and invoke those remedies provided herein, or (iii) may do both.

5. **Rights and Duties of Parties.**

5.1. **Real Property Covenants.** The Borrower covenants that (i) Borrower is lawfully seized of the estate hereby conveyed and has the right to grant, convey and assign the Property; (ii) the Property is unencumbered; and (iii) Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to any easements and restrictions listed in a schedule of exceptions to coverage in any title insurance policy insuring Lender's interest in the Property.

5.2. **Payment.** The Borrower shall promptly pay when due the indebtedness evidenced by the Note and all other sums secured by this Deed of Trust if and when such payment is required.

5.3. **Charges; Liens.** The Borrower shall pay all water and sewer rates, rents, taxes, assessments, premiums and other impositions attributable to the Property by Borrower making payment, when due, directly to the payee thereof, of in such manner as Lender may designate in writing. Borrower shall promptly furnish to Lender all notices of amounts due under this Section, and in the event Borrower shall make payment directly, Borrower shall promptly furnish to Lender receipts evidencing such payments. The Borrower shall promptly discharge any lien which has, or may have, priority over or equality with, the lien of this Deed of Trust, and Borrower shall pay, when due, the claims of all persons supplying labor or materials to or in connection with the Property. Without Lender's prior written permission, the Borrower shall not allow any lien, mortgage or other encumbrance inferior to this Deed of Trust to be perfected against the Property.

5.4. **Hazard Insurance:**

5.4.1 **Duty to Insure Property.** The Borrower shall keep the improvements now existing or hereafter erected on the Property insured by carriers at all times satisfactory to the Lender against loss by fire, hazards included within the term "extended coverage," rent loss and such other hazards, casualties, liabilities and contingencies as Lender shall require and in such amounts and for such periods as Lender shall require. All premiums or insurance policies shall be paid by the Borrower making payment, when due, directly to the carrier, or in such other manner as the Lender may designate in writing.

5.4.2 **Policies.** All insurance policies and renewals thereof shall be in a form acceptable to the Lender and shall include a standard mortgage clause in favor of and in form acceptable to Lender. The Lender shall have the right to hold the policies, and the Borrower shall promptly furnish to Lender all renewal notices and all receipts of paid premiums. At least thirty (30) days prior to the expiration date of a policy, the Borrower shall deliver to Lender a renewal policy in form satisfactory to Lender.

5.4.3 **Loss.** In the event of loss, the Borrower shall give immediate written notice to the insurance carrier and to the Lender. The Borrower hereby authorizes and empowers Lender as attorney-in-fact for Borrower to make proof of loss, to adjust and compromise any claim under insurance policies, to appear in and prosecute any action arising from such insurance policies, to collect and receive insurance proceeds, and to deduct therefrom Lender's expenses incurred in the collection of such proceeds; provided, however, that nothing contained in this Section shall require Lender to incur any expense or take any action hereunder. Borrower further authorizes Lender, at Lender's option, (i) to hold the balance of such proceeds to be used to reimburse Borrower for the cost of reconstruction or repair of the Property or (ii) to apply the balance of such proceeds to the payment of the sums secured by this Deed of Trust, whether or not then due.

5.4.4 **Proceeds.** If the insurance proceeds are held by the Lender to reimburse the Borrower for the cost of restoration and repair of the Property, the Property shall be restored to the equivalent of its original condition or such other condition as Lender may approve in writing. The Lender may, at Lender's option, condition disbursement of the proceeds on Lender's approval of such plans and specifications of an architect satisfactory to Lender, contractor's cost estimates, architect's certificates, waivers of liens, sworn statements of mechanics and materialmen

and such other evidence of costs, percentage completion of construction, application of payments, and satisfaction of liens as Lender may reasonably require. If the Property is sold pursuant to this Deed of Trust or if the Lender acquires title to the Property, Lender shall have all of the right, title and interest of the Borrower in and to any insurance policies and unearned premiums thereon and in and to the proceeds resulting from any damage to the Property prior to such sale or acquisition.

5.5. **Preservation and Maintenance of Property.** The Borrower (i) shall not commit waste or permit impairment or deterioration of the Property, (ii) shall not abandon the Property, (iii) shall restore or repair promptly and in a good and workmanlike manner all or any part of the Property to the equivalent of its original condition, or such other condition as the Lender may approve in writing, in the event of any damage, injury or loss thereto, whether or not insurance proceeds are available to cover in whole or in part the costs of such restoration or repair, (iv) shall keep the Property, including improvements, fixtures, equipment, machinery and appliances thereon in good repair and shall replace fixtures, equipment, machinery and appliances on the Property when necessary to keep such items in good repair, (v) shall comply with all laws, ordinances, regulations and requirements of any governmental body applicable to the Property, and (vi) shall give notice in writing to Lender of and, unless otherwise directed in writing by Lender, appear in and defend any action or proceeding purporting to affect the Property, the security of this Deed of Trust or the rights or powers of Lender. Neither Borrower nor any tenant or other person shall remove, demolish or alter any improvement now existing or hereafter erected on the Property or any fixture, equipment, machinery or appliance in or on the Property except when incident to the replacement of fixtures, equipment, machinery and appliances with items of like kind.

5.6. **Use of Property.** Unless required by applicable law or unless Lender has otherwise agreed in writing, Borrower shall not allow changes in the use for which all or any part of the Property was intended at the time this Deed of Trust was executed. Borrower shall not initiate or acquire or acquiesce in a change in the zoning classification of the Property without Lender's prior written consent.

5.7. **Protection of Lender's Security.**

5.7.1 **Lender's Rights.** If Borrower fails to perform the covenants and agreements contained in this Deed of Trust, or if any action or proceeding is commenced which affects the Property or title thereto or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, or arrangements or proceedings involving a bankruptcy debtor or decedent, then Lender, at Lender's option, may make such appearance, disburse such sums and take such action as Lender deems necessary, in its sole discretion, to protect Lender's interest, including, but not limited to, (i) disbursement of attorney's fees, (ii) entry upon the Property to make repairs, and (iii) procurement of satisfactory insurance as provided in this Deed of Trust.

5.7.2 **Additional Indebtedness.** Any amounts disbursed by Lender pursuant to this Section, with interest thereon, shall become additional indebtedness of the Borrower secured by this Deed of Trust. Unless Borrower and Lender agree to other terms of payment, such amounts shall be immediately due and payable and shall bear interest from the date of disbursement at the rate stated in the Note unless collection from Borrower of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate which may be collected from Borrower under applicable law. Borrower hereby covenants and agrees that Lender shall be subrogated to the lien of any mortgage or other lien discharged, in whole or in part, by the

indebtedness secured hereby. Nothing contained in this Section shall require Lender to incur any expense or take any action hereunder.

5.8. **Inspection.** Lender may make or cause to be made reasonable entries upon and inspection of the Property.

5.9. **Books and Records.** Borrower shall keep and maintain at all times at Borrower's address stated below, or such other place as Lender may approve in writing, complete and accurate books of accounts and records adequate to reflect correctly the results of the operation of the Property and copies of all written contracts, leases and other instruments which affect the Property. Such books, records, contracts, leases and other instruments shall be subject to examination and inspection at any reasonable time by Lender. Upon Lender's request, Borrower shall furnish to Lender a balance sheet, a statement of income and expenses of the Property and a statement of charges in financial position, each in reasonable detail and certified by Borrower and, if Lender shall require, by an independent certified public accountant. Borrower shall furnish, together with the foregoing financial statements and at any other time upon Lender's request, a rent schedule for the Property, certified by Borrower, showing the name of each tenant, and for each tenant, the space occupied, the lease expiration date, the rent payable, the rent paid and such other information as the Lender shall require.

5.10. **Condemnation.**

5.10.1 **Proceedings.** Borrower shall promptly notify Lender of any action or proceeding relating to any condemnation or other taking, whether direct or indirect, of the Property, or part thereof, and Borrower shall appear in and prosecute any such action or proceeding unless otherwise directed by Lender in writing. Borrower authorizes Lender, at Lender's option, as attorney-in-fact for Borrower, to commence, appear in and prosecute, in Lender's or Borrower's name, any action or proceeding relating to any condemnation or other taking of the Property whether direct or indirect, and to settle or compromise any claim in connection with such condemnation or other taking. The proceeds of any award payment or claim for damages, direct or consequential, in connection with any condemnation or other taking, whether direct or indirect, of the Property, or part thereof, or for conveyance in lieu of condemnation, are hereby assigned to and shall be paid to Lender.

5.10.2 **Award.** Borrower authorizes Lender to apply such awards, payments, proceeds or damages, after the deduction of Lender's expenses incurred in the collection of such amounts, at Lender's option, to restoration or repair of the Property or to payment of the sums secured by this Deed of Trust, whether or not then due, with the balance, if any, to Borrower. Borrower agrees to execute such further evidence of assignment of any awards, proceeds, damages or claims arising in connection with such condemnation or taking as Lender may require.

5.11. **Borrower and Lien not Released.** From time to time, Lender may, at Lender's option, without giving notice to or obtaining the consent of Borrower, Borrower's successors or assigns or of any junior lienholder or guarantors, without liability on Lender's part and notwithstanding Borrower's breach of any covenant or agreement of Borrower in this Deed of Trust, extend the time for payment of the indebtedness or any part thereof, reduce payments thereon, release anyone liable on any of the indebtedness, accept a renewal note or notes therefor, modify the terms and time of payment of the indebtedness, release from the lien of this Deed of Trust any part of the Property, take or release other or additional security, reconvey any part of the Property, consent to any map or plan of the Property, consent to the granting of any easement, join in any extension or subordination

agreement, and agree in writing with Borrower to modify the rate of interest or period of amortization of the Note or change the amount of the monthly installments payable thereunder. Any actions taken by Lender pursuant to the terms of this Section shall not affect the obligation of Borrower to Borrower's successors or assigns to pay the sums secured by this Deed of Trust and to observe the covenants of Borrower contained herein, shall not affect the guaranty of any person, corporation, partnership or other entity for payment of the indebtedness secured hereby, and shall not affect the lien or priority of lien hereof on the Property. Borrower shall pay Lender a reasonable service charge, together with such title insurance premiums and attorney's fees as may be incurred at Lender's option, for any such action if taken at Borrower's request.

5.12. **Forbearance by Lender not a Waiver.** Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy. The acceptance by Lender of payment of any sum secured by this Deed of Trust after the due date of such payment shall not be a waiver of Lender's right to either require prompt payment when due of all other sums so secured or to declare a default for failure to make prompt payment. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness secured by this Deed of Trust, nor shall Lender's receipt of any awards, proceeds or damages under this Deed of Trust operate to cure or waive Borrower's default in payment of sums secured by this Deed of Trust.

5.13. **Estoppel Certificate.** Borrower shall within ten (10) days of a written request from Lender furnish Lender with a written statement, duly acknowledged, setting forth the sums secured by this Deed of Trust and any right of set-off, counterclaim or other defense which exists against such sums and the obligations of this Deed of Trust.

5.14. **Reconveyance.** Upon payment or forgiveness of all sums secured by this Deed of Trust, Lender shall request Trustee to reconvey the Property and shall surrender this Deed of Trust and all notes evidencing indebtedness secured by this Deed of Trust to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled thereto. Such person or persons shall pay Trustee's reasonable costs incurred in so reconveying the Property.

6. **Transfers of Property.**

6.1. **Prohibited Transfers.** On (i) sale or transfer of all or any part of the Property, or any interest therein, including leasing or renting the property, or (ii) the granting of any deed of trust or other encumbrance on the Property subordinate to this Deed of Trust, the Lender may, at Lender's option, declare all sums secured by this Deed of Trust to be immediately due and payable and may invoke any remedies permitted by this Deed of Trust.

6.2. **Exceptions.** This option shall not apply in the case of sales or transfers of fixtures or any personal property incident to replacement with items of like kind.

7. **Default and Acceleration; Remedies.**

7.1. **Default.** For purposes of this Deed of Trust, "default" is Borrower's breach of, or failure to comply with, any covenant, agreement, term or condition contained in the Note, this Deed of Trust, the Loan Agreement or any other Loan Documents. Default shall include, but not be limited to:

7.1.1 **Default on Indebtedness.** Failure of Borrower to pay when due any sum owing hereunder or under any of the other Loan Documents.

7.1.2 **Failure to Repair or Replace.** Failure of Borrower to complete the required repairs in accordance with the approved plans and specifications and the WSRP Agreement within a reasonable time, as determined by Lender, from the date hereon.

7.1.3 **Unapproved Transfer.** Borrower's sale, transfer or other disposition of the Property without the Lender's prior written consent, excluding the creation of a purchase money security interest for household appliances.

7.1.4 **Failure to Reside in Property.** Borrower's failure at any time to reside in the Property as Borrower's primary residence.

7.1.5 **Failure to Comply.** Borrower's failure to comply with any covenant, agreement, term or condition contained in this Note or in any of the Loan Documents.

7.1.6 **Other Defaults.** Borrower's failure to pay, or other default, in any other indebtedness secured by the Property.

7.1.7 **Appointment of Receiver, Etc.; Insolvency.** The appointment of a receiver or liquidator for the Borrower or Borrower's property, the filing of any state or federal bankruptcy or insolvency petition by or against the Borrower, or any assignment by Borrower for the benefit of Borrower's creditors.

7.1.8 **Death.** Borrower's death or, if Borrower is a husband and wife forming a marital community, the death of both husband and wife.

7.1.9 **False Statements.** Any warranty, representation, or statement made or furnished to Lender by or on behalf of Borrower under this Note or the Loan Documents is false or misleading in any material respect at the time made or furnished, or becomes false or misleading at any time thereafter.

7.1.10 **Defective Collateralization.** This Note or any of the Loan Documents ceases to be in full force and effect (including failure of any security agreement to create a valid and perfected security interest) at any time and for any reason

7.2. **Acceleration.** Upon Borrower's default and after expiration of any required notice period, Lender, at Lender's option, may declare all of the sums secured by this Deed of Trust to be immediately due and payable without further demand. After giving Borrower notice of default in the manner prescribed by applicable law, Lender may invoke the power of sale and any other remedies permitted by applicable law or provided herein. Borrower acknowledges that the power of sale herein granted may be exercised by Lender without prior judicial hearing. Borrower has the right to bring an action to assert the nonexistence of a breach or any other defense of Borrower to acceleration and sale. Lender shall be entitled to collect all costs and expenses incurred in pursuing such remedies, including, but not limited to, attorney's fees and costs of documentary evidence, abstracts and title reports.

7.3. **Sale.** If Lender invokes the power of sale, Lender shall give written notice to Trustee of the occurrence of an event of default and of Lender's decision to cause the Property to be

sold. Trustee and Lender shall give such notices as the laws of Washington may require to Borrower and to such other persons as the laws of Washington prescribe, and after the lapse of such time as may be required by applicable law, Trustee shall sell the Property according to the laws of Washington. Trustee may sell the Property at any time and place and under the terms designated in the notice of sale in one or more parcels and in such order as Trustee may determine. Trustee may postpone sale of all or any parcel of the Property for a period or periods not exceeding a total of one hundred twenty (120) days by public announcement at the time and place fixed in the notice of sale. Lender or Lender's designee may purchase the Property at any sale.

7.4. **Deed and Proceeds.** Trustee shall deliver to the purchaser Trustee's deed conveying the Property so sold without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (i) to all costs and expenses of the sale, including, but not limited to, Trustee's and attorney's fees and costs of title evidence; (ii) to all sums secured by this Deed of Trust in such order as Lender, in Lender's sole discretion, directs; and (iii) the excess, if any, to the clerk of the superior court of the county in which the sale took place.

7.5. **Remedies Cumulative.** Each remedy provided in this Deed of Trust is distinct and cumulative to all other rights or remedies under this Deed of Trust or afforded by law or equity, and may be exercised concurrently, independently, or successively, in any order whatsoever.

7.6. **Waiver of Marshalling.** Notwithstanding the existence of any other security interests in the Property held by Lender or by any other party, Lender shall have the right to determine the order in which any or all of the Property shall be subjected to the remedies provided herein. Lender shall have the right to determine the order in which any or all portions of the indebtedness secured hereby are satisfied from the proceeds realized upon the exercise of the remedies provided herein. Borrower, any party who consents to this Deed of Trust and any party who now or hereafter acquires a security interest in the Property and who has actual or constructive notice hereof hereby waives any and all right to require the marshalling of such assets in connection with the exercise of any remedies permitted by applicable law or provided herein.

8. **Miscellaneous.**

8.1. **Notice.** Except for any notice required under applicable law to be given in another manner, (i) any notice to Borrower provided for in this Deed of Trust or in the Note shall be given by mailing such notice addressed to Borrower at Borrower's address stated below or at such other address as Borrower may designate by notice to Lender as provided herein, and (ii) any notice to Lender shall be given by certified mail, return receipt requested, to Lender's address stated herein or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Deed of Trust or in the Note shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

8.2. **Successors and Assigns Bound; Joint and Several Liability; Agents; Captions.** The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. All covenants and agreements of Borrower shall be joint and several. In exercising any rights hereunder or taking any actions provided for herein, the Lender may act through its employees, agents or independent contractors as authorized by Lender. The captions and headings of the Sections of this Deed of Trust are for convenience only and are not to be used to interpret or define the provisions hereof.

8.3. **Waiver of Statute of Limitations.** Borrower hereby waives the right to assert any statute of limitations as a bar to the enforcement of the lien of this Deed of Trust or to any action brought to enforce the Note or any other obligations secured by this Deed of Trust.

8.4. **Substitute Trustee.** In accordance with applicable law, Lender may from time to time appoint a successor trustee to any Trustee appointed hereunder who has ceased to act. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon the Trustee herein and by applicable law.

8.5. **Use of Property.** The Property is not used principally for agricultural or farming purposes.

NOTICE CONCERNING ORAL AGREEMENTS
Oral agreements or oral commitments to lend money, extend credit or to forbear from enforcing repayment of a debt are not

BORROWER:

ENTER BORROWER'S NAME(S)

ENTER BORROWER'S NAME(S)

Borrower's Address:

PROPERTY LOCATION

CITY, STATE ZIP

State of Washington

County of Spokane

I certify that I know or have satisfactory evidence that _____
_____ (is/are) the person(s) who appeared before me, and said person(s) acknowledged that
(he/she/they) signed this instrument and acknowledged it to be (his/her/their) free and voluntary act
for the uses and purposes mentioned in the instrument.

Witness my hand and official seal.

Dated: _____

Notary Public in and for the State of Washington,
Residing in: _____

Appointment Expires: _____

EXHIBIT A

LEGAL DESCRIPTION

ENTER THE LEGAL DESCRIPTION OF PROPERTY

DRAFT



Agenda Sheet for City Council Meeting of:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	RES 2023-0098
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	RETIREMENT
Contact Name/Phone	CHRISTINE SHISLER 6833
Contact E-Mail	CSHISLER@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	6100 SPOKANE EMPLOYEES' RETIREMENT SYSTEM CONTRIBUTION RATE CHANGE

Agenda Wording

A Resolution approving the Spokane Employees' Retirement System (SERS) Board's change in the employee and employer contribution rates in accordance with the Spokane Municipal Code 04.14.070

Summary (Background)

Spokane Employees' Retirement System (SERS) contribution rates are to be reviewed annually to meet the Actuarially Determined Contribution Rate (ADC). The ADC Rate was determined to be 21.58%, as calculated by the Plan's actuary as of December 31, 2022. SERS Contributions will be increased from 10.25% of eligible compensation for both the employee and the City of Spokane (20.50% total) to 11.00% of eligible compensation for both (22.00% total) effective pay period beginning December 24, 2023.

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

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

Approvals		Council Notifications	
Dept Head	SHISLER, CHRISTINE	Study Session\Other	11/6/2023 Public Safety Committee Meeting
Division Director		Council Sponsor	CM's Bingle & Wilkerson
Finance	WALLACE, TONYA	Distribution List	
Legal	PICCOLO, MIKE	cshisler@spokanecity.org	
For the Mayor	JONES, GARRETT	tszambelan@spokanecity.org	
Additional Approvals		Jenni.Folden@srec911.org	
Purchasing		Mark.Johnson@srec911.org	
		dleonardchaffin@spokanecity.org	
		rorr@spokanecity.org	

RESOLUTION NO. 2023-0098

A Resolution approving the Spokane Employees' Retirement System (SERS) Board's change in the employee and employer contribution rates in accordance with Spokane Municipal Code 4.14.070

WHEREAS, SERS contribution rates are negotiated items that are agreed upon by the City of Spokane and the various bargaining units representing employee members, and

WHEREAS, SERS contribution rates are to be reviewed and adjusted annually to meet the Actuarially Determined Contribution Rate, and

WHEREAS, the Actuarially Determined Contribution (ADC) Rate was determined to be of 21.58%, as calculated by the Plan's actuary as of December 31, 2022, which will continue to improve the Plan's fiduciary position, and

WHEREAS, contributions will be increased from 10.25% of eligible compensation for both the employee and City of Spokane (20.50% total) to 11.00% of eligible compensation for both the employee and City of Spokane (22.00% total), and

WHEREAS, the SERS Board has a fiduciary duty to assure the health of the Fund, and

WHEREAS, the SERS Board met on May 3, 2023 and voted to approve the increased contribution rates and reaffirmed the rate at the July 5, 2023 meeting, and

WHEREAS, the increased contributions will increase the City of Spokane's personnel costs by approximately \$1,067,000 per year, with an equivalent decrease in pre-tax income for employees, and

WHEREAS, the increased contributions are included in the budgets submitted by the City of Spokane and SERS, and

WHEREAS, the increased contribution rates will take effect with the pay period beginning December 24, 2023, with the first contributions paid from the payday on January 12, 2024, and

WHEREAS, SMC 4.14.070 allows the Board to change the contribution rates with the approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council approves the increase of the contribution rate from 10.25% to 11.00% of eligible compensation for both SERS participants and the City of Spokane.

Adopted by the City Council this _____ day of _____, 2023.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council Meeting of:
11/13/2023

Date Rec'd	10/27/2023
Clerk's File #	ORD C32457
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	DEVELOPMENT SERVICES CENTER
Contact Name/Phone	ELDON BROWN X6305
Contact E-Mail	EBROWN@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	NEW 1ST READING OF ORDINANCE C32457

Agenda Wording
New 1st reading of Ordinance C32457

Summary (Background)
In Oct 2000, the City of Spokane vacated a section of 6th near Audubon & reserved an easement in vacation ordinance for AT&T now Comcast. Owner would like the easement released to allow building across the property & Comcast has been contacted to see if they're amenable to the release. Comcast provided the City with a letter indicating that they don't have any facilities crossing the property. In order to release easement, Ordinance C-32457 needs to be amended & easement language struck out.

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 Committee 10/23/23
Division Director	MACDONALD, STEVEN	Council Sponsor	BWilkerson & ROelrich
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	PICCOLO, MIKE	edjohnson@spokanecity.org	
For the Mayor	JONES, GARRETT	ebrown@spokanecity.org	
Additional Approvals		tpalmquist@spokanecity.org	
Purchasing		smacdonald@spokanecity.org	
		rwaller@spokanecity.org	
		erivera@spokanecity.org	
		kkuchlenz@spokanecity.org	

AGENDA ITEM PROCESSING SHEET

PLEASE FILL IN AS MUCH INFORMATION AS POSSIBLE – IF YOU NEED ASSISTANCE PLEASE CONTACT THE ADMIN GROUP

City Council Meeting Date: November 6, 2023

Submitting Dept: DSC - Development Services Center Other:

Name of Staff Member Presenting to Council: Eldon Brown x6305

Agenda Type: 1st Reading Ordinance

Agenda Item Name: New 1st reading of Ordinance C32457

Agenda Wording (250 Character Max): New 1st reading of Ordinance C32457

Summary Background (500 Character Limit): In October of 2000, the City of Spokane vacated a section of 6th Ave adjacent to Audubon St. and reserved an easement in the vacation ordinance for AT&T now Comcast. The owner of the property would like the easement released so they can build across the property and Comcast has been contacted to see if they are amenable to the release. Comcast has provided the City with a letter indicating that they don't have any facilities **crossing this property**. In order to release the easement, Ordinance C-32457 needs to be amended and the easement language struck out.

Grant Related? Yes No

Public Works Related? Yes No

Fiscal Impact: Neutral

If Revenue or Expense:

**** If the item is an expense, please complete & include an Expenditure Control Form with the other documents.**

Council Notifications: PIES Committee 10/23/23

**** City Council Sponsor:**Betsy Wilkerson & Ryan Oelrich

Any Additional Approvals Required:

Distribution List: I add the Submitter, Department Head, and Division Head to all agenda submittals.

edjohnson@spokanecity.org, ebrown@spokanecity.org, tpalmquist@spokanecity.org

**PLEASE PROVIDE DOCUMENTS (ELECTRONIC IF AVAILABLE) THAT NEED TO BE
SUBMITTED WITH THE AGENDA ITEM**

City of Spokane
Development Services Center
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6300

ORDINANCE NO. C32457

An ordinance amending Ordinance C-32457 that vacated 6th Avenue from approximately 100 feet west of Audubon Street to Audubon Street and located in the Northeast Quarter of Section 23, Township 25 North, Range 42 East, Willamette Meridian.

WHEREAS, a petition for the vacation of 6th Avenue from the Railroad Right-of-way to Audubon street has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

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

The City of Spokane does ordain:

Section 1. That 6th Avenue from the Railroad Right-of-Way to Audubon Street is hereby vacated.

~~Section 2. An easement is reserved and retained over and through the entire vacated area for the utility services of AT&T Cable Services of Washington to protect existing and future utilities, and no structures or other obstructions shall be erected or placed within the easement area without the prior written approval of the Director of Engineering Services.~~

Section 3. That this ordinance shall not become effective until the owners of property abutting upon the area to be vacated shall have compensated the City of Spokane in an amount equal to one-half the assessed value of the area herein vacated.

Section 4. Subject to Section 3 above, this ordinance shall take effect and be in force thirty days after its passing.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

Ordinance C-32457

W 5th Ave

S Government Way

W 6th Ave

S Audubon St

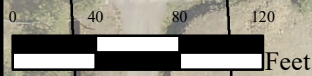
W 6th Ave

W 6th-Hartson Aly

S C St


W Hartson Ave

W Hartson Ave



Amending Ordinance C-32457 in order to release an easement that was reserved for Comcast and is no longer needed

Legend

 Easement Area

THIS IS NOT A LEGAL DOCUMENT.
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



From: Wilkerson, Betsy
Sent: Fri, 6 Oct 2023 22:00:14 +0000
To: Johnson, Erik D.; Kinnear, Lori
Cc: Brown, Eldon
Subject: RE: City Council Sponsors

Would be willing to sponsor.

warmest regards,



My Pronouns are: [She, Her, Hers y Ella](#)
Stay updated by following me on [Facebook!](#)

Please note that any correspondence through this email is subject to the Public Records Act Chapter 42.56 RCW.

From: Johnson, Erik D. <edjohnson@spokanecity.org>
Sent: Friday, October 6, 2023 2:31 PM
To: Wilkerson, Betsy <bwilkerson@spokanecity.org>; Kinnear, Lori <lkinnear@spokanecity.org>
Cc: Brown, Eldon <ebrown@spokanecity.org>
Subject: City Council Sponsors

Good afternoon,

Prior to scheduling an item on the next available committee, DSC-Engineering is in need of City Council Sponsors. Because the property is located within your district boundary, would you be willing to sponsor the item?

Background Information

In October of 2000, the City of Spokane vacated a section of 6th Ave adjacent to Audubon St. and reserved an easement for AT&T now Comcast. (See attached vacation ordinance and map)

The owner of the property would like the easement released so they can build across the property and Comcast has been contacted to see if they are amenable to the release. Comcast has provided us the attached letter indicating that they don't have any facilities crossing this property.

Before sending this ordinance back to a regularly schedule City Council Meeting to revise the ordinance, I would like to schedule this on one of the committees.

Thanks,



Erik Johnson | City of Spokane | Engineering Technician IV
Office 509.625.6445 | Cell 509.995.0870 | edjohnson@spokanecity.org

Development Services Center is open Monday-Friday 8 am – 5 pm in person, [online](#) or over the phone at 509.625.6300

From: Oelrich, Ryan
Sent: Fri, 6 Oct 2023 23:41:43 +0000
To: Johnson, Erik D.
Cc: Ramos, Virginia
Subject: Re: City Council Sponsors
Attachments: image001.jpg, Easement Map.pdf, C-32457.pdf, 524 SAubudounSt _Spokane Easement Letter9-7-2023_230907_160224.pdf

Hi Erik,

Happy to sponsor this and thanks for providing the details.

CM Oelrich
Sent from my iPhone

On Oct 6, 2023, at 4:35 PM, Kinnear, Lori <lkinnear@spokanecity.org> wrote:

This is meant for you

Sent from my iPhone

Begin forwarded message:

From: "Johnson, Erik D." <edjohnson@spokanecity.org>
Date: October 6, 2023 at 2:30:57 PM PDT
To: "Wilkerson, Betsy" <bwilkerson@spokanecity.org>, "Kinnear, Lori" <lkinnear@spokanecity.org>
Cc: "Brown, Eldon" <ebrown@spokanecity.org>
Subject: City Council Sponsors

Good afternoon,

Prior to scheduling an item on the next available committee, DSC-Engineering is in need of City Council Sponsors. Because the property is located within your district boundary, would you be willing to sponsor the item?

Background Information

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The owner of the property would like the easement released so they can build across the property and Comcast has been contacted to see if they are amenable to the release. Comcast has provided us the attached letter indicating that they don't have any facilities crossing this property.

Before sending this ordinance back to a regularly schedule City Council Meeting to revise the ordinance, I would like to schedule this on one of the committees.

Thanks,

Erik Johnson | City of Spokane | Engineering Technician IV
Office 509.625.6445 | **Cell** 509.995.0870 | edjohnson@spokanecity.org

Development Services Center is open Monday-Friday 8 am – 5 pm in person, [online](#) or over the phone at 509.625.6300



Agenda Sheet for City Council Meeting of:

11/13/2023

Date Rec'd	11/1/2023
Clerk's File #	ORD C36461
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PUBLIC WORKS
Contact Name/Phone	MARLENE FEIST 6505
Contact E-Mail	MFEIST@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	5200 - GENERAL FACILITY CHARGES (GFCS)

Agenda Wording

Update to Water/Wastewater GFC charges effective March 5, 2024. Changes include clarifying ENR index calculated, adding an additional meter size (5/8"), remove 2 zones for water & create citywide water zone & update sewer rate & clarify master meter.

Summary (Background)

Council adopted and update to Water and Wastewater (GFC) charges on March 27, 2023, along with requiring additional analysis and public outreach. Public Works has updated Council over the last 6 months. Plan Commission held a hearing on 10/25/23 and provided their recommendations. The following is included in the packet to clarify language regarding master meters, the ENR index calculation and dates, and adding an additional meter size.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Revenue	\$ TBD
Select	\$
Select	\$
Select	\$

Budget Account

#	TBD
#	
#	
#	

Approvals

Dept Head	MILLER, KATHERINE E
Division Director	MILLER, KATHERINE E
Finance	ALBIN-MOORE, ANGELA
Legal	SCHOEDEL, ELIZABETH
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES 10-23-2023
Council Sponsor	CP Kinnear & CM Bingle
Distribution List	
	mfeist@spokanecity.org
	kemiller@spokanecity.org
	ESchoedel@spokanecity.org
	rgennett@spokanecity.org
	lsearl@spokanecity.org
	mdavis@spokanecity.org

Additional Approvals

Purchasing	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Public Works and Utilities
Contact Name	Marlene Feist, Division Director
Contact Email & Phone	mfeist@spokanecity.org
Council Sponsor(s)	Council President Kinnear and Councilmember Bingle
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5-10 min
Agenda Item Name	General Facility Charges (GFCs) Monthly Update
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Council adopted an update to Water and Wastewater General Facilities Charges (GFCs) on March 27, 2023, along with a resolution requiring additional analysis and public outreach. Additional options and proposed changes are intended to be brought to City Council prior to March 4, 2024.</p> <p>Public Works has delivered a monthly update on these efforts at the Council's PIES meetings during the review period over the last 6 months.</p> <p>As per City Council's request, the Plan Commission held a hearing on October 25th, 2023 and has provided their recommendations.</p> <p>Based on input from the Mayor's Review Committee, Stakeholder input, public testimony during the Plan Commission Hearing, Plan Commission's input through their recommendations and input from Council sponsors, an ordinance was submitted for Council consideration that changes the following items: The two zones for water was removed and one zone was inserted, updating the sewer rate, clarifying language regarding master meters, clarifying that the ENR index will be calculated each year from Oct to Oct and implemented January 1st of each year starting in 2025 (note: 2024's ENR index will be implemented on March 5th of 2024). 5/8" meters will be included in the ordinance as well to provide options for smaller usage where applicable.</p>
Proposed Council Action	Approve Updated GFC Ordinance
Fiscal Impact Total Cost: Click or tap here to enter text. 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 checked="" type="checkbox"/> Recurring Specify funding source: Click or tap here to enter text. Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.) Revenue	
Operations Impacts (If N/A, please give a brief description as to why)	
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.

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 GFCs will be collected city wide when water meters are purchased for use.

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

GFCs will be reviewed every 3-5 years to ensure they are keeping up with the cost to provide capacity for future development.

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 growth pay for new capacity in the City's utility systems is consistent with the Comprehensive Plan. Projects used to develop GFC rates are consistent with the City's Water System Plan, Comprehensive Plan infrastructure chapters, and Capital Improvement Plans. GFCs also are consistent with Growth Management at the state level, and any changes would comply with state laws.

ORDINANCE NO. C36461

AN ORDINANCE relating to General Facilities Charges (GFCs) for public utilities and services; amending SMC sections 13.03.0730, 13.03.0732, and 13.03.0734 to chapter 13.03 of the Spokane Municipal Code; and 13.04.2040, 13.04.2042, and 13.04.2044 to chapter 13.04 of the Spokane Municipal Code; and setting an effective date.

WHEREAS, the Spokane City Council approved Ordinance C-36372 in March 2023 which updated GFC charges for both sewer and water, whereby GFC charges were phased in over a 2 year period; and

WHEREAS, Council requested that staff complete additional education and outreach to gather more feedback and include additional stakeholder groups on the changes that were approved to determine if additional changes were needed; and

WHEREAS, a Mayor’s Review Committee was established in spring 2023 and consisted of representatives from a wide range of interests, including developers, non-governmental organizations and neighborhood representatives; and

WHEREAS, this Review Committee did an in depth review and focused on four (4) key topics: (1) Interest – whether interest should be included in the GFC calculations; (2) Zones – whether there should be 2 zones or one single zone for water GFC charges; (3) Methodology (Meter Capacity Equivalent-MCEs or Equivalent Residential Units-ERUs) for calculating GFC charges; and (4) Phase In – whether the newly adopted GFC charges should be phased in over time; and

WHEREAS, while it was not the intent of this Review Committee to reach consensus, the Review Committee did reach full consensus on two (2) topics. Consensus was (1) approval of a 5/8-inch meter option, so long as certain conditions were met, such as low water usage through Spokanescape and a small fixture count; and (2) providing incentives; and

WHEREAS, the Review Committee held six (6) separate meetings over five (5) months. Additional meetings were as follows:

Equity Subcommittee	August 1,2023
Sustainability Action Subcommittee	June 6, 2023
Housing Action Subcommittee	June 15, 2023
Spokane Low Income Housing Consortium	August 16, 2023
Northeast Public Development Authority	April 14 & May 12, 2023
West Plains Public Development Authority	March 9, 2023
Associated General Contractors (AGC)	May 31, 2023

Council PIES Committee	Monthly starting in April 2023
Plan Commission Workshop 1	September 27, 2023
Plan Commission Workshop 2	October 11, 2023
Plan Commission Hearing	October 25, 2023

WHEREAS, the Spokane City Plan Commission provided another point of community input and feedback and held two (2) workshops and a public hearing as outlined above; and

WHEREAS, following all the stakeholder input, the staff recommendation to Council is to combine the Upper and Lower Zones for the Water GFC and create a city-wide Water GFC charge, which is reflected in SMC 13.04.2044, Appendix A- Water GFC; and

WHEREAS, as provided for in SMC 13.04.2042, a comprehensive review and update of GFC charges should be conducted at least every (5) years, but no more frequently than three (3) years. At that time, it is the intent for there to be a reevaluation of single zone versus two zones for the Water GFC; and

WHEREAS, Chapter 13.03 SMC and Chapter 13.04 SMC, as amended by this Ordinance, is consistent with the City’s Comprehensive Plan, which recognizes GFC charges as a mechanism to fund growth-related capital improvements so new growth and development activity that has an impact upon utility facilities pays a proportionate share of the cost of facilities that reasonably benefit the development; and

WHEREAS, without appropriate GFCs, the cost of constructing new water and sewer capacity for growth would result in a higher burden on customers and ratepayers already connected to these utility systems; and

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1: That SMC section 13.03.0730 is amended to read as follows:

13.03.0730 Wastewater General Facilities Charge General Provision – Long Connections

A. There is hereby imposed a wastewater General Facilities Charge (GFC). The GFC is a utility rate surcharge assessed at the time of connection or service upgrade. Its purpose is to defray costs to the general utility system as a result of new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs. The GFC program is separate from local improvement districts, latecomer charges or other special connection charges.

B. The GFC charge is collected at the time of connection, time of application for a building permit, or other time as deemed most administratively convenient by the director and shall be considered a contribution to capital and not a cost of providing service.

1. The amount of the wastewater GFC for wastewater (sewer) utility connections will be based on water meter size for domestic water service to the premises, since water meter size provides a measure of domestic water use and, correspondingly, wastewater generated.
2. In case of a planned unit development, binding site plan, or other circumstance where a new direct customer connection is not made to the sewer system, but where there is the effect of a new dwelling unit or customer demand increase, as where new dwelling units are added to a master meter account, a GFC shall be assessed in like manner as if the demand upgrade were through a direct new customer connection unless the applicable GFC charge was previously included in the purchase of the master meter. New dwelling units shall include without limitation, accessory dwelling units (ADU) and other residential units co-located on a property as these additions have a direct impact on the utility system. ~~((Any existing connection shall be counted toward the GFC such that the charge is only for the differential between existing and new meter sizes. A customer demand increase or addition of new units that does not require an increase in meter size does not incur a GFC.))~~
3. For water service connections not included in a master meter account, any existing connection should be counted toward the GFC such that the charge is only for the differential between existing and new meter sizes. A customer demand increase or addition of new units that does not require an increase in meter size does not incur a GFC.
4. For those situations where an existing customer requests an increase or larger meter size, the GFC will be assessed based on the current cost difference between the existing meter size and the new size requested.
5. If there is an existing water service or new water service installed to serve a parcel and more than one City meter is installed to serve units on the parcel, a GFC will be assessed for each additional City meter based on size and current GFC costs.

C. Long Connection Option.

1. When a customer near an area with existing utility service desires to connect to such utility service where lines have not yet been extended for direct service to the customer's area or property (a "long connection"), the director may allow a long connection to existing facilities. The decision to allow a long connection

is discretionary, considering the needs of the existing customers, the limits of the current system or any other appropriate factors.

2. As a condition of a long connection, the customer must satisfy any conditions imposed by the director, including obtaining any necessary easements, payment of all costs of additional installations, and payment of a non-refundable charge determined by the director based on engineering principles estimated to be what the customer would be required to pay if connection were deferred until direct service became available.
 - a. Such charge may be accepted as a nonrefundable prepayment for the size of the connection furnished.
 - b. This option may also be applied to upgrades.

Section 2: That SMC section 13.03.0732 is amended to read as follows:

13.03.0732 Wastewater General Facilities Charge (GFC) –Schedule of Charges

A. Findings – General Facilities Charge.

The City Council finds:

1. General facilities charges are intended to defray costs created by new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs associated with new connections and equitable share of the cost of the system.
2. There is a system-wide benefit, served by a uniform, adjustable GFC, in encouraging system growth considering that expanding the overall customer rate base and customer densities will reduce fixed costs which must otherwise be spread over all classes of ratepayers.
3. It is in the public interest that those adding additional costs or burdens to the City sewer system by creating need and demand for new system growth and infill needs in the City sewer system should pay uniform GFC for all new or upgraded utility service.
- ~~((4. Furthermore, it is not in the public interest to ((continue to)) waive GFCs, because without adequate GFCs, the City's current utility customers bear the burden of paying for new capacity to serve growth and a fund should be established to cover the cost of all or a portion of GFCs for certain development projects, including permanent affordable housing.))~~
4. The City's policy is to not waive GFCs. However, offset of the developer's cost of the GFC will be identified from non-utility revenue sources, such as grant

dollars or other general fund revenues. Such offset must be clearly identified and paid by the other source at time of application for connection, application for a building permit, or as otherwise ordered by the Director of Public Works.

B. Charge for new service or new upgrades

1. For new service or new upgrades to existing service from the City sewer system, a wastewater GFC is assessed as provided based on the schedules in [SMC 13.03.0734](#). The charge will be based on the water meter size that would otherwise be required for the facility without fire flow and/or irrigation flow.
 - a. Upgrades are charged at the current difference between the old and new connection size charges.
2. The GFC is to be used to finance improvements to address impacts to the system created by new system growth and infill needs created by new or upgraded customers.
3. Annual Increase: The GFC Charges in [SMC 13.03.0734](#) are generated from an analytical analysis, one copy which shall be kept on file with the office of the city clerk and which was adopted and incorporated herein by reference. GFC charges in [SMC 13.03.0734](#) will increase annually based on ~~((a five-year rolling average of))~~ the ~~((Engineering News-Record Construction Cost Index))~~ Engineering News-Record Index (ENR) calculated by City Staff, from October to October for the previous year. This annual increase will start ~~((January 1))~~ March 5, 2024, and occur each January 1 thereafter. The City will publish a public rule update with the new GFC charge by January 1st of each year. Comprehensive review and update of GFC charges should be conducted at least every (5) years, but no more frequently than three (3) years.
4. Adjustments.

Prior Payment of Similar Charges: The charge for a wastewater connection can be adjusted for facilities with water tap sizes two inches and greater when the tap size also accounts for fire flow and/or irrigation flow upon a showing of prior payment of similar charges, or for other sound considerations of fairness, as determined by the Wastewater Management Director.

- a. To be eligible for such adjustment, a party required to pay a wastewater GFC must submit a written application to the Wastewater Management Director, together with any supporting materials and explanation. The Wastewater Management Director must receive such materials at the time of application for connection of the subject premises.
- b. No adjustment may exceed the amount of the GFC applicable to the connection requested.

5. The wastewater GFC applies in addition to all other connection, permit or other fees required by this code or elsewhere, to parties seeking to connect premises who have not paid an equitable share of the cost of the City's sewer system as determined by the Wastewater Management Director.
6. The charge is due and payable in full at the time of application for connection or as otherwise ordered by the Director of Public Works.
7. The Wastewater Management Director may record appropriate notice with the county auditor concerning areas subject to the wastewater GFC in accord with RCW 65.08.170 and RCW 65.08.180, as applicable.
8. Any offset of GFC Charges shall be through non-utility revenue sources such as grant dollars or general fund dollars. The qualifications for such offset are established in ~~((In response to the ongoing local and national housing crisis, the City Council has decided to provide relief to residents and businesses by ((waiving)) offsetting all applicable fees within this section ((13.04.2042)) which are 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))~~ Public Rule XXXXX.
9. ~~((In response to the ongoing local and national housing crisis, the City shall defer or waive all applicable fees in this section for the construction of affordable housing.~~
 - a. ~~For a project that qualifies for the twelve-year exemption under the Multiple-family Housing Property Tax Exemption as described in [SMC 08.15.090](#), fees under this section shall be deferred for the life of the property tax exemption. Projects that maintain qualifying status for the entire twelve-year period shall have fees under this section waived at the end of the twelve-year period.~~
 - b. ~~For a project that qualifies for the twenty-year exemption under the Multiple-family Housing Property Tax Exemption as described in [SMC 08.15.090](#), fees under this section shall be deferred for the life of the property tax exemption. Projects that maintain qualifying status for the entire twenty-year period shall have fees under this section waived at the end of the twenty-year period.~~
 - c. ~~For a project that qualifies for the sales and use tax exemption under the Sales and Use Tax Deferral Program for Affordable Housing as described in [SMC 08.07D](#), fees under this section shall be deferred for the life of the sales and use tax exemption. Projects that maintain~~

~~qualifying status for the entire ten-year period shall have fees under this section waived at the end of the ten-year period.~~

- ~~d. For projects receiving funding through state, or federal programs for affordable housing, fees under this section shall be offset with non-utility funds to pay for the projects GFC obligation waived.~~
- ~~e. For projects on property with a covenant to limit sales to low income households earning no more than 80 percent of the area median income or deferrals as listed above, fees under this section shall be waived, so long as affordability is retained for a minimum of 50 years))~~

10. Any future incentives, waivers, offsets, or deferral of GFC charges ((~~should~~)) will be funded through payments from other funding sources. Incentives, waivers, and deferral ((~~should~~)) will not result in lost revenue to the Utility for new system capacity.

Section 3. That SMC section 13.03.0734 is amended to read as follows:

13.03.0734 Appendix A – General Facilities Charge Schedule

Appendix A – Wastewater General Facilities Charge Schedule

Section 4: That SMC section 13.04.2040 is amended to read as follows:

13.04.2040 Water General Facilities Charge General Provision – Long Connections

- A. There is hereby imposed a water general facilities charge (GFC). The GFC is a utility rate surcharge assessed at the time of connection or service upgrade. Its purpose is to defray costs to the general utility system created by new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs. The GFC program is separate from local improvement districts, latecomer charges or other special connection charges.
- B. The GFC is collected at the time of connection, application for a building permit or other time as deemed most administratively convenient by the director and shall be considered a contribution to capital and not a cost of providing service.
 - 1. The amount of the GFC for water utility connections will be based on water meter size for domestic and irrigation water service to the premises, not including fire flow.
 - 2. In case of a planned unit development, binding site plan, or other circumstance where a new direct customer connection is not made to the water system, but where there is the effect of a new dwelling unit or customer demand increase, as where new dwelling units are added to a master meter account, a GFC shall

be assessed in like manner as if the demand upgrade were through a direct new customer connection unless the applicable GFC charge was previously included in the purchase of the master meter. New dwelling unit shall include without limitation accessory dwelling units (ADU) and other residential units co-located on a property as these additions have a direct impact on the utility system. ~~((Any existing connection shall be counted toward the GFC such that the charge is only for the differential between existing and new meter sizes. A customer demand increase or addition of new units that does not require an increase in meter size does not incur a GFC.))~~

3. For water service connections not included in a master meter account, any existing connection shall be counted toward the GFC such that the charge is only for the differential between existing and new meter sizes. A customer demand increase or addition of new units that does not require an increase in meter size does not incur a GFC.

~~((3))~~ 4. For those situations where an existing customer requests an increase or larger meter size, the GFC will be assessed based on the current cost difference between the existing meter size and the new size requested.

5. If there is an existing water service or new water service constructed to serve a parcel and more than one City meter is installed to serve units on the parcel, a GFC will be assessed for each additional City meter based on size and current GFC costs.

C. Long Connection Option.

1. Where a customer near an area with existing utility service desires to connect to such utility service where lines have not yet been extended for direct service to the customer's area or property (a "long connection"), the director may allow a long connection to existing facilities. The decision to allow a long connection is discretionary, considering the needs of the existing customers, the limits of the current system or any other appropriate factors.
2. As a condition of a long connection, the customer must satisfy any conditions imposed by the director, including obtaining any necessary easements, payment of all costs of additional installations and payment of a non-refundable charge determined by the director based on engineering principles estimated to be what the customer would be required to pay if connection were deferred until direct service became available. Such charge may be accepted as a nonrefundable prepayment for the size of the connection furnished. This option may also be applied to upgrades.

Section 5: That SMC section 13.04.2042 is amended to read as follows:

13.04.2042 Water General Facilities Charge – Schedule of Charges

A. Findings – General Facilities Charge (GFC).

The City Council finds:

1. The purpose of GFC charges is to defray costs created by new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs associated with new system ~~((connections to the water system such that the property owners bear their equitable share of the cost of the system))~~ capacity.
2. There is a system-wide benefit, served by a uniform, adjustable GFC, in encouraging system growth through infilling certain unserved areas and considering that expanding the overall customer rate base and customer densities will reduce fixed costs which must otherwise be spread over all classes of ratepayers.
3. It is in the public interest to provide for a GFC rate structure to cover costs associated with new or increased system demand. GFC charges ~~((have))~~ had not been updated in over 20 years and new growth proposals are stressing current system capacity and will require investment in infrastructure for water service.
4. It is further in the public interest that those adding ~~((additional))~~ costs or burdens to the City water system by creating need and demand for a new system growth and infill needs in the City water system should pay a GFC therefore. Furthermore, it is not in the public interest ~~((to continue))~~ to waive GFCs, because without adequate GFCs, the City's current utility customers bear the burden of paying for new capacity to serve growth and a fund ~~((should))~~ will be established to cover the cost of all or a portion of GFCs for certain development projects, including permanent affordable housing.

~~((5. Generally, there are increased costs associated with the needed booster stations, pipes and tanks which provide service to the Upper Zone. More facilities are needed to move water further out into the system. Evaluation analysis shows costs should be divided between two zones, an upper and lower zone, based on needed booster stations, pipes and tanks to deliver water outside the central pumping area. Furthermore, there are identified areas within the City's water system which currently lack capacity and require new infrastructure prior to availability of future service and are included within the Upper Zone.))~~

5. The City's policy is to not waive GFCs. However, offset of the developer's cost of the GFC may be identified from non-utility revenue sources, such as grant dollars or other general fund revenues. Such offset must be clearly identified and paid by the other source at time of application for connection, application for a building permit, or as otherwise ordered by the Director of Public Works.

~~((6. There is an ongoing local and national housing crisis justifying a waiver of GFCs for permanent affordable housing as defined in [SMC 8.15.020.A.](#)))~~

~~((B. Water GFCs shall be assessed based on location within either the Lower Zone or Upper Zone defined as follows:~~

- ~~1. The Lower Zone is generally defined as all parcels with water connection within the City of Spokane's water service area and have current capacity for water service. This definition includes the entire Intermediate Pressure Zone, the Low Pressure Zone north of 16th Avenue, and the North Hill Pressure Zone, but excludes area and connections located north of West Excell Avenue and West Tiffany Avenue West.~~
- ~~2. The Upper Zone is defined as all parcels not included in the geographic area of the Lower Zone and/or require additional capacity to safely serve water.~~
- ~~3. The Director of Public Works shall maintain a copy of the map of the Lower and Upper Water Zones ([Attachment A to this ordinance](#)) for public inspection.)~~

~~((G.))~~ B. Charge for new service or new upgrades.

1. For new service or new upgrades of existing service to the City water system, a GFC is assessed as provided hereafter. The charge will be based upon the meter size(s) required for domestic and irrigation water service to the facility and location of the property within the Upper or Lower Zone. If the size of a previous connection is upgraded to a larger connection, upgrades are charged at the current difference between the old and new connection size charges.
2. The GFC is to be used to finance impacts to the system created by new system growth and infill needs created by new or upgraded customers.
3. Meters used solely for fire protection purposes would not incur GFC charges, unless needed flow rate exceeds the current largest fire flow rate in that pressure zone.
4. Annual Increase: The GFC Charges in [SMC 13.04.2044](#) are generated from an analytical analysis, one copy which shall be kept on file with the office of the city clerk and incorporated herein by reference. GFC charges in [SMC 13.04.2044](#) will increase annually based on ~~((a five-year rolling average of))~~ the ~~((Engineering News Record Construction Cost Index))~~ Engineering News-Record Index (ENR) calculated by City Staff, from October to October for the previous year. This annual increase will start ~~((January 1))~~ March 5, 2024, and occur each January 1 thereafter. The City will publish a public rule update with the new GFC charge by January 1st of each year. Comprehensive review and update of GFC charges should be conducted at least every (5) years, but no more frequently than three (3) years.

5. Adjustments.

Prior Payment of Similar Charges: The charge for a water connection can be adjusted upon a showing of prior payment of similar charges, or for other sound considerations of fairness, as determined by the Director of Public Works.

- a. To be eligible for such adjustment, a party required to pay a water GFC must submit a written application to the Director of Public Works, together with any supporting materials and explanation.
 - b. The Director of Public Works must receive such materials no later than the time of connection of the subject premises.
 - c. No adjustment may exceed the amount of the water GFC applicable to the connection requested.
6. The water GFC applies, in addition to all other connection, permit or other fees required by this code or elsewhere.
7. The Director of Public Works may record appropriate notice with the county auditor concerning areas subject to the water GFC pursuant to the requirements of RCW 65.08.170 and RCW 65.08.180, as applicable, reserving the possibility of upgrade charges.
8. Any offset of applicable GFC charges shall be through non-utility revenue sources such as grant dollars or general fund dollars. The qualifications for such offset are established in Public Rule XXXXX. ((All applicable fees within this Section 13.04.2042 for 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 shall be waived. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.))
9. ((GFCs under this section shall be deferred or waived for the construction of affordable housing.
- a. For a project that qualifies for the twelve-year exemption under the Multiple-family Housing Property Tax Exemption as described in [SMC 08.15.090](#), fees under this section shall be deferred for the life of the property tax exemption. Projects that maintain qualifying status for the entire twelve-year period shall have fees under this section waived at the end of the twelve-year period.
 - b. For a project that qualifies for the twenty-year exemption under the Multiple-family Housing Property Tax Exemption as described in [SMC](#)

~~08.15.090, fees under this section shall be deferred for the life of the property tax exemption. Projects that maintain qualifying status for the entire twenty-year period shall have fees under this section waived at the end of the twenty-year period.~~

- ~~c. For a project that qualifies for the sales and use tax exemption under the Sales and Use Tax Deferral Program for Affordable Housing as described in SMC 08.07D, fees under this section shall be deferred for the life of the sales and use tax exemption. Projects that maintain qualifying status for the entire ten-year period shall have fees under this section waived at the end of the ten-year period.~~
- ~~d. For projects receiving funding through state or federal programs for affordable housing, fees under this section shall be waived.~~
- ~~e. For projects on property with a covenant to limit sales to low-income households earning no more than 80 percent of the area median income, fees under this section shall be waived, so long as affordability is retained for a minimum of 50 years.)~~

~~((D.))~~ C. Any future incentives, waivers, offsets, or deferral of GFC charges should be funded through payments from other funding sources. Incentives, ~~((waivers))~~ offsets, and deferrals should not result in lost revenue for new system capacity.

Section 6: That SMC section 13.04.2044 is amended to read as follows:

13.04.2044 Appendix A – General Facilities Charge Schedule

Appendix A – Water General Facilities Charge Schedule

Section 7: Effective Date.

This Ordinance shall take effect and be in force on **March 5, 2024**.

ADOPTED BY THE CITY COUNCIL ON _____

(Delivered to the Mayor on the _____ day of _____)

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Section 13.03.0734

Appendix A

Wastewater GFC Fee Schedule

Appendix A

Wastewater General Facility Charge Schedule

Meter Size	2023	2024
<u>5/8"</u>		
3/4"	\$3,984	((\$7,461))
1"	\$3,984	((\$12,435))
1.5"	\$11,266	((\$24,870))
2"	\$11,266	((\$39,792))
3"	\$20,697	((\$87,046))
4"	\$31,862	((\$149,221))
6"	\$58,540	((\$335,747))
8"		
10"	Based flow rates that utilizes sewer capacity	Will be calculated

((Each year after year 1, will be annually adjusted based on a five year rolling average of the Engineering News-Record Construction Costs Index pursuant to SMC 13.03.0732.))

((Numbers above are representative of phase in only. Actual numbers will be based on the ENRCCI indexed for inflation.))

Wastewater General Facility Charge Schedule – EFFECTIVE MARCH 5, 2024

Meter Size	City-Wide Calculated Charge
<u>5/8"</u>	<u>\$4,575</u>
3/4"	<u>\$6,863</u>
1"	<u>\$11,438</u>
1.5"	<u>\$22,877</u>
2"	<u>\$36,603</u>
3"	<u>\$80,069</u>
4"	<u>\$137,262</u>
6"	<u>\$308,839</u>
8"	
10"	Based flow rates that utilizes sewer capacity
	Will be calculated

City-Wide Calculated Charge is in effect March 5, 2024.

Each subsequent year thereafter is effective January 1 through December 31.

Each year after year 1, will be annually adjusted based on the Engineering News-Record Index pursuant to SMC 13.03.0732.

Numbers above are representative only. Actual numbers will be based on the ENR indexed for inflation.

Section 13.04.2044

Appendix A

Water GFC Fee Schedule

Appendix A

Water General Facility Charge Schedule – Lower Zone Effective through 3-4-24

Meter Size	2023	2024
3/4"	\$2,045	(((\$2,823))
1"	\$2,045	(((\$4,705))
1.5"	\$5,785	(((\$9,409))
2"	\$5,786	(((\$15,055))
3"	\$10,627	(((\$32,932))
4"	\$16,363	(((\$56,455))
6"	\$30,059	(((\$127,025))
8"		
10"	Based on needed flow rates	Will be calculated

((Each year after year 1, will be annually adjusted based on a five year rolling average of the Engineering News Record Construction Costs Index pursuant to SMC 13.04.2044.

Numbers above are representative of phase in only. Actual numbers will be based on the ENRCCI indexed for inflation.))

**Water General Facility Charge Schedule - Upper Zone
Effective through 3-4-24**

Meter Size	2023	((2024))
3/4"	\$3,320	(((\$10,407))
1"	\$4,150	(((\$17,345))
1.5"	\$7,470	(((\$34,690))
2"	\$8,300	(((\$55,503))
3"	\$16,600	(((\$121,413))
4"	\$33,200	(((\$208,137))
6"	\$66,400	(((\$468,309))
8"		
10"	Based on needed flow rates	Will be calculated

((Each year after year 1, will be annually adjusted based on a five year rolling average of the Engineering News-Record Construction Costs Index Engineering News-Record Index pursuant to SMC 13.04.2044.

Numbers above are representative ((of phase in)) only. Actual numbers will be based on the ENRCCI indexed for inflation.))

Water General Facility Charge Schedule – EFFECTIVE MARCH 5, 2024

Meter Size	City- Wide Calculated Charge
<u>5/8"</u>	<u>\$3,254</u>
<u>3/4"</u>	<u>\$4,881</u>
<u>1"</u>	<u>\$8,135</u>
<u>1.5"</u>	<u>\$16,269</u>
<u>2"</u>	<u>\$26,031</u>
<u>3"</u>	<u>\$56,943</u>
<u>4"</u>	<u>\$97,617</u>
<u>6"</u>	<u>\$219,638</u>
8"	To be calc.
10"	To be calc.
	Based on needed flow rates

City-Wide Calculated Charge is in effect March 5, 2024. Each subsequent year thereafter is effective January 1 through December 31. Each year after year 1, will be annually adjusted based on the Engineering News-Record Index pursuant to SMC 13.04.2044.

Numbers above are representative only. Actual numbers will be based on the ENR indexed for inflation annually.

McCall, Angela

From: Michelle Girardot <MGirardot@habitat-spokane.org>
Sent: Wednesday, October 25, 2023 3:49 PM
To: Plan Commission
Subject: Testimony Habitat for Humanity

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello,

Earlier this year, Nathan, a medically retired Airforce Vet, his wife Jessica, and their two young kiddos purchased and moved into their Habitat home in East Central. They earn 49% of the area median income, or about \$42K annually. Like many Habitat families, Nathan had a critical need for a safe, decent, affordable, and ADA-accessible home for his family. However, the vacancy rate for low-income housing is out of control, let alone homes that comply with ADA. Rising construction material and labor costs have driven home prices to double in just the past few years. These homes are simple and decent. You won't find granite countertops and sprawling water usage. The square footage for a 2-3 bedroom is under 1200 sq ft. and adheres to Evergreen Standards requiring minimal water and utility usage. Habitat homeowners pay an affordable mortgage, and each home is permanently affordable.

Had the waiver not been in place, Nathan and his family would have been priced out of their home. And, had it not been for 1590 funding, Habitat would not have been able to make this home a reality.

The use of waivers and 1590 funds is crucial to the success of families like Nathan's. The proposal for a partial waiver—funded with 1590 dollars—is not enough, and is not what the funds were intended to do. 1590 dollars are this community's only local funding source. Consider

- 1) Growth in the base rate and utility taxes paid by new low-income housing will more than pay for the waived connection fees. The city has used this methodology to justify paying for waivers in the PDA's for the last 8 years. That is an easy policy to adopt.
- 2) Let the ratepayers carry the waiver. Low-income housing benefits all of the utility customers in Spokane. A one-time increase would pay for the waiver annually moving forward.
- 3) Use CHIP funds to balance the difference.

There are big successes the City has secured to make affordable housing buildable and accessible for our neighbors in need. Without all of these tools working together, we will see affordable housing and homeownership development leave our beautiful Spokane community.

Sincerely, Michelle



Michelle Girardot
Chief Executive Officer
Through shelter, we empower.



she/her/hers

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Bin Stuckand

SLIHC

10/25/23

GFC Messaging

Thank you for all the time you spend with the planning commission and congratulations on leading the way across Washington State reimagining single family zoning. Today's conversation about GFC's is complicated and confusing. I am here today representing the Spokane Low Income Housing Consortium, 25 agencies that build, design, finance and believe in affordable housing for everyone in Spokane.

Low Income Housing is different than other residential and commercial buildings. Rent levels are set by the federal government, we cannot raise rents if local connection fees increase.

We are asking for the waiver for low income housing projects that has been in place since last year to continue

Without this waiver Sinto Commons would have had \$400,000 in extra costs and not been built

A current project, River Haven, would have an additional \$1.2 million in costs. The current project is funded but passing this kills it.

Our consortium only builds an average of 200-250 units a year. Some years it is much lower than this. This is not a huge difference to the system BUT it is HUGE to us. At \$10,000 per connection we are looking at \$2 - \$2.5 million a year. Enough to put us out of production.

We have been informed that the city is proposing a partial waiver BUT using the ONLY Local levy dollars (HB1590) to do this. A partial waiver is not enough. 1590 is not meant for this purpose, it is meant to construct new units, without these local dollars to match state and federal funds we will not be able to build low income housing in Spokane.

You ask, how do we give low income housing a waiver and not use local levy (HB1590 dollars) to offset this cost?

- 1) Growth in the base rate and utility taxes paid by new low income housing will more than pay for the waived connection fees. The city has used this methodology to justify paying for waivers in the PDA's for the last 8 years. That is an easy policy to adopt. For example, 250 new customers, use the rate revenue for these 250 new customers to cover the lost cost of GFC fees.

- 2) Let the ratepayers carry the waiver. Low-income housing benefits all of the utility customers in Spokane. A one-time increase would pay for the waiver annually moving forward.
- 3) Use CHIP funds to balance the difference. SLIHC will work with the city to streamline a process in conjunction with Commerce to access CHIP funds, meant for this purpose.

We ask that this proposal not be moved forward without a WAIVER for Low Income Housing and please do not use our only local source of funding to pay for this waiver!

MESSAGE POINTS PART TWO

There are a couple other items in the proposed GFC proposal we feel need to be discussed.

The point of increasing the fees and setting up these new structures is for fairness.

One water zone, with the same prices everywhere is fair, discouraging construction of apartments and infill in those areas is inherently unfair. If the wealthy areas of the south hill and far north side have much more expensive zones it will discourage any mixed income neighborhoods in the wealthy areas. This is the opposite of all the work you have been doing with single family zoning and addressing historical issues like these.

Staff will explain that historically these areas have larger houses and larger apartments and thus use more water. But that does not matter, what matters is how we measure water. With infill, duplexes and more apartments will come smaller units, thus less water. **Which is the second point, charges should be based on unit size, or ERU's, not pipe/meter size.** Smaller units use less water, base the costs on that.

The law allows the system to recover interest for the last 10 years. But the system is old and has not been depreciated when calculating value. Using interest in the calculations is allowed but not recommended, current rates should be paying for the maintenance of the old parts of the system, not new users. **The cost of using interest is simply too high.**

Finally, the County was sold 20% of the sewer system. **That number should reflect ownership of 20% of the system. The system is valued at \$950**

million. About \$200 million should not be included, not the \$40 million taken out of calculations that they paid. What they paid does not matter, it is the fact that they own 20% of its current value.

Good afternoon. Thank you for your service on the Planning Commission and for listening to my testimony today.

My name is Sarah Lickfold and I work as the Executive Director at Transitions, a nonprofit that works to end poverty and homelessness for women and children in Spokane; we are a member of the Spokane Low-Income Housing Consortium.

As you've probably heard, Spokane is in a housing crisis. We need *every* kind of housing; however, we as low-income housing providers feel this acutely as we try to find *affordable* housing for people experiencing homelessness or who are on the cusp of homelessness.

We continually receive calls for help from women living in their cars with their children, women who are camping out, families fleeing domestic violence, and people looking for resources to *stay* housed. And continually our housing is full, and it remains full because there are so few places for our participants to find quality, affordable housing.

Our community needs to do *whatever* it takes to support the construction of affordable housing projects. Adding barriers like GFCs or taking what money we do have from 1590 funds will stifle affordable housing projects and our community CANNOT afford to do that.

I urge you to provide a GFC waiver for affordable housing projects WITHOUT using the 1590 funds to pay for this waiver. I understand that the law requires those waivers to be paid by something or someone. But instead of 1590, plan to use CHIP funds (which SLIHC members are willing to help with), create a policy where the growth in the base rate and utility taxes paid by new low-income housing pays the waiver back, or recommend a one-time very small increase on ratepayers for the sake of affordable housing.

We already can't build enough affordable housing to make up for increased housing costs and inflation, please don't limit us any further.

Thank you for your time and consideration.

SHBA Position Statement on Proposed General Facility Charge Amendments

Every 100 homes built infuses the local economy with \$9.4 million during construction and \$2 million each year after construction is complete. New development not only generates fees from General Facility Charges (GFC's) to fund growth-related capital projects, but it is also a sign of a thriving economy. If well-meaning, yet short-sighted, policies are put in place that create a disincentive to build in parts of Spokane, it will be to the long-term detriment of the community.

We are a significant stakeholder group in the Spokane community, with nearly 800 members representing the residential building industry. We were also selected by the Mayor to participate on the GFC Advisory Committee tasked with making recommendations related to the GFC policy issue and participated in all of the committee meetings. We do not believe that the staff has fairly represented the consensus of the committee to the Plan Commission & City Council regarding GFC updates for Ordinance C-36372.

The following not only represents our position but reflects the consensus developed within the committee on the important policy issues related to how the GFC fees are calculated.

1. ZONES- We believe there should only be one fee district. This was the consensus of the committee. There is no rational basis for establishing two districts. Two fee districts unfairly burden projects located on the south hill.

Recommendation: We strongly favor a single fee zone as the only equitable way of imposing a GFC fee.

2. INTEREST- We believe, as did the committee, that interest expenses should be removed as a recoverable cost in calculating the fee. Interest is not an actual cost incurred by the city and most of the city system is very old and in need of significant repair.

Recommendation: Exclude interest from the recoverable cost basis as a reasonable offset against a system that is aging and substantially depreciated.

3. SPOKANE COUNTY SEWER CAPACITY- We believe that the portion of capacity sold to Spokane County should be fairly reflected in the cost calculations. The staff admitted to the committee they had erroneously dealt with the 20% of sewer capacity sold to Spokane County. The sewer system recoverable costs should be reduced by the cost basis of the portion of the system sold to Spokane County. This has not yet been done.

Recommendation: Reduce the "recoverable costs" by the share of existing system and future system improvements related to the 20% County reserved sewer capacity.

4. MCE or ERU- We believe the fee should be based on an ERU system rather than meter size. The fee should be fair and based on actual use. The committee shared a concern that the fee based on meter size only did not accurately represent the actual sewer and water use of an applicant. Each meter size will accommodate a wide range of water flow. The staff also discussed using a calculation of water usage based upon a fixture count for each project. The committee consensus supported this approach as well.

Recommendation: Use a system-wide average for GFC charges per residential unit with an adjustment factor for unit size and construction type (multi-family vs single-family).

5. PHASE IN- We believe if the fees are based upon a fair and equitable allocation of system costs a phase in would not be necessary. The focus should be on developing a fair GFC fee, not trying to mitigate the short-term impacts.

Recommendation: Focus on developing a fair rate that does not suppress housing based on location.

6. INCENTIVES- The committee's consensus was fees should be waived for permanently affordable housing. The lack of a fee waiver will make many subsidized projects economically unfeasible in many cases. Trying to find reimbursement funds will not be economically feasible without taking from affordable housing funds.

Recommendation: Maintain the fee waiver for permanently affordable housing in a manner consistent with the interim ordinance.



October 24, 2023

Dear Members of the City of Spokane Planning Commission,

Our organization, Community Frameworks, is one of the community's stewards of a precious resource: Affordable Housing. The people who live in our rental homes are people who may work at gas stations or nursing homes. Our residents are also people with physical disabilities and mental health issues. Our rental homes included older adults and families with limited means. They are among the most vulnerable people in our community, and they cannot afford market rate rents. We create homes where people can live within their budget.

Mayor Woodward's budget proposes an increase in GFC fees for affordable housing. The result is up to a \$17,000 or 6.8% increase in the cost of an affordable home. To offset this increase, the budget proposes spending funds already committed to the development of affordable housing (1590 funds). This "incentive" provides a marginal offset to the massive increase in fees and is capped at a \$60k benefit. Increasing the cost of affordable housing by raising GFC fees and proposing an offset to this increase by reducing the amount of affordable housing resources available will result in fewer affordable homes being developed.

We urge city leaders to retain the current GFC fee waiver for affordable housing creation, and to consider alternate sources for covering the waived fees:

- **State of Washington CHIP program ([link](#)), which offers reimbursement to municipalities for waived GFC fees.**
- **One-time increase in rate cost for customers, spreading over all users would be the least burdensome.**
- **Use of growth in base rate and utility taxes paid by low-income housing development pays for the waived connection fees.**

As affordable housing developers, we have limited tools in our toolbox to create affordable housing. One critical tool in our toolbox is the current GFC fee waiver for affordable housing creation. In the case of a recent rental housing development that our organization created, that waiver saved us \$400,000! **Without this fee waiver, it would have been extremely challenging, if not impossible, to fill that kind of a gap.**

We urge the planning commission members and city leaders to retain the full GFC fee waiver for affordable housing creation and to use the 1590 funds for their actual intended use. Further, we believe alternative strategies to cover the waived fees as outlined above expand, rather than constrict available options for developing affordable housing.

Finally, as we move into the winter months and witness our community members walking our streets with only blankets to keep them warm, it is the affordable housing developers and service providers that stand on the front lines of addressing the needs for our fellow community members. Please help us to create smart, fair solutions to this challenge as we seek to ensure that everyone has a place to call home.

Sincerely,


Deb Elzinga, CEO
Community Frameworks

Benzie, Ryan

From: Downtown Andrew Rolwes
Sent: Monday, July 31, 2023 11:33 AM
To: Miller, Katherine E; Feist, Marlene
Cc: Chris Batten
Subject: DSP position on GFC policies

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello Katherine and Marlene,

Thank you for the opportunity to participate in the Committee on General Facilities Charges. To reiterate the position of the DSP on the fee structure and related policies, we support the following;

- Interest: Retaining no interest in the overall fee structure.
- Use of the MCE assessment method: Prior to your further explanation at the meeting, we intended to support the ERU method on the basis of ease of understanding for the developer applicant, however, you made a good case that MCE would be advantageous in circumstances that we hope to see more of in downtown with commercial to residential conversions. It is our understanding that the advantage is found in the MCE method only requiring the developer to pay for the difference in cost over the existing meter type, whereas the ERU method might come at a somewhat higher cost. In any case, we support whatever method applies the lower costs to the developer.
- Phase-in: We support an extended phase-in period to cushion the impact of increased costs associated with GFCs. At the meeting we suggested a five-year phase-in where year 1 would apply 0% of the fees, year 2 would apply 25%, year three 50%, year four 75% and year five and from then on, 100%.
- Single zone vs lower/upper zone: In principle, we support a lower and upper-zone approach, based on the proximity of downtown to existing infrastructure and its proximity to the systems source of water. It is obviously not economically advantageous for downtown development to fund the pumps and reservoirs necessary to elevate water to the periphery of the city, when those resources originate in or next to downtown. Additionally, although many of the systems that transport water and wastewater to downtown's buildings are due for significant maintenance or replacement, our understanding is that those costs would be covered through utility fees, not through GFCs, which are (as you've noted many times) fund new infrastructure. That said, we are not opposed to a single rate zone, so long as downtown is either carved out of the GFC fee structure altogether or significant incentives which recognize downtown's proximity to that infrastructure are implemented.
- Incentives: We support applying an incentive for GFCs to the MFTE program, and any other reasonable program that incentivizes preferred types of development. We spoke specifically in support of the City's former incentive program for commercial-to-residential conversions, the Commercial Rate Classification program, which the DSP Board endorsed at its July 26th meeting. I learned from CM Cathcart at that meeting that you prefer an alternative to the CRC program; could you please let us know what that is?

Please let me know if any clarifications are needed on this, and thanks again for the opportunity to be involved in the committee's work. This was a very thorough process for a very complex subject; hats off to you and the consultants.

-Andrew



**DOWNTOWN SPOKANE PARTNERSHIP
BUSINESS IMPROVEMENT DISTRICT**

ANDREW ROLWES
Vice President

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downtownspokane.org

Community
Assembly
Comments

Benzie, Ryan

From: Ryan, Gabrielle
Sent: Tuesday, July 18, 2023 10:32 AM
To: Feist, Marlene
Subject: Fw: CA Resolution
Attachments: Resolution-20230706-1.pdf; GFC Brief to CA.pdf; CA Minutes July 2023_Draft.pdf

Marlene,

Here's the materials from CA regarding the GFC Committee.

Thank you,

Gabby

From: Randy McGlenn <rjmcglenn@hotmail.com>
Sent: Monday, July 17, 2023 7:08 PM
To: Beggs, Breean <xxxbbeggs@spokanecity.org>; Kinnear, Lori <lkinnear@spokanecity.org>; Wilkerson, Betsy <bwilkerson@spokanecity.org>; Stratton, Karen <kstratton@spokanecity.org>; Cathcart, Michael <mcathcart@spokanecity.org>; Bingle, Jonathan <jbingle@spokanecity.org>; Zappone, Zack <zzappone@spokanecity.org>
Cc: Striker, Patrick <pstriker@spokanecity.org>; Ryan, Gabrielle <gryan@spokanecity.org>; Deasy, Annie <adeasy@spokanecity.org>; Groe, Amber <agroe@spokanecity.org>; Fran Papenleur <papenleurf@yahoo.com>; gail cropper <glcropper@yahoo.com>; brotherdale@msn.com <brotherdale@msn.com>; Lindsey Shaw <Lindzroo@gmail.com>
Subject: CA Resolution

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good evening Council Members,

Please find the attached resolution from the Community Assembly and accompanying supporting documents regarding General Facility Charges.

Please contact me if you have any questions.

Sincerely,

Randy McGlenn
Chair
Community Assembly Administrative Committee

Benzie, Ryan

From: Feist, Marlene
Sent: Wednesday, July 26, 2023 4:01 PM
To: Miller, Katherine E
Subject: FW: Agenda for Final GFC Review Committee Meeting

From: Molly Marshall <molly.marshall475@gmail.com>
Sent: Wednesday, July 26, 2023 12:20 PM
To: Feist, Marlene <mfeist@spokanecity.org>
Subject: Re: Agenda for Final GFC Review Committee Meeting

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Marlene,

I think the one thing I would like to add to the CA remarks is incentivising GFCs in the centers and corridors. We would support MCE over ERU. Sorry I can't make it today and thank you for all your effort. Please let me know if you need anything else or if you have questions.

Molly

On Mon, Jul 24, 2023 at 4:03 PM Feist, Marlene <mfeist@spokanecity.org> wrote:

Hi Molly,

Thanks for reaching out. Gabby did forward the Community Assembly's recommendations, so I have that.

As for your questions:

- b. Growth v Rates? This question is effectively: Should the GFCs pay for all the capacity related projects, or should some of those costs be placed on the monthly ratepayer? The CA's recommendation of removing interest already shifts some of the costs to the ratepayer, for example. We could also assign a percentage to the ratepayer.
- c. What development should be incentivized? We already have incentivized affordable housing in the current GFC ordinance. Do you support that? Should other things be incentivized? Manufacturing that creates family wage jobs, for example? Something else?
- d. Methodology This is the ERU v. MCE question. I did send out more information about that a week or so ago. I have attached that email here.

Hope this helps. Let me know what else you need.

Marlene

From: Molly Marshall <molly.marshall475@gmail.com>
Sent: Monday, July 24, 2023 2:48 PM

To: Feist, Marlene <mfeist@spokanecity.org>
Subject: Re: Agenda for Final GFC Review Committee Meeting

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Marlene,

I will not be able to attend the meeting on Wednesday (it was the only day I was not available) and would like to send my feedback to include with the recommendations of the committee. Can you give me a little more information on the following items you had listed on the agenda. I will send my information by Wednesday.

Thank you,

Molly

- b. Growth v Rates?
- c. What development should be incentivized?
- d. Methodology

On Fri, Jul 21, 2023 at 8:33 AM Feist, Marlene <mfeist@spokanecity.org> wrote:

Hi all,

Here is an agenda for our GFC Review Committee meeting on Wednesday, July 26, at 1 p.m.

Remember, we will be asking for your feedback on the topics we discussed so we are hopeful you have had some time to gather your thoughts.

Thanks.

Marlene



Marlene Feist | City of Spokane | Public Works Director

509.625.6505 | cell 509.710.9214 | mfeist@spokanecity.org | spokanecity.org



Community Assembly Draft Meeting Minutes

July 6, 2023 via Hybrid, in-person The Hive and Zoom virtual platform

Meeting called to order at 5:31 p.m. by Colleen Gardner

Attendance:

Neighborhood Councils Present: Audubon-Downriver, Balboa/South Indian Trail, Chief Garry Park, East Central, Emerson Garfield, Grandview/Thorpe, Hillyard, Lincoln Heights, Logan, North Indian Trail, Northwest, Peaceful Valley, Shiloh Hills, Southgate, Whitman

Neighborhood Councils Absent: Browne's Addition, Bemiss, Cliff/Cannon, Comstock, Five Mile Prairie, Latah/Hangman, Manito/Cannon Hill, Minnehaha, Nevada Heights, North Hill, Riverside, and Rockwood, West Central, and West Hills.

Community Assembly (CA) Committee Representatives Present: Leslie Hope (Liaison to Community Housing and Human Services [CHHS]) Randy McGlenn (Admin and Pedestrian, Traffic and Transportation [PeTT] Committees, and Citizen Transportation Advisory Board [CTAB]).

City Staff Present: Patrick Striker (Office of Neighborhood Services [ONS]), Gabby Ryan (ONS) and Colleen Gardner (Contracted Facilitator).

Visitors: Councilmembers Zack Zappone and Michael Cathcart (City Council).

Administrative:

1. **Introductions:** The facilitator asked for all CA Representatives to identify themselves and their Neighborhood Council (NC).
2. **Propose Agenda:** Randy proposed an edit to yield ONS time on agenda for the presentation from Councilmember Zappone. Mark moved. Unsure who seconded. Motion passes with 15-approve, 0-deny, and 0-abstain.
3. **June Minutes:** Cliff Winger moved. Andy Hoyer seconded. Motion passes with 15-approve, 0-deny, and 0-abstain.
4. **Admin Committee Items:**
5. **Open Forum**
 - **Leslie-** Gave some background on Christy's presentation, encouraged folks to get involved with the CDBG process, review the Citizen Participation Plan and provide feedback.
 - **Andy-** Echoed support for paying attention to Christy's presentation, get involved with the Community Assembly/Community Development (CA/CD), read the materials included in the CA agenda packet.
 - **Tina-** Presented a community agreement for the meeting, includes expectations for conduct.

Legislative Agenda:

6. **City Council Update (Councilmembers Cathcart and Zappone):**
 - CM Cathcart emailed documents to CA members to gather feedback on the redistricting process. Wants the CA to review these documents and give feedback on these documents. Big differences from existing process are that the number of the commissioners on redistricting board would increase from 3 to 7. City Council would not have ability to modify the proposal. Added component to include that it could be a citizen led initiative, following preestablished processes. Would like to include CA in the process, by vetting the applications of folks who want to participate on the redistricting committee. Additionally, if there is a disagreement on who serves on the committee, CA would choose the

members. **Andy and Randy support this proposed process. Some questions were asked about how to communicate the CA's opinion on the matter, will take info back to NCs and discuss amongst CA before communicating back to Councilmembers. Vote is happening on Monday.**

- CM Zappone- Pavement to People, reducing housing costs. CM's Bingle and Zappone are co-sponsoring it. The housing crisis is having a negative impact on residents, exploring different tools to address housing costs and availability. Incentivizing that surface lots downtown be turned into low-barrier housing. Exploring the elimination of parking minimum requirements in residential areas, to free up barriers/costs of building housing. Supports the BOCA initiatives. Looking to give builders options on how many parking spots are built for housing. Debundles the cost of parking from rent for the tenants. CM Zappone did say that this would not impact preexisting housing developments that already are built. Comments about how it impacts Logan neighborhood and their already strained parking situation with college student renters.

7. ONS Update (Patrick Striker):

- Yielded to CM Zappone's presentation.

8. CHHS Updates (Christy Jeffers):

- CHHS is not in charge of the regional collaboration group. The name of the group has changed to a housing, health and safety focus.
- Moving forward with Community Development Block Grant (CDBG) programming plans. Please review the Citizen Participation Plan to provide any suggestions or edits to Christy. This is for the 2024 year, beginning in July 2024. This plan provides insight on how citizens can be involved in this funding decisions. July 17-31st is the public comment period for people to provide feedback on the 2024 Citizen Participation Plan. They will also release the CDBG policies and procedures in addition to the subsequent request for proposals (RFPs).
- The consolidated planning process will be for 2025-2029 programming, there will be chances to review and participate in this. Opportunity to identify targeted areas for improvement in this consolidated planning process.
- After much change in the processes and staff in CHHS, the CDBG program is coming back and Christy wants to work alongside the neighborhoods to ensure the projects funded are supported. The focus will be on supporting our low to moderate income residents, so if neighborhood members are aware of nonprofits who are looking to accomplish projects that benefit low to moderate income neighborhoods, please encourage them to keep a lookout for the RFP process opening.
- **Move to extend time, 5 minutes (first extension).** Carol moved, Mark seconded. 15-Yes, 0-No, 0-abstain.
- **Question from Randy:** How will the neighborhoods stay involved in this process? Andy invited folks to go to the CA/CD meetings and also CHHS Board meetings.
- Clarification made between the affordable housing programs (HOME program) and the CDBG program which benefits community projects in low to moderate income neighborhoods that address other categories apart from building housing.

9. GFC Recommendation (Molly Marshall):

- Randy presented on behalf of Molly. Please review the report that Molly provided, and the recommendations that Molly put forth, requesting action from Community Assembly (CA) members. *Randy read from Molly's report to provide insight to CA members present.*
- Molly is asking for a resolution from CA members to submit to the GFC group supporting the recommendations she's put forth. *Comments from Mark about concerns of new developments using existing water pipes that aren't built for the increased development. Current infrastructure will struggle to support more development.*
- **Motion (from Randy): Write a resolution to be signed by CA Admin Committee to be submitted to City Council that will include the recommendations put forth by Molly.** Cliff moved, Mark seconded. 14- Yes, 0- No, 1 abstention. Motion passes.

10. Policies & Procedures Extension Discussion (Randy McGlenn):

- Conversation ensued about whether to eliminate the second 5 min extension to agenda items. A handful of members voiced concern about cutting off important discussions for sake of finishing on time, they do not feel it benefits the body to stifle important conversation.
- Unanimous decision of body to not eliminate the 2nd five minute extension on agenda items in CA meetings.

11. Budget Requests Policy Clarification (Randy McGlenn):

- Randy gave an update on the Admin Committee's application for CE Grant funding related to the Zoom account. Wanted to clarify that any CA committee can request CE Grant funding from Budget, and that Admin can decide to request funding in the event of an emergency and bring back the decision to the CA body at the following CA meeting.
- Admin agrees that they should make the request for the CA's Zoom account. Randy, Luke and Mark both suggested that we look into CE Grant processes and procedures to see if they can be simplified for neighborhoods.
- **Move to extend time, 5 minutes (first extension).** Mark moved, Debby seconded. 15- yes, 0-no, 0- abstain. Motion passes.
- Tina brought up that CE Grant funding is meant for neighborhood councils to use, not to reserve that money for CA awards up front, because it prevents NCs from using their full \$850 allocation. Also suggested that the CA Zoom license payment doesn't come until September, so that NCs have a shot at spending full \$850.

12. CA Committee Updates (Committee Chairs):

- **Gail (Budget Committee)-** Budget Committee met at the end of June. CE Grant applications received: 25 received.
- **Tina (Building Stronger Neighborhoods)-** Meeting Saturday 7/15 at 9:00AM at Knox Presbyterian Church. They are researching best practices for neighborhood councils from other cities across the country. Amber will be giving an update on the Spokane Neighborhoods Summit that is coming up this fall.
- **Tina (Policies and Procedures Committee)-** The committee is working to wrap up their tasks of editing/formatting the documents before they are ready to present to the CA body. Fran volunteered to proofread the document to assist the P&P Committee.

13. Roundtable Discussion:

- **Randy:** One of the action items is the discussion around the reactivation of the CA's Neighborhood Safety Committee. For consideration of neighborhoods being inactive in summer months, Randy suggested that the reactivation of the committee to be on the October CA agenda. Tina recommended that CA members start recruiting neighborhood council members until then.

Meeting Adjourned at 7:03 p.m.

- Next Community Assembly scheduled for **Thursday, August 3, 2023**

The Latah Valley moratorium was implemented to address infrastructure concerns around transportation and utilities (GFCs).

City Council approved an interim GFC through March 2024. It increased GFCs by 66% -- to represent the inflation on the GFCs that were adopted in 2002. Projects with a building permit or a counter complete application for a building permit at the time of new rates were adopted would fall under the historic rate. These rates are in place through March 4, 2024.

Spokane GFC History

GFCs are charges that new development pays to connect to our Water and Wastewater Systems. GFCs implemented over 20 years ago in Spokane **have never been** updated and had no inflationary index. Many GFC fees were waived (meaning we have been generating reduced funds from growth related projects and relying on Utility rates instead). Without a GFC (or waiving the GFC) all growth-related costs are paid for by existing ratepayers only and rates are higher as a result. By setting the GFC below the actual costs (or waiving charges) the burden falls on existing ratepayers. This probably resulted in higher debts and higher rates to support the debt.

City Staff has recommended

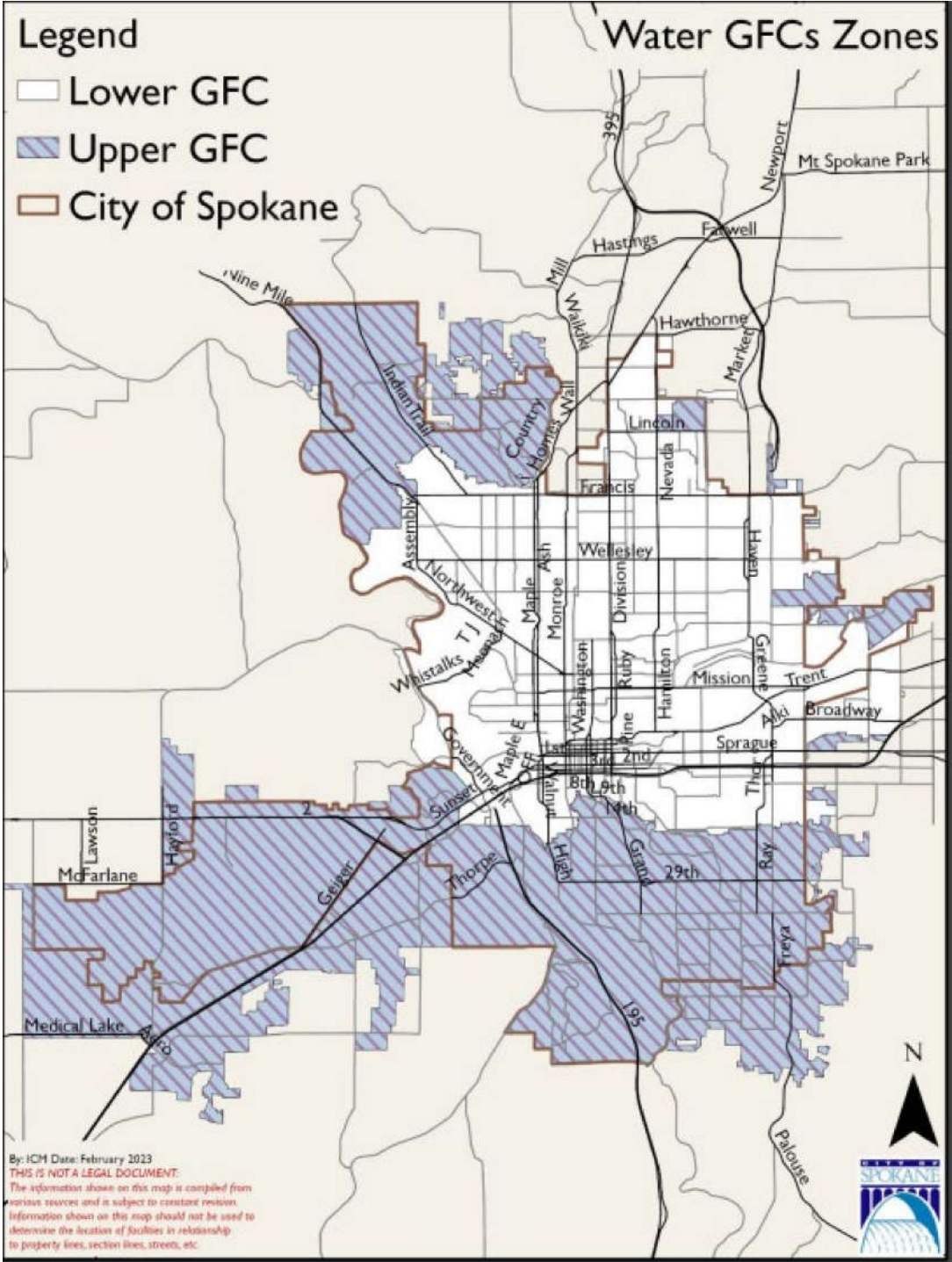
- Citywide update to the GFCs that represents current costs and anticipated projects over time and helps to keep monthly rates more affordable for everyone.
- Uses a reasonable and rational approach to assign costs.
- Ties GFCs to an inflationary index to avoid having the fees quickly get behind and avoid having to make such major changes in the future.
- Supports certain types of development with a dedicated funding source for GFCs.
- Implements new costs over time to allow our community time to adjust.
- Bases fees on meter sizes that support City goals around water conservation.

The General Facility Charge is a one-time charge imposed as a condition for a new utility connection and represents a proportionate share of the capital investment made to provide system capacity. This fee can be used to fund capital projects or related debt service; **it may not be used to fund operation and maintenance costs**. Governing state law: » RCW 35.92.025: In general, each connection shall bear a proportionate share of the cost of the system capacity required to serve it and ensures future customers pay for the capacity that existing customers have already provided for them.

The cities plan would create an Upper and Lower Zone for Water GFC fees that aligns where new facilities are needed which would not include a sewer GFC fee because it is one charge City wide. A Citywide update to the GFCs would represent current costs and anticipated projects over time and help keep monthly rates more affordable for everyone. **This plan would remove waiver areas** (the Lower Zone overlays with 90-95% of where waivers have been) **and economic development would need to look for other strategies to promote desired development** (two funding sources were presented in the meetings). The City can choose to fund a program that helps pay for developer's GFCs to encourage development in specific areas. Finally, a ¾-inch meter would be the basis for the fees supporting our goals around water conservation. This plan would include an Inflationary Index (which is the same for Transportation Impact Fees) and review of GFCs would happen every 3 to 5 years to ensure they are

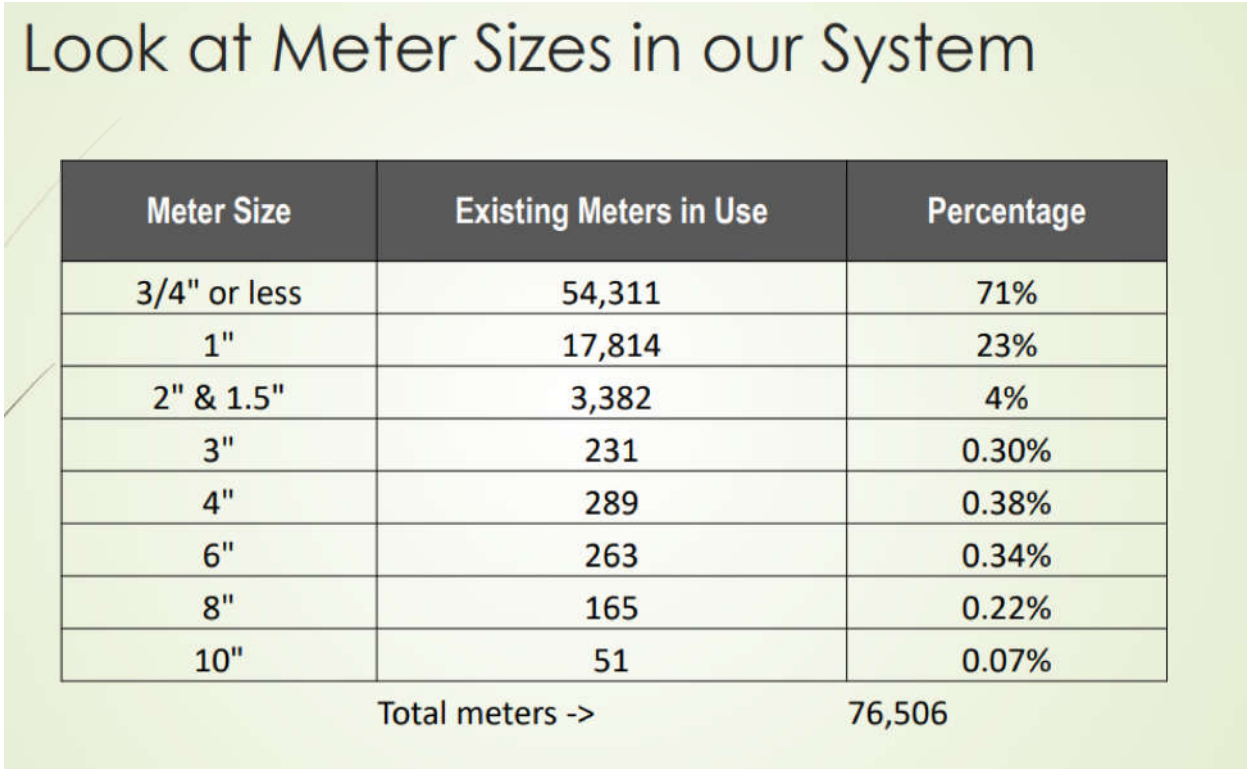
consistent with system costs. Developer-constructed infrastructure would continue to be deducted from their GFC charge through a developer agreement with the city.

UPPER AND LOWER ZONES



Two zones were selected based on system operations and engineering: The lower zone is the basis of supply for the entire system and supplied directly from wells without the need of additional boosters. It also provides the base storage and supplies water to all other pressure zones through booster pump stations. The upper zone is the areas that need boosting (more expensive).

CURRENT METER SIZES FOR THE CITY OF SPOKANE



*71% OF THE METERS ARE ¾" OR LESS

RATE COMPARISION

Meter Size	Historic Water GFC	66% increase – Adopted thru March 4 th 2024	Adopted Low Zone March 2024	Adopted Upper Zone March 2024
¾ inch	\$1,232	\$2,045	\$2,823	\$10,407
1 inch	\$1,232	\$2,045	\$4,705	\$17,345
1.5 inch	\$3,485	\$5,785	\$9,409	\$34,690
2 inches	\$3,485	\$5,786	\$15,055	\$55,503
3 inches	\$6,402	\$10,627	\$32,932	\$121,413
4 inches	\$9,857	\$16,363	\$56,455	\$208,137
6 inches	\$18,108	\$30,059	\$127,025	\$468,309
8 inches	\$27,878	To be calc.	To be calc.	To be calc.
10 inches	\$38,961	To be calc.	To be calc.	To be calc.

WATER GFCS REMOVING INTEREST

Meter Size	Adopted Low Zone March 2024	Low Zone –No Interest	Adopted Upper Zone March 2024	Upper Zone – No Interest
¾ inch	\$2,823	\$2,281	\$10,407	\$9,635
1 inch	\$4,705	\$3,802	\$17,345	\$16,059
1.5 inch	\$9,409	\$7,604	\$34,690	\$32,117
2 inches	\$15,055	\$12,167	\$55,503	\$51,387
3 inches	\$32,932	\$26,615	\$121,413	\$112,410
4 inches	\$56,455	\$45,625	\$208,137	\$192,703
6 inches	\$127,025	\$102,657	\$468,309	\$433,582
8 inches	To be calc.	To be calc.	To be calc.	To be calc.
10 inches	To be calc.	To be calc.	To be calc.	To be calc.

PAST WAIVER DATA

Year	Collected	Waived	% Waived
2019	\$2,315,342	\$530,197	19%
2020	\$2,455,644	\$1,090,761	31%
2021	\$2,447,261	\$619,366	20%
2022	\$2,567,149	\$901,688	26%
Total	\$9,785,396	\$3,142,012	24%

Another option would be to charge one rate for the entire city. This option was put forth by developers.

Meter Size	Adopted Low Zone March 2024	Adopted Upper Zone March 2024	City-Wide Calculated Charge	City-Wide Calculated Charge – No Interest
¾ inch	\$2,823	\$10,407	\$4,881	\$4,285
1 inch	\$4,705	\$17,345	\$8,135	\$7,141
1.5 inch	\$9,409	\$34,690	\$16,269	\$14,282
2 inches	\$15,055	\$55,503	\$26,031	\$22,851
3 inches	\$32,932	\$121,413	\$56,943	\$49,987
4 inches	\$56,455	\$208,137	\$97,617	\$85,692
6 inches	\$127,025	\$468,309	\$219,638	\$192,808
8 inches	To be calc.	To be calc.	To be calc.	To be calc.
10 inches	To be calc.	To be calc.	To be calc.	To be calc.

For this option, all new development would pay the same fee. I believe this would not benefit the need for affordable/low-income housing. Developers would continue building market-rate houses in the upper zone at a lower fee. The lower zone, which has been identified as a target investment zone would

then pay this higher fee to build. Remember, development GFCs were waived in the lower zone (prior to the update of GFCs) so fees would go from 0 to \$4881.

My Recommendations

1. I believe the two-tiered city approach is the best option for now. With the amount of development occurring in the upper zone, I feel it is imperative that the cost of expansion should be paid for by these projects. Because the city has waived GFCs in the past, the funding needed to expand the system is deficient.
2. The state of Washington allows the city to charge interest on these public facilities. I think charging these fees **without** interest would be a compromise to such a significant increase in fees.
3. It is imperative that the city identify another funding sources to accommodate waivers of GFCs. Two sources were presented during these meetings. This would be a process change for GFC waivers and still allow "waivers" for development of affordable/low-income housing without depleting the funding generated by GFC impact fees.
4. Basing the pipe size on $\frac{3}{4}$ " would support water conservation goals.

This is a very complex issue with multiple factors. I have done my best to interpret this information and be a voice for the community. Please let me know if you have questions.

Molly Marshall

GFC committee representative for CA

A Resolution

by the Community Assembly of the City of Spokane

Adopted by the Community Assembly on the 6th day of July in the year 2023

Regarding General Facility Charges in the City of Spokane.

Whereas the General Facility Charges or GFCs that new developments pay to connect to our water and wastewater systems have not been updated in over 20 years;

Whereas City Council approved an interim GFC through March 2024 that increases the rate by 66% to represent inflation on rates that were adopted in 2002;

Whereas many GFC fees were waived, generating reduced funds from growth related projects, relying on utility rates instead; and

Whereas City Staff has recommended a number of changes to GFC policy to avoid future funding issues through GFCs; now, therefore, be it

Resolved, that the Community Assembly recommend to City Council:

1. to adopt a two-tiered approach as outlined in the GFC Brief Document to the Community Assembly
2. charge GFC fees without interest as a compromise to the significant increase of fees
3. identify another funding source to accommodate waivers of GFCs as discussed in meetings with the GFC Advisory Committee
4. base the pipe size on $\frac{3}{4}$ " to support water conservation goals

By the authority of the Community Assembly of the City of Spokane;

Signed,



Randy McGlenn, Chair, Administrative Committee

SLIHC Comments

Benzie, Ryan

From: Ben Stuckart
Sent: Tuesday, September 12, 2023 8:13 AM
To: Feist, Marlene; Miller, Katherine E
Cc: City Council Members and Staff
Subject: General Facility Fee Feedback - SLIHC
Attachments: SLIHC GFC Letter.pdf

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Marlene and Katherine

Thanks so much for taking the time to come speak with SLIHC membership regarding the changing structure of GFC's and the recommendations. Thank you as well for allowing Ami Manning to represent SLIHC on the Mayor's advisory committee.

Attached is our letter with feedback.

Thanks so much

Ben

--

Ben Stuckart

Executive Director, Spokane Low Income Housing Consortium

www.housingandhelp.org



September 12, 2023

Marlene Feist, Public Works Director
City of Spokane
808 Spokane Falls Blvd
Spokane WA 99203

Dear Marlene Feist,

The Spokane Low Income Housing (SLIHC) is a membership association that promotes the long-term availability of affordable housing in Greater Spokane. We represent over 25 organizations representing non-profits, for-profits, architects and banks. After participating in the GFC Committee and listening to the city presentation in August, the membership had a discussion and came to unanimous consensus on the following:

1. City wide waiver for low-income housing projects. This encourages equitable housing production, we need more supply. Incentives to support low-income housing are essential, numerous projects would not pencil out with new rates. There is no new subsidy and subsidy has been falling behind for the last 40 years. We are also not in support of using other historical low-income housing subsidy dollars to pay for this waiver.
2. One zone- One zone will allow for housing to be built in more than one geographic area and be more equitable for our communities. Members fear that by pricing historically wealthy areas higher that will discourage production in these areas. The two-zone system reinforces areas that have been historically redlined. We feel this recommendation will assist in building low-income housing and in disrupting of historical housing inequities.

Thank you for your time and consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Stuckart", written in a cursive style.

Ben Stuckart
Executive Director

CC: Spokane City Council
Katherine Miller

NEPDA Comments

Benzie, Ryan

From: Jesse Bank <jesse.bank@northeastpda.com>
Sent: Wednesday, September 20, 2023 9:43 AM
To: Feist, Marlene
Subject: NEPDA GFC Comment
Attachments: 230920 NEPDA GFC Comment.pdf

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Marlene -

Thanks for the call the other day. Apologies for this coming in after the deadline - all three of us came down with a nasty cold over the weekend and dealing with a sick infant has been challenging to say the least. I imagine we're too late to get this into the package for the first Plan Commission workshop next week, but hopefully it can be added to subsequent packages for the benefit of the record.

Thanks again -

Jesse Bank
Executive Director

// NORTHEAST PUBLIC DEVELOPMENT AUTHORITY
e // jesse.bank@northeastpda.com
p // 509.795.0290
w // makeitspokane.com



Marlene Feist
Director, Public Works
City of Spokane
808 W Spokane Falls Blvd, Second Floor
Spokane, WA 99201

September 20, 2023

Dear Director Feist and Public Works Staff

The Northeast Public Development Authority (NEPDA) staff and Board of Directors appreciates the opportunity to provide the following comment on proposed updates to the General Facilities Charges (GFCs). This is an incredibly important discussion that will meaningfully shape the growth of the City of Spokane going forward and will have significant impact on this market's growth trajectory.

Since its inception, the NEPDA has benefitted from GFCs being waived within its boundaries. These waivers are considered to be an integral tool the PDAs can use to drive prosperity and economic growth in the area through new development – they are the only as-of-right incentive available to project proponents at present. **There is a preference among members of the NEPDA Board that the waivers be retained.** There is generally sufficient water and sewer capacity within the district to support the growth that is envisioned, and considerable other infrastructure-related challenges exist that should the waivers be rescinded, projects may become infeasible. This would inevitably dampen growth in an area the City of Spokane and Spokane County have cooperatively prioritized for special economic assistance.

Should the waivers be retained, the NEPDA looks forward to a productive discussion about how to leverage its revenue stream to fund its portion of anticipated system-wide growth, provided there is acknowledgement:

- That the NEPDA's revenue is currently insufficient to cover the entirety of the growth-related water/sewer costs attributable to it. So, while it may be able to contribute, some other revenue stream will be required to completely satisfy the cost of the waivers.
- That each of the three current PDAs have different infrastructure needs and revenue potential, and therefore a one-size-fits-all approach to a potential PDA GFC contribution is likely not an ideal solution.

Should the City Council and Board of County Commissioners elect to rescind the waivers via an amendment to the Interlocal Agreement that governs the NEPDA, there is a strong preference that the two-zone approach to GFC rates be enacted. This would ensure a more direct nexus between growth in the PDA and the fees charged to project proponents.

In addition, the NEPDA Board would encourage the City to develop new as-of-right incentives that could be offered to projects choosing to locate in the PDAs in place of the GFC waivers. The three PDAs were created because the City and County identified significant growth potential in these areas but recognized that growth would be challenged but for the creation of a PDA to facilitate it. Removing the only as-of-right incentive the PDAs can offer would significantly diminish their tool set and ability to carry out their purpose, so some level of replacement would be warranted.



Finally, whatever the outcome of conversations related to GFC waivers, the NEPDA encourages the City to explore a graduated phase-in of the increased GFCs city-wide. There is significant concern that the proposed substantial and immediate increase in development costs will have a chilling effect on growth market-wide, damaging the long-sought momentum that has finally arrived in Spokane. The NEPDA area is experiencing that momentum as well – new property owners, new businesses, and a new energy – but it is predicated on the success of the larger market. Phasing in GFC increases will give many projects that are now on the brink time to complete, and future projects in the pipeline time to adapt to this new fee environment. This will be less disruptive to the city’s currently very positive trajectory which will benefit all, the NEPDA area included.

The NEPDA commends City staff for addressing these longstanding, systemic issues, despite their complexity and the difficult conversations that necessarily result. We appreciate the opportunity to comment and look forward to continued dialog on this critical matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Bank', with a long horizontal flourish extending to the right.

Jesse Bank
Executive Director
Northeast Public Development Authority

Spokane Realtor
Association
Comments

Spokane REALTORS®

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Member of National Association of REALTORS® and Washington Association of REALTORS®

The term REALTOR® and the identifying logo are federally registered collective membership marks identifying real estate professionals who are members of the National Association of REALTORS® and subscribe to its strict Code of Ethics.

Spokane REALTORS® Position Statement

After reviewing a proposal for separate water zone charges, we recommend making a single water district GFC fee as the only way to be equitable across the city. Given our policy of increasing density, we must standardize fees citywide to ensure equitable and fair applications of fees for owners, and to keep from creating a disincentive to build outside the downtown core.

There are two elements we believe should be removed from the GFC cost calculations:

Interest charges: City staff have proposed that interest rates on the money used for previous projects be factored in as a future charge for unused capacity, even though many city projects were NOT built with borrowed money. This is allowed by State law, but is not a requirement. Additionally, this represents a new practice, and one that is not the current standard practice by Spokane.

County and PDA Obligations: All costs associated with County use, airport expansion and other PDA Obligations should be taken out of the cost calculations, instead of factored into the cost recovery basis for both water and sewer fees.

Instead of using meter sizes to determine costs, we believe a fee structure that is based upon an *Equivalent Residential Unit* (ERU) is a much more equitable solution. In this model, smaller homes would pay a ½ rate for connections, while larger projects would need to pay a 1 ½ times fee based on projected water usage. We agree that basing fees on water meter size creates fundamental unfairness.

The cost basis should be based on only the 6-year capital project approved through the Comprehensive Plan. The 7-20 year project list is one created by staff, and has NOT faced any public review or approval by any elected body.

The penalty currently in place for sprinklers must be eliminated. Staff believes that capacity should not be counted, as it's necessary for to meet available pressures and capacity for a sprinkler system while recognizing that capacity is not truly used.

A portion of the GFC fees collected needs to be put in a set-aside fund to assist in development costs for adapted use. For example, a new infill project may require a larger connection that is available. This fund, to be used at staff discretion for assisting in those costs. Otherwise, many projects may not be funded because this issue becomes a hurdle to development.

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Spokane REALTORS®

When Multi-Family Tax Exemptions (MFTE) expire, the City sees a windfall of new property tax revenues. We believe the best short-term use of these funds would be beneficial to contributing to new and existing system repairs and upgrades.

We should not eliminate building incentives lightly. There were important reasons for allowing these incentives in the first place. We must consider any opportunity we can to incentivize opportunities in keeping with city initiatives such as infill, parking lot conversions, office building conversions, ADU's, neighborhood enhancements, and centers and corridors.

We need to grandfather in projects under development that have been funded and developed under existing fees. It's not fair to dramatically increase costs after these commitments are in the pipeline.

We must establish a long-term GFC fee solution that brings back more certainty to the development community. Already we are seeing key projects postponed or cancelled because of this uncertainty. Let us establish a fee with built in increases that can be anticipated and adapted fairly.

Finally, as the city looks to raising monthly water bills to help cover the costs of system repair, we believe a more equitable increase would be for larger increases in those areas that are farther away from water sources and in the uphill areas of town that require more pumping ability to deliver water.

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Benzie, Ryan

From: Jim Frank <jfrank@greenstonehomes.com>
Sent: Monday, September 11, 2023 11:32 AM
To: Gardner, Spencer
Cc: Feist, Marlene; Jennifer Thomas; Cathcart, Michael; Bingle, Jonathan
Subject: GFC Comments to Plan Commission
Attachments: GFC Presentation to Plan Commision PDF.pdf

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Spence,

Could you please forward my comments to the Plan Commission for consideration in the upcoming workshop and subsequent public hearing on the GFC fees. As you know I was a member of the Advisory Committee appointed by the Mayor.

Thanks, Jim

GFC ISSUES and RECOMMENDATIONS

1. Should there be two separate water GFC fee areas and if so, what is the basis for creating the boundary between the two areas?

- The previously the fee was **assessed uniformly across the city**.
- The initial basis for two zones was based upon pressure zones, with a higher fee for projects located in the "upper zone" that requires the use of booster pumps. However, the pressure zone boundaries were modified to include land in Latah Valley, Indian Trail and near Nevada and Lincoln, even though these were located in the "lower pressure zone" boundaries.
- It is **nearly impossible to get a rational basis for 2 water GFC fee zones** as the water system is so integrated. **Any two zone fee system will require manipulation of the existing city pressure zones.**
- The fee analysis includes an "assumption" that the average unit in the lower zone uses about 1100 gallons per day of water while the average unit in the upper zone will use 1650 gallon per day. This is based upon an historical analysis of water usage. The 1100 GPD is actually a city average number not the "lower zone" number. The "lower zone" average water ERU would be under around 850 GPD. The "lower zone" includes areas generally developed prior to 1950 with smaller homes on smaller lots. The "upper zone" was generally developed more recently with larger homes and lots. **The assumption of higher water consumption in the "upper zone" is a significant factor in the fee differential between the zones and does not reflect future usage.**
- **The historical water use by pressure zone is a fundamentally inaccurate basis for assessing GFC fees.** Future development looking forward 20 years will be primarily higher density, smaller lot or MF infill development regardless of the water pressure zone.
- **The lower-higher zone boundary had the practical impact of putting the large majority of the south hill into a higher fee zone** even though much of the area has been fully developed for more than 70 years, yet leaves the far reaches of the north side (Nevada and Hawthorne) in the "lower" zone.
- Do we need to consider the **equity of essentially "red-lining" infill development out of South Hill and higher income northside neighborhoods** resulting from the two-zone fee structure?
- Larger homes on larger lots should pay a higher fee, but this is best determined at the time of building permit based an ERU based fee that considers unit and lot size and fixture count.

Recommendation: We strongly favor a single fee zone as the only equitable way of imposing a GFC fee.

2. Should there be a fee waiver for affordable housing?

- There is currently a central fee waiver zone.
- The current proposed ordinance eliminates the abatement area completely. The interim ordinance is allowing a fee abatement for “permanently affordable” units.
- Staff is proposing that the city needs to find a way to fund that waiver. That cost will be about \$1.0 to 1.5 million for each 100 affordable units. I don’t believe that level of funding will ever be available without poaching other affordable housing funding sources.
- Affordable housing for families making less than 80% of median income is reasonably a cost that should be borne by the entire rate base.
- The lack of a fee waiver will make many subsidized projects economically unfeasible in many cases.

Recommendation: Maintain the fee waiver for permanently affordable housing in a manner consistent with the interim ordinance. Trying to find reimbursement funds will not be economically feasible without taking from affordable housing funds.

3. What costs should the GFS fees seek to recover? Should interest on the existing system be included?

- Under the law you may legally collect a GFC charge to cover (1) the cost of new projects necessary to support development; (2) a pro-rata share of the existing system; and (3) interest expense on the existing system. **This is a policy choice and different jurisdictions take different approaches.** Many just seek to recover the costs necessary to support new construction.
- The interest charge is a calculated charge and does not reflect actual interest costs. It is essentially 10 years at about an average of 5% annually, so a 50% surcharge on the cost of the existing system.
- **The cost of the existing system and the interest surcharge does not consider the age and depreciated value of the existing assets.** The city recognizes that much of the system will need to be replaced and upgraded over the next 20 years. The new connections will bear the cost

of this aging system twice, paying for it as part of the GFC and then paying for it again as a rate payer when it is replaced and upgraded.

Recommendation: Exclude interest from the recoverable cost basis as a reasonable offset against a system that is very old and substantially depreciated.

4. Should the GFC charge recover the costs of facilities necessary to serve growth in the PDA areas where the city cannot assess GFC charges?

- Spokane serves sewer and water to 3 PDAs (NE, U District and Airport West Plains). The inter-local agreements to provide utility service to the PDAs include an agreement to not charge a GFC fee. For example, the sewer and water work planned to support the airport expansion is about \$30 million.
- **In theory this cost of both the existing system and the future system upgrades necessary to serve the PDA should be excluded from the recoverable cost basis.**
- The city has agreed this will reduce the cost basis and fees but the details of that calculation have not yet been provided. I
- The same applies to **sewer capacity sold to Spokane County** (20% of treatment capacity). System costs have not been reduced to reflect the capacity reduction available. For example, 20% of the treatment capacity costs should be removed from the recoverable costs. A similar calculation and cost reduction for the collection system would also be required. The city is taking the position that the cost basis is reduced only by payment received from the County. That is fundamentally erroneous accounting. Whatever financial deal the city made is a burden carried by the full rate base. The recoverable costs need to be reduced pro-rata to reflect the portion of the system committed to the County from which connection fees cannot be collected.

Recommendation: Reduce the “recoverable costs” by the share of existing system and future system improvements required to serve PDA areas and the 20% County reserved sewer capacity.

5. What should be the basis for the GFC charge? Is “meter size” or an ERU basis a more equitable method of assessing GFC charges for new connections?

- The city currently calculates GFC charges based upon meter size and has proposed using meter size to assess GFC fees going forward.
- **Each meter size will accommodate a wide range of water flow.** For example a small 400SF ADU and a 5000SF house can be served with a single 3/4" meter on a 1" service line. Using meter size, virtually every single family home would pay the same fee, regardless of unit or lot size, unless they need to move from a 3/4 inch meter to a 1 inch meter. This is not equitable.
- The same inequity will occur for MF units. The range of capacity for a 1.5 or a 2 inch meter is very broad and will not accurately reflect actual demand on the system. **As staff notes it creates a "stepped" fee structure, where the fee changes only when the project requires a "step" to a larger meter.**
- Another problem with the "meter" basis for GFC charge is that there will a need to manually adjust the meter size to eliminate fire flow. Every MF permit (over 3 units) now requires fire sprinklers. A separate meter for fire flow is not reasonable for most smaller MF projects developed under BOCA.
- **Many jurisdictions use an "equivalent residential unit" (ERU) basis that accommodates more accurately the actual use of the property being connected.** It is simple to provide an ERU adjustment factor for residential units based upon unit size. Unit size can be a proxy for family size and lot size. This is actually evidenced by the variation in ERU water flows by pressure zone in the city system.
- Meter size can still be used for non-residential permits.

Recommendation: Using an average system wide GFC charge per residential unit with an adjustment factor for unit size and MF vs SF construction type. This adjustment factor can be developed by looking at actual system data.

Benzie, Ryan

From: Jim Frank <jfrank@greenstonehomes.com>
Sent: Wednesday, August 23, 2023 4:13 PM
To: Feist, Marlene
Subject: GFC Fees
Attachments: GFC ISSUES and RECOMMENDATIONS.docx

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Marlene,

Attached are my comments on the GFC policy issues that we have been discussing.

We have not yet seen the adjustment that would be made in the system recoverable costs to reflect the service to PDA areas and the share of the sewer system committed to Spokane County. Will we see those numbers before the Plan Commission workshop and hearings?

It appeared on the sewer system that you are only adjusting the costs based on whatever payments you have received from Spokane County. I believe that to be incorrect accounting and fundamentally unfair. Where 20% of the treatment capacity has been sold/committed to Spokane Coune **and is not available for use by new development** in the city then a corresponding 20% reduction in the system costs should be reflected. The amount paid by the County is not a relevant number in my opinion and the terms of the transaction with Spokane County are a cost to all rate-payers not just the new connections. By not reducing the system cost by the percentage dedicated to Spokane County you are making that cost recoverable only by the new ratepayer. I hope staff reconsiders this position.

Thanks, Jim

Sewer and Water GFC Charges

Feed Back on Policy Issues
Asked of Advisory Committee

Advisory Committee

The Advisory Committee considered a wide range of policy issues. These policy will impact how the GFC fees are administered. **The goal should be a fee schedule that fairly allocates utility system costs between current rate payers and new construction.**

(1) Methodology Used: Should Fees be Assessed Based on Meter Size (MCE Meter Equivalents) or ERU (Equivalent Residential Units)

The primary issue here is which methodology best represents the actual sewer and water system usage by an applicant seeking a permit

Fee Based On Meter Size

- Historically this has been the method used by the city
- Meters have a wide range of capacity. You can see the wide range of flow between meters on the chart of the next slide
- A 2" meter could be required for an infill 4-plex. However, a 2" meter would work up to about 20 units. Both projects would pay the same fee.
- The fees "steps up" when the required service "steps up" to a larger meter size. Very inequitable for middle density infill development and MF in general
- The fee based on meter size was a minor factor when fees overall were low. As fees reach higher levels the meter basis becomes inherently unfair.
- The meter size basis gets complicated because MF projects include fire flow requirement and an adjustment to a "theoretical" meter size that excludes fire flow has to be made. Administratively this is complicated and creates uncertainty to the applicant.

Meter Size (IN)	Maximum Flow Rate (GPM)
5/8	25
1	70
1 1/2	120
2	170
3	500
4	1,000
6	1,600
8	2,800
10	4,400

Meter Size and Maximum Flow

You can see the wide range of flow possible in a single meter. 25 GPM is about what is required for a single residential unit

Fee Based on ERU

- An ERU is defined as the use of an “average” single family home. The City has calculated this to be about 1050 MGD, (average maximum daily flow)
- An ERU value can be assigned to a use based on the expected water and sewer consumption for that use.
- For example small homes (with fewer fixtures) could be assigned an ERU value of say .50; an average size home an ERU of 1.0; and a large home an ERU of say 1.5. Apartment units, which have been documented to use less water (smaller units and less irrigation) could be assigned a value of say .50 ERU and the fee calculated by the number of units times the ERU value. This can also be calculated by fixture count and estimated water flow per fixture.
- Non-residential applications can have a ERU based upon fixture counts.
- The ERU basis is more equitable and more fairly reflects the actual system capacity being used by a project and avoids the “stepped” fee basis.

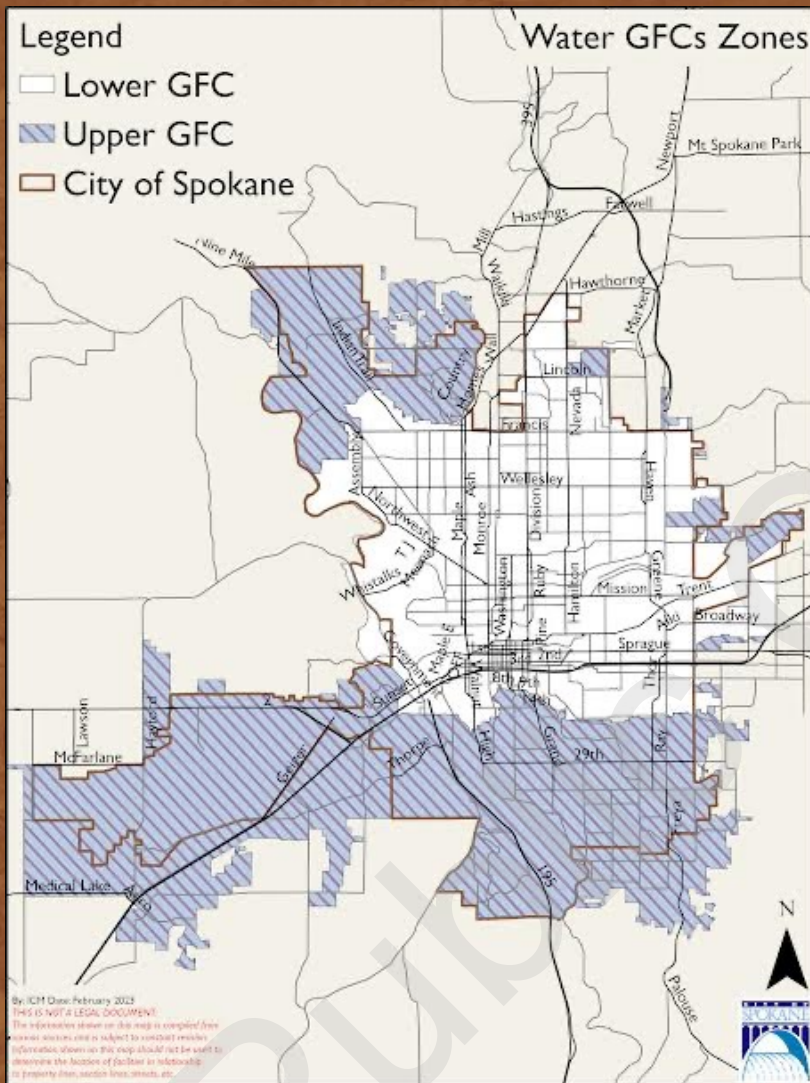
(2) Should the Fee be Based Upon One or Two Zones?

- The City currently assesses both Sewer and Water GFC charges based on a single city wide zone.
- The staff recommendation in the March 2023 proposal was to have a two fee zone for water and a single fee zone for sewer.
- The basis for the two zone fee structure for water was some outlying areas cost more to serve

There is No Rational Basis for Establishing a Boundary for Two Water Zones

- The boundary used for the “lower zone” excluded most of the South hill but included the north-side all the way to Hawthorne Road.
- Because fees were 4 times higher in the “upper zone” it essentially **redlined affordable homes** out of the south hill
- The boundary of the “lower zone” manually adjusted pressure zone boundaries to arbitrarily exclude greenfield development land in Latah Valley and Indian Trail that was in the same pressure zones.
See next Slide
- In suburban development areas developers install significant sewer and water main line distribution infrastructure as well and required pumping stations.

Two GFC Price Zone



- Proposed ordinance creates two water GFC price zone
- Radical departure from current policy
- Upper zone charges are 4X the Lower zone charges
- Based upon City Water Plan both Indian Trail and Latah Valley have been manually removed from Lower Zone
- Ordinance “redlines” affordable housing out of South Hill and upper income neighborhoods

Discriminatory Zone Pricing for Water GFC

The pricing differential is so large it effectively “redlines” affordable housing out of the South Hill and other affluent neighborhoods

Multi-family	8-inch	\$27,076))	
Multi-family	10-inch	\$38,961))	
Multi-family	12-inch	\$51,216))	
	<u>¾-Inch or less</u>	<u>\$2,823</u>	<u>\$10,407</u>
	<u>1 inch</u>	<u>\$4705</u>	<u>\$17,345</u>
((Commercial))	<u>1.5-inch ((or-less))</u>	<u>(((\$1,232)) \$9,409</u>	<u>\$34,690</u>
((Commercial))	<u>2-inch</u>	<u>(((\$3,485)) \$15,055</u>	<u>\$55,503</u>
((Commercial))	<u>3-inch</u>	<u>(((\$6,402)) \$32,932</u>	<u>\$121,113</u>
((Commercial))	<u>4-inch</u>	<u>(((\$9,857)) \$50,455</u>	<u>\$208,137</u>
((Commercial))	<u>6-inch</u>	<u>(((\$18,108)) \$127,025</u>	<u>\$468,309</u>
((Commercial	<u>8-inch</u>	<u>\$27,878</u>	
Commercial	<u>10-inch</u>	<u>\$38,961</u>	
((Commercial	<u>12-inch</u>	<u>\$51,216))</u>	
((? In a PUD, each house is charged individually the rate listed for “house.”			
** Multi-family represents three or more living units.))			
* Connections larger than 6 inches will require written agreement with specific costs associated to needed flow rate.			

A Two Water Zone Basis Assigns Different ERU Water Flow Base to Each Zone

- In the Lower Zone an ERU was assumed to use 1050 GPD
- In the upper Zone an ERU was assumed to use 1650 GPD
- The variation is based on historical differences in average ERU flow in pressure zones. This reflects the historical differences in home and lot sizes and is not a basis for new construction.
- The pressure zones in the Lower zone were primarily developed prior to 1950 when home and lot sizes were significantly smaller.
- Assigning a higher flow based on two zones inherently in equitable.

(3) Should Interest be Included as a Recoverable System Cost?

- State law permits the recovery of interest expense on the book value of the existing system for a period of 10 years.
- The staff used an average interest rate of about 5%, so including interest adds about 50% to the recoverable system costs.
- In the March 2023 fee proposal the staff included system cost; interest on system cost; and the cost of new infrastructure necessary for new development as “recoverable” costs from GFC fees.

Issues Related to Including Interest as GFC Recoverable Cost

- Much of the city sewer and water system is very old (more than 50 years) and in need of repair and replacement.
- Interest is a “calculated” cost, it is not an actual cost. It is added to the cost of the system that is significantly depreciated in value due to age and needed replacement.
- New ratepayers, paying the GFC, will also be responsible for the costs of the existing system replacement and maintenance... effectively paying for the system twice if interest is included.
- Keeping GFC fees fair and reasonable is an important component in providing a regulatory framework that encourages the development of new housing in the community.

(4) How to Properly Account for PDA Districts and Sewer System Capacity allocated to Spokane County

- The City has three PDA (SIA, U-District and Hillyard) where by interlocal agreement the city does not charge GFC fees.
- The City has allocated 20% of its sewer stem capacity for use by Spokane County. That portion of the system is not available for new development in the city.
- Since the portion of the system dedicated to the PDAs is not subject to collection of GFC fees then the cost of that portion of the system plus the new utility infrastructure required to serve that area should be excluded from the GFC “recoverable” cost basis. This has not yet been done and has not been reflected in the draft GFC fees.
- Since the sewer capacity dedicated to Spokane County is not available to new development the that portion (20%) of the system costs should removed from the “recoverable” costs. This has not been done.
- The cost burden associated with the PDAs and the allocation of sewer capacity to Spokane County has been placed on the entire rate holder base and cannot fairly be allocated to new construction GFC fees.

(5) 5/8" Meter Size as an Option

- The city has proposed a 5/8" meter size as a lower priced option to serve SF homes.
- If a fee based on meter size is used then this is clearly a benefit, as it would reduce the unfairness inherent in a fee based on meter sizes for single family homes. It will not address the inequity for middle housing and MF homes.
- The same result is achieved in an ERU based fee by having the fee reflect unit size or fixture count so that the fee more accurately reflect the actual water usage of the use proposed than is possible by simply using meter size.

(6) Staff Poses a “Growth” versus “Rates” Question as a Policy Issue?

- The implication of the question is.... Should some portion of the cost “fairly allocable” to new construction be borne by the rate payers?
- All the industry is asking is that the allocation of the “system cost” basis to be recovered by GFC fee is **fair and equitable**. Each policy choice needs to be weighed with this lens, not whether the cost should be allocated to rate payers.
- The rate payer will carry the burden of some policy choices already made by the city (for example to waiver GFC charges in PDA areas and to allocate 20% of sewer system capacity to Spokane County).
- The exception to this is a fee waiver for permanently affordable housing. This is a policy decision by the city as to whether by waiving fees the rates payers would bare some cost in making permanently affordable housing more accessible in the City.

(7) Should the GFC Fees be Phased in Over Some Period of Time?

- This is a mechanism to reduce the burden of a higher fee over the short term
- The staff has proposed that the reduced fee would be recovered by higher permanent fees later.
- If fees are based upon a fair and equitable allocation of system costs to be recovered I don't believe a phase in would be necessary. The focus should be on developing a fair GFC fee, not trying to mitigate the short term impacts.

(8) What Development Should be Supported by Incentives?

- The previous fee structure had a fee waiver zone. Nearly everyone believes that is not necessary.
- The temporary ordinance waives fees for “permanently affordable” housing.
- There has been a consensus that this incentive should be retained.
- Staff has requested that the Utility Department be reimbursed for this waive from other funding sources for affordable housing. This is self defeating and will limit funds available for affordable housing.
- The policy question should be whether existing rate holders will carry the modest cost of waiving the GFC for “permanently affordable” housing.

(9) Should an Infill Development Reimbursement fund be Established?

- This was raised as an issue at the Advisory Committee
- Significant infill development is stifled by the lack of adequate sewer, water and road infrastructure located in older inner city neighborhoods.
- Many projects are killed because they are too small to cover the cost of correcting deficient infrastructure in infill locations (unpaved roads and alleys, undersized sewer and water lines, utility main extensions)
- It has been proposed a reimbursement account of \$1 million per year be funded by GFC fees that would allow the city to reimburse developers for correcting deficient infrastructure necessary for infill projects. Over the 20 year planning period \$20 million would be added to the sewer and water recoverable cost basis to cover this costs.
- Would be limited to narrowly defined inner city infill locations.

From: Amber Johnson <amber.j@snapwa.org>
Sent: Friday, October 13, 2023 3:02 PM
To: City Council Members and Staff <citycouncil@spokanecity.org>
Cc: Feist, Marlene <mfeist@spokanecity.org>; MacDonald, Steven <smacdonald@spokanecity.org>;
kmCollim@spokanecity.org; Julie Honekamp <Honekamp@SNAPWA.org>
Subject: General Facilities Charges Waiver for Affordable Housing

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear City Council Members,

Spokane Neighborhood Action Partners (SNAP), would like to express concerns with the proposed changes to the General Facilities Charges (GFC) and specifically the proposed changes to the current GFC waiver for affordable housing creation. Additionally, we are opposed to the use of 1590 sales tax to backfill these waived fees.

We ask you to consider the factors below:

- The GFC fee waiver is an important tool for the creation of affordable housing. This fee can cost upwards of \$400,000 – over \$1 million in added costs for affordable housing.
- The plan to use the 1590 fees to backfill the waived fees as per the budget proposal would take away much-needed flexible and limited resources for the development of affordable housing.
- We encourage the City to explore the use of the State of Washington's CHIP program ([link](#)). Among the eligible uses is reimbursing municipalities for waived GFC fees.

Limited financial resources and increased competition in the housing development field motivate us to ask the Spokane City Council to reserve the use of 1590 funds for their intended purpose of facilitating the development of additional units of affordable housing. We ask that the Spokane City Council retain the full fee waiver for affordable housing development. This is an important way that the City can support the creation of housing units in our community while allowing developers, like SNAP, to leverage funding from other local, State, and Federal sources.

On behalf of the over 38,000 Spokane neighbors served annually by SNAP, we appreciate your consideration of our request.

Respectfully,
Amber Johnson
Director, Mission Support - SNAP

Amber Johnson | she/ her/ hers
Director, Mission Support
(509) 456-SNAP x5213
3102 W. Whistalks Way | Spokane, WA 99224

Live. Learn. Thrive.

snapwa.org

From: Deb Elzinga <debe@communityframeworks.org>

Sent: Friday, October 13, 2023 2:07 PM

To: City Council Members and Staff <citycouncil@spokanecity.org>

Cc: Feist, Marlene <mfeist@spokanecity.org>; MacDonald, Steven <smacdonald@spokanecity.org>;
kmCollim@spokanecity.org

Subject: GFC fee waiver concerns

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear City Council Members:

Our organization, Community Frameworks, is one of the community's stewards of a precious resource: *Affordable Housing*. The people who live in our rental homes are people who may work at gas stations or nursing homes. Our residents are also people with physical disabilities and mental health issues. Our rental homes included older adults and families with limited means. They are among the most vulnerable people in our community, and they cannot afford market rate rents. We create homes where people can live within their budget.

Mayor Woodward's budget proposes an increase in GFC fees for affordable housing. The result is up to a \$17,000 or 6.8% increase in the cost of an affordable home. To offset this increase, the budget proposes spending funds already committed to the development of affordable housing (1590 funds). This "incentive" provides a marginal offset to the massive increase in fees and is capped at a \$60k benefit. The bottom line is that the proposed measures will increase in the cost of affordable housing, resulting in fewer affordable homes being developed.

Further, the proposed change to the fee waiver incentive targets small-scale affordable housing projects which represent a small fraction of the total affordable housing production across Spokane County and the nation. **The alternative to this is to use the State of Washington has a program called the CHIP program ([link](#)), which offers reimbursement to municipalities for waived GFC fees.**

Using the funds designated for affordable housing derived from the 1590 sales tax is fees for this purpose would duplicative. I would encourage the City to retain the GFC fee waiver for affordable housing with the understanding that eligible affordable housing projects would seek funding from the CHIP program to reimburse the city for the waived GFC fees when at all possible.

We have limited tools in our toolbox to create affordable housing. One critical tool in our toolbox is the current GFC fee waiver for affordable housing creation. **In the case of a recent rental housing development that our organization created, that waiver saved us \$400,000! Without this fee waiver, it would have been extremely challenging, if not impossible, to fill that kind of a gap.**

On behalf of Community Frameworks, I urge the Spokane City Council members to retain the full GFC fee waiver for affordable housing creation and to use the 1406 & 1590 funds for their actual intended use. Further, we believe the State CHIP funds is a much better financial strategy for replacing revenue for any waived fees.

Thanks very much,

Deb Elzinga

Community Frameworks | President & CEO

907 W. Riverside Ave

Spokane, WA 99201

Direct Line: 509-890-1202

debe@communityframeworks.org

Housing Solutions For The Northwest

To: Public Infrastructure, Environment and Sustainability Committee of the Spokane City Council

From: Steering Committee of the Sustainability Action Subcommittee

Date: October 17, 2023

SUBJECT: Supporting the General Facilities Charge (GFC) Proposal

On June 6, 2023, Marlene Feist presented a proposal for increasing GFCs. We understand that the proposal continues to evolve, so it is not appropriate to go into much detail at this time, but we want the City Council to know that we support the general proposal to increase GFCs.

The reasons for our support include:

1. It has been over 20 years since the city's GFCs have been adjusted. They have not even been adjusted for inflation, except on a temporary basis. That temporary adjustment for inflation ends in March 2024. It is time to make a more permanent adjustment in the GFCs.
2. If the GFCs are not adjusted, the burden of paying for growth-related infrastructure falls on residents and ratepayers who are already connected to the system. Growth-related infrastructure should be paid for by those who will benefit directly from that growth—the developers and the customers who will obtain the services made possible by the additional infrastructure.
3. Moreover, having new connections paid for by those who benefit directly from them is required by state law. (RCW 35.92.025: In general, each connection shall bear a proportionate share of the cost of the system capacity required to serve it.)
4. One of the greatest needs in the Spokane community is additional and affordable housing. As was pointed out in Feist's presentation to us, the City's ability to keep pace with needed housing will depend on the City's ability to pay for the needed capacity improvements.
5. Increased GFCs will provide a funding foundation for incentivizing more sustainable housing, like ADUs .
6. Increased GFCs will provide a funding foundation for incentivizing more affordable housing.
7. Updating the GFCs will assist in meeting the City's goal of improving water conservation practices.
8. Reducing pipe sizes will also contribute to water conservation.
9. Building in an automatic increase of GFCs by using an index like the Engineering News Record Construction Cost Index (CCI) will assist in keeping our GFCs in line with rising costs.
10. The two zones approach will also assist in encouraging more dense development in areas closer to the city core, which is a more sustainable approach to development.

In sum, the proposal to increase GFCs, to adopt a two zones approach, and to utilize smaller diameter water pipes represents a positive step in improving the sustainability of city operations. As the Steering Committee of the Sustainability Action Subcommittee, we support such a step.

From: Scott Krajack <Scott@rynbuilt.com>

Sent: Monday, October 23, 2023 11:03 AM

To: Gardner, Spencer <sgardner@spokanecity.org>

Subject: Public comments for the Wednesday, October 25th 4pm Plan Commission public hearing on the GFC fees

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Spencer,

Can you get my below comments to the Plan Commission for the public hearing on October 25th at 4pm? I won't be able to attend in person or online.

I am writing regarding the agenda item about the review of the increased GFC fees for city sewer and water on October 25th.

The goal of all residents of Spokane is to keep the small city feel that we have and love. If we plan for the growth, and do a good job of upgrading our infrastructure, we can all have what we want.

But when we fight the growth, and don't work together to improve our infrastructure while providing housing for residents in need, we all lose. We are all winning if we provide housing for our own city staff, emergency services, and the service industry. We are all winning if our children can afford to live here. We are all winning if we can provide housing that our retirees and elderly populations can afford. The small city feel that we all love, that Spokane has, is lost if you lose your most precious resource, your residents. Have we maintained our small city feel if the homeless population continues to grow because of unfair housing policies that drive up our housing costs so much the only people who can afford to live here are the wealthy?

There is no doubt that the increased GFC was implemented in a rushed manner due to the moratorium placed in the Latah Valley. Please consider these items which will allow our residents to continue to live here.

1. There should only be one fee district.
2. Interest expense should be eliminated from the fee calculation.
3. The fee should be based on an ERU system rather than meter size.
4. The sewer system recoverable costs should be reduced by the cost basis of the portion of the system sold to Spokane County.

Thanks for your time and listening.

Scott Krajack
RYN Built Homes



Scott Krajack
Land Development Director | RYN Built Homes
OFFICE 509.241.3555 **CELL** 208.659.4833
EMAIL scott@rynbuilt.com **WEB** RYNbuilthomes.com
16309 E. Marietta Ave, Spokane Valley, WA 99216



November 13, 2023

Dear Washington State Legislature,

We have a waste problem. In 2017, Washington residents and businesses generated the equivalent of 112 pounds of plastic packaging waste per person, and only 17% was recycled. Nationally, it's even worse, with less than 10% of plastic waste recycled. Plastic is more prevalent now than ever before, and production is expected to triple by 2050.

This plastic trash can last for hundreds of years in our communities and environment clogging landfills, littering streets and polluting waterways.

Washington has been a leader in phasing out the unnecessary single-use plastics we can live without, but now we need to hold producers responsible for the waste their products create.

Currently, companies are able to offload their products' end-of-life costs onto consumers, including producers that use single-use plastics in their packaging. Individuals and communities then have to pay for those products to be picked up and processed, either through direct fees or taxes to fund municipal services. As the price of recycling has increased, recycling services have decreased, and the disparity between rural and urban recycling systems has continued to worsen.

With producer responsibility systems in place for paper and packaging materials, companies would have a stake in what happens to their product's packaging when it becomes trash, which would help incentivize companies to use materials that are more durable, more recyclable, and less wasteful. This would also fund better, more standardized recycling and waste disposal systems throughout the state, resulting in less litter in our communities and environment.

Maine and Oregon passed the nation's first extended producer responsibility laws in 2021, and Colorado and California followed suit in 2022. We need to make Washington next.

That's why we, the undersigned local leaders, support extended producer responsibility legislation to help tackle our plastic waste problem, and we urge you to do so as well.

Sincerely,

Lori Kinnear, City Council President

Karen Stratton, City Council Member, Dist. 3

Ryan Oelrich, City Council Member, Dist. 2

Michael Cathcart, City Council Member, Dist. 1

Betsy Wilkerson, City Council Member, Dist. 2

Zack Zappone, City Council Member, Dist. 3

Jonathan Bingle, City Council Member, Dist. 1



Agenda Sheet for City Council Meeting of:
11/20/2023

Date Rec'd	11/8/2023
Clerk's File #	RES 2023-0097
Renews #	

Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	ORD C36461
Contact Name/Phone	SPENCER X6097	Project #	
Contact E-Mail	SGARDNER@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0650 - GENERAL FACILITY CHARGES (GFCS) OFFSETS PUBLIC RULE		

Agenda Wording

A resolution establishing a Public Rule to institute fee offsets for General Facility Charges (GFCs). The rule also sets requirements for qualifying projects based on providing affordable housing units.

Summary (Background)

This Public Rule is a companion to ORD C36461, which updates the City's General Facility Charges (GFCs). The incentive program provides for fee offsets of 50% of GFCs for affordable housing projects that are consistent with any of the following programs: - State- or federally-funded affordable housing - Multiple Family Tax Exemption (MFTE) 12- or 20-year - Parking lot conversion sales tax exemption - Any project meeting the standards imposed by 1590 sales and use tax

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

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

Budget Account

Approvals

Dept Head	GARDNER, SPENCER
Division Director	GARDNER, SPENCER
Finance	ORLOB, KIMBERLY
Legal	PICCOLO, MIKE
For the Mayor	JONES, GARRETT

Council Notifications

Study Session\Other	PIES (multiple), Study
Council Sponsor	CP Kinnear, CM Bingle

Additional Approvals

Purchasing	kemiller@spokanecity.org
	mfeist@spokanecity.org
	eschoedel@spokanecity.org
	rbenzie@spokanecity.org
	amccall@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

- Any project with a permanent deed restriction for affordability The Public Rule establishes a maximum offset of \$40,000 for water and \$20,000 for sewer. The Public Rule does not directly specify funding sources for offsets but makes clear funding must be identified in order for offsets to be granted. The City has identified CHIP grants as a priority source for funding offsets. Secondary sources may include 1406 and limited amounts of 1590 funds. City-controlled funding sources and dollar amounts are to be established through the City's budgeting process.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Public Works and Utilities
Contact Name	Marlene Feist, Division Director
Contact Email & Phone	mfeist@spokanecity.org
Council Sponsor(s)	Council President Kinnear and Councilmember Bingle
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5-10 min
Agenda Item Name	General Facility Charges (GFCs) Monthly Update
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Council adopted an update to Water and Wastewater General Facilities Charges (GFCs) on March 27, 2023, along with a resolution requiring additional analysis and public outreach. Additional options and proposed changes are intended to be brought to City Council prior to March 4, 2024.</p> <p>Public Works has delivered a monthly update on these efforts at the Council's PIES meetings during the review period over the last 6 months.</p> <p>As per City Council's request, the Plan Commission held a hearing on October 25th, 2023 and has provided their recommendations.</p> <p>Based on input from the Mayor's Review Committee, Stakeholder input, public testimony during the Plan Commission Hearing, Plan Commission's input through their recommendations and input from Council sponsors, an ordinance was submitted for Council consideration that changes the following items: The two zones for water was removed and one zone was inserted, updating the sewer rate, clarifying language regarding master meters, clarifying that the ENR index will be calculated each year from Oct to Oct and implemented January 1st of each year starting in 2025 (note: 2024's ENR index will be implemented on March 5th of 2024). 5/8" meters will be included in the ordinance as well to provide options for smaller usage where applicable.</p>
Proposed Council Action	Approve Updated GFC Ordinance
Fiscal Impact Total Cost: Click or tap here to enter text. 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 checked="" type="checkbox"/> Recurring Specify funding source: Click or tap here to enter text. Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.) Revenue	
Operations Impacts (If N/A, please give a brief description as to why)	
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.

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 GFCs will be collected city wide when water meters are purchased for use.

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

GFCs will be reviewed every 3-5 years to ensure they are keeping up with the cost to provide capacity for future development.

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 growth pay for new capacity in the City's utility systems is consistent with the Comprehensive Plan. Projects used to develop GFC rates are consistent with the City's Water System Plan, Comprehensive Plan infrastructure chapters, and Capital Improvement Plans. GFCs also are consistent with Growth Management at the state level, and any changes would comply with state laws.

RESOLUTION

A resolution regarding adoption of the City of Spokane’s Public Rule for Wastewater and Water General Facilities Charges and Incentives.

WHEREAS, the City of Spokane Wastewater Management Department General Facilities Charges (GFC) are contained in the Spokane Municipal Code (SMC) 13.03.0730, 13.03.0732, and 13.03.0734; and

WHEREAS, the City of Spokane Water and Hydroelectric Department Water GFCs are contained in SMC 13.04.2040, 13.04.2042, and 13.04.2044; and

WHEREAS, the Spokane City Council approved Ordinance C36461 In November 2023 which updated GFC charges for both sewer and water; and

WHEREAS, as part of the updating process, the City Council requested the administration establish offsets or incentives for developers who respond to the local and national housing crisis; and

WHEREAS, recent legislation by the Washington State Legislature, SHB 1326 and state law allow for a municipal utility to waive connection charges for specified properties, such as development of emergency shelter, transitional housing, permanent housing or affordable housing so long as the waived charges are funded using general funds, grant dollars, or other identified non-utility revenue stream; and

WHEREAS, the City of Spokane Public Rule regarding GFC Incentives and offsets, is attached and available to members of the public as attached hereto as Attachment “A”.

-- NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPOKANE that the City Council hereby approves and supports the PUBLIC RULE AND PROCEDURE REGARDING THE GENERAL FACILITIES CHARGES INCENTIVES AND OFFSETS, as contained in Attachment “A”.

ADOPTED by City Council this ____ day of November, 2023.

City Clerk

Approved as to form:

Assistant City Attorney

ATTACHMENT "A"

CITY OF SPOKANE UTILITIES DIVISION/DEVELOPMENT SERVICES PUBLIC RULE AND REGULATION	DEPT 4100-20-_____ & DEPT 4310-_____ LGL 2023-_____
TITLE: GENERAL FACILITY CHARGES – INCENTIVES, WAIVERS AND OFFSETS	
EFFECTIVE DATE: MARCH 5, 2024	
REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

The City of Spokane Utilities Division establishes the following public rule, policy, procedures and fee schedule for General Facility Charges (GFC) incentives, waivers and offsets.

This Public Rule relates to the requirement for municipal utilities to identify alternative non-utility revenues or funds before agreeing to waive or offset any connection charges. SHB 1326, enacted and effective July 23, 2023, allows connection charges to be waived or offset for properties owned or developed for purposes of providing emergency shelter, transitional housing, permanent supportive housing, or affordable housing, provided that a separate non-utility source of revenue such as general funds, grant dollars or other identified revenue stream is identified. This Public Rule outlines the parameters of how such offsets or waivers will be identified and awarded.

1.2 TABLE OF CONTENTS

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

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This Public Rule and Policy shall apply to the City of Spokane Development Services Center, Wastewater Management Department, Water and Hydroelectric Department, Integrated Capital Department, Engineering Services Department, and the Planning and Economic Development Department.

3.0 REFERENCES

Spokane Municipal Code (SMC) Chapter 08.07D
Spokane Municipal Code (SMC) Chapter 08.15
Spokane Municipal Code (SMC) Chapter 13.03
Spokane Municipal Code (SMC) Chapter 13.04
Spokane Municipal Code (SMC) Chapter 17C.300
Ordinance C-36369 and C-36372
SHB 1326 – 2023 Legislative Session

4.0 DEFINITIONS

“GFC Charges” means those charges set forth in SMC 13.03.0734 and SMC 13.04.2044 as may be amended from time to time by the Engineering News-Record Index (ENR) calculated by City Staff, from October to October for the previous year. The initial ENR index will occur prior to March 5th 2024 after which this annual increase will occur January 1, 2025, and occur each January 1 thereafter.

5.0 POLICY

- 5.1 It is the policy of the City of Spokane not to waive GFC Charges without prior identification of a non-utility revenue stream such as general fund dollars or grant funds.
- 5.2 Any offset or deferral of the developer’s cost of the GFC shall be replaced with funds from non-utility revenue sources, such as grant dollars or other general fund revenues.
- 5.3 Such offset or deferral must be clearly identified and paid by the other source at time of application for connection, application for a building permit, or as otherwise ordered by the Director of Public Works.

6.0 PROCEDURES

- 6.1 Accessory Dwelling Units.
In response to the ongoing local and national housing crisis, relief should be provided to residents and businesses. The City may offset one hundred percent (100%) of GFC Charges for an Accessory Dwelling Unit if it meets all of the criteria in this section. This fee offset shall expire at 5:00 p.m. on December 31, 2024. The criteria for the fee offset are as follows:
 - 6.1.1 The offset shall be limited to the construction of a new Accessory Dwelling Unit approved under SMC 17C.300.
 - 6.1.2 The lot shall be located at least partially within one half mile of a Center or Corridor, Context Area, 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.

6.2 Affordable Housing.

In response to the ongoing local and national housing crisis, fifty percent (50%) of a project's GFC Charges may be deferred or offset for the construction of affordable housing. Deferred or offset fees shall be paid by the identified alternative revenue source at the time GFC Charges are due. The remainder shall be paid by the developer. Projects that qualify for the affordable housing deferral or offset shall meet one of the following criteria:

6.2.1 For a project that qualifies for the twelve-year exemption under the Multiple Family Housing Property Tax Exemption as described in SMC 08.15.090, GFC Charges subject to this rule may be deferred for the life of the property tax exemption. Projects that maintain qualifying status for the entire twelve-year period may have fees permanently offset at the end of the twelve-year period.

6.2.2 For a project that qualifies for the twenty-year exemption under the Multiple Family Housing Property Tax Exemption as described in SMC 08.15.090, GFC Charges subject to this rule may be deferred for the life of the property tax exemption. Projects that maintain qualifying status for the entire twenty-year period may have fees permanently offset at the end of the twelve-year period.

6.2.3 For a project that qualifies for the sales and use tax exemption under the Sales and Use Tax Deferral Program for Affordable Housing as described in SMC 08.07D, GFC Charges subject to this rule shall be deferred for the life of the sales and use tax exemption. Projects that maintain qualifying status for the entire ten-year period may have fees permanently offset at the end of the ten-year period.

6.2.4 For projects that qualify for the use of funds from the Sales and Use Tax for Housing and Housing-Related Supportive Services as described in chapter 08.07D SMC, GFC Charges subject to this rule may be offset.

6.2.5 For projects receiving funding through state, or federal programs for affordable housing, fees under this section may be offset.

6.2.6 For projects on property with a covenant to limit sales to low income households earning no more than 80 percent of the area

median income, fees under this section may be offset, so long as affordability is retained for a minimum of 50 years.

6.3 Failure to Maintain Qualifications for Deferred GFC Charges.

A project with deferred GFC Charges that maintains qualifying status under 6.2 for the duration specified shall have the indicated amount of GFC Charges offset permanently at the end of the term. A project that fails to maintain qualifying status under 6.2 for the duration specified shall repay all deferred GFC Charges to the City.

6.4 Maximum Limit.

6.3.1 The maximum offset or deferral for a water GFC Charge shall be forty thousand dollars (\$40,000) per project.

6.3.2 The maximum offset or deferral for a sewer GFC Charge shall be twenty thousand dollars (\$20,000) per project.

6.5 Funding.

6.5.1 Offsets or deferrals shall be awarded on a first-come, first-served basis. When an identified alternative source of revenue is depleted, another revenue source must be identified or an offset or deferral shall not be awarded.

6.5.2 Some alternative sources of revenue, such as grant funds, may have additional restrictions on the use of funds. A project that qualifies for a deferral or offset under this rule may not qualify for any of the identified alternative sources of revenue. A project that fails to qualify under the limitations of available alternative sources of revenue shall not be awarded an offset or deferral.

6.5.3 Nothing in this Public Rule shall preclude the use of third party sources of funding, such as grants, from contributing towards a project's GFC Charge.

6.4 Other incentives may be identified based on the project details, timing, state or local incentives upon approval of the Director of Planning and Economic Services Department.

7.0 RESPONSIBILITIES

The City of Spokane Wastewater Management Department, Water and Hydroelectric Department, the City of Spokane Integrated Capital Department, Engineering Services Department, and the City of Spokane Accounting

Departments through the Planning and Economic Development Department shall administer this Public Rule and Policy.

APPROVED BY:

City Administrator

Date

Public Works Director

Date

City Attorney

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

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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

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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.

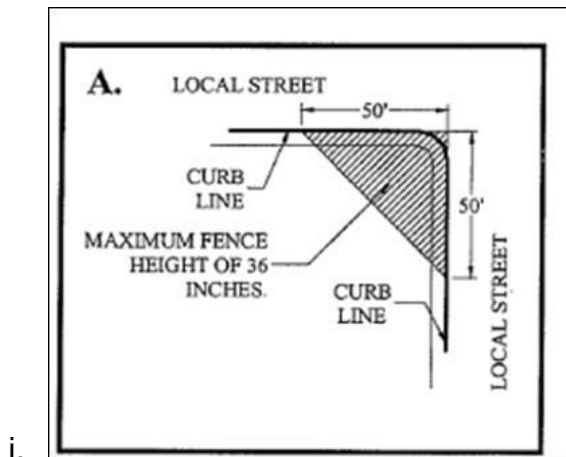
N. Clear Pedestrian Zone.

Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

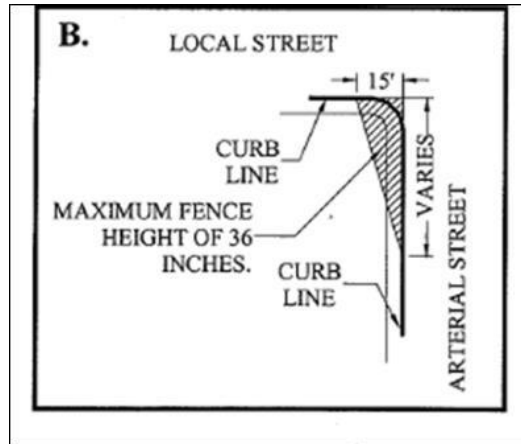
O. Clear View Triangle.

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.



- 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.

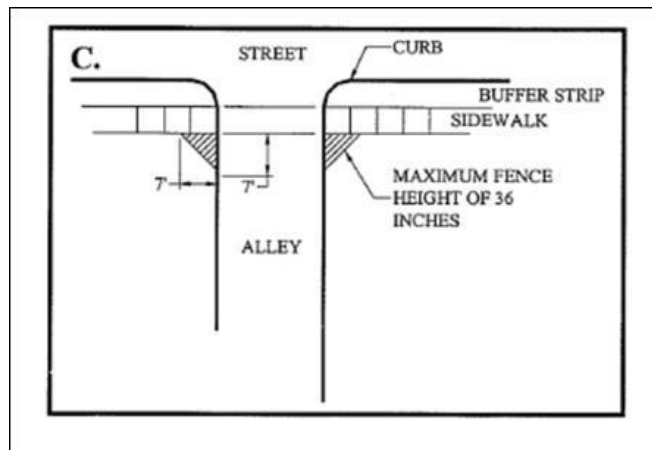


i.

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; ((~~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 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 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 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 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 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
Notes:					
[1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building.					
[2] See ((SMG)) <u>chapter</u> 17C.300 <u>SMC</u> , Accessory Dwelling Units.					
[3] See ((SMG)) <u>chapter</u> 17C.345 <u>SMC</u> , Manufactured Homes and Mobile Home Parks.					
[4] See ((SMG)) <u>chapter</u> 17C.316 <u>SMC</u> , Short Term Rentals.					

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] [3]	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum Setbacks					
Front [4]	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line - lot width 40 ft or less [5]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line - lot width more than 40 ft [5]	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 [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 [6]	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	See Primary

				Structure	Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Minimum side lot line setbacks [5] [6] [7]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley [6]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE					
Minimum outdoor area per unit [8]	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.
<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] Base zone height may be modified according to SMC 17C.111.230, Height.</p> <p>[3] In the R1 and R2 zone, buildings may not exceed three stories as defined by applicable building codes.</p> <p>[4] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks.</p> <p>[5] 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.</p> <p>[6] 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).</p> <p>[7] Accessory structures may be subject to an additional side setback adjacent to streets as specified in 17C.111.240(C)(5).</p> <p>[8] Common outdoor area may be substituted for private outdoor area according to SMC 17C.111.310.</p>					

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.

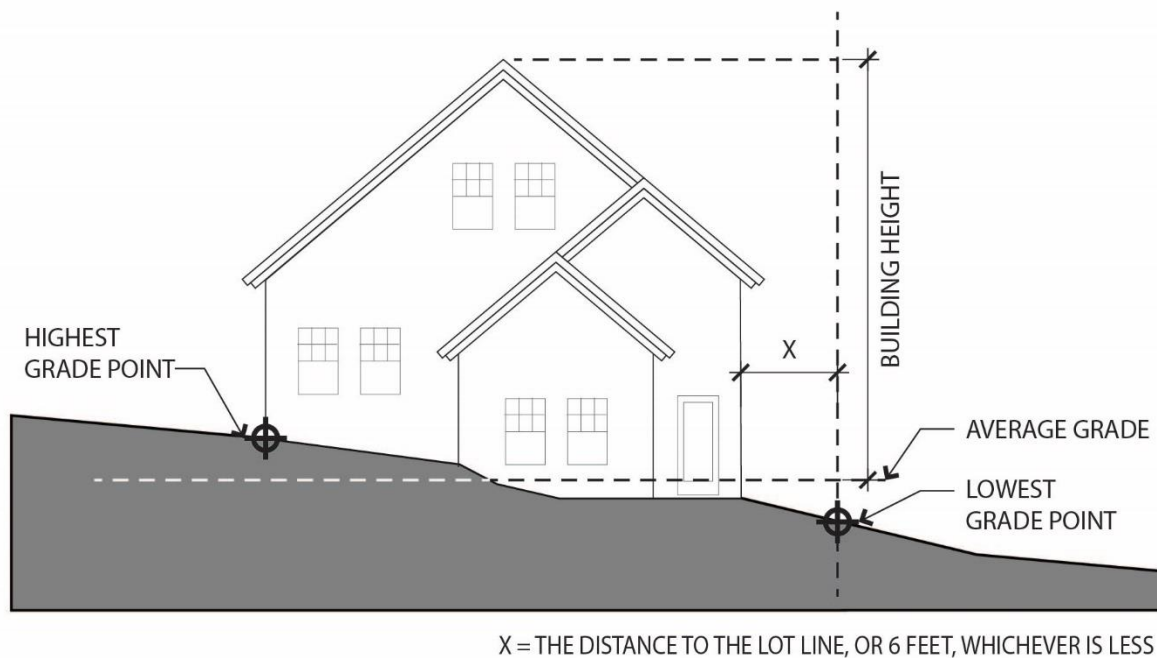
B. Height Standards.

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



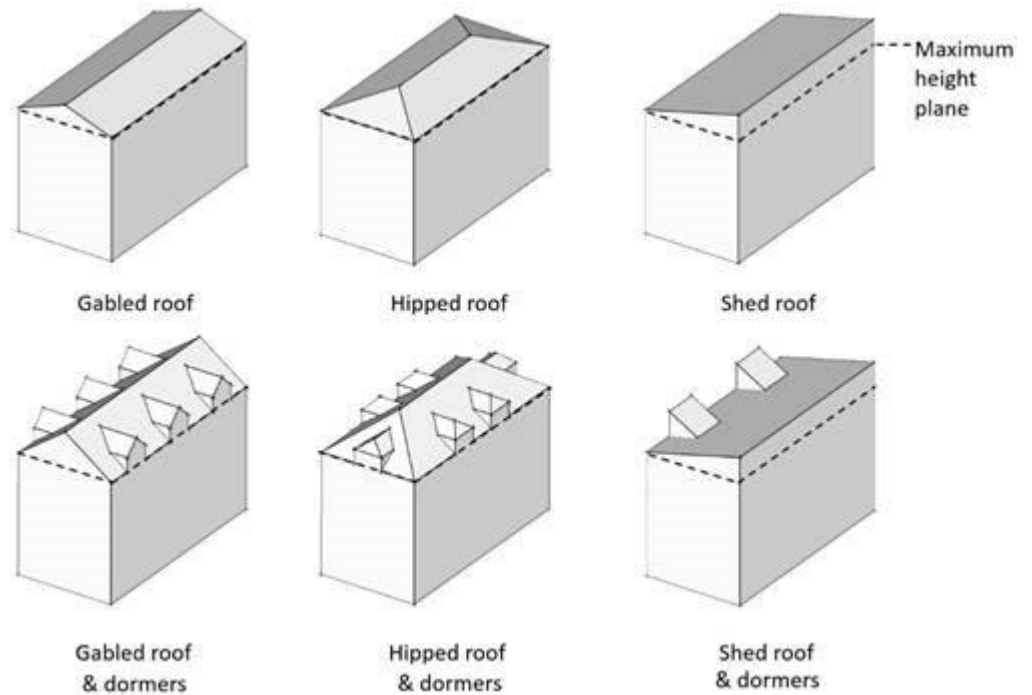
6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).

- 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:

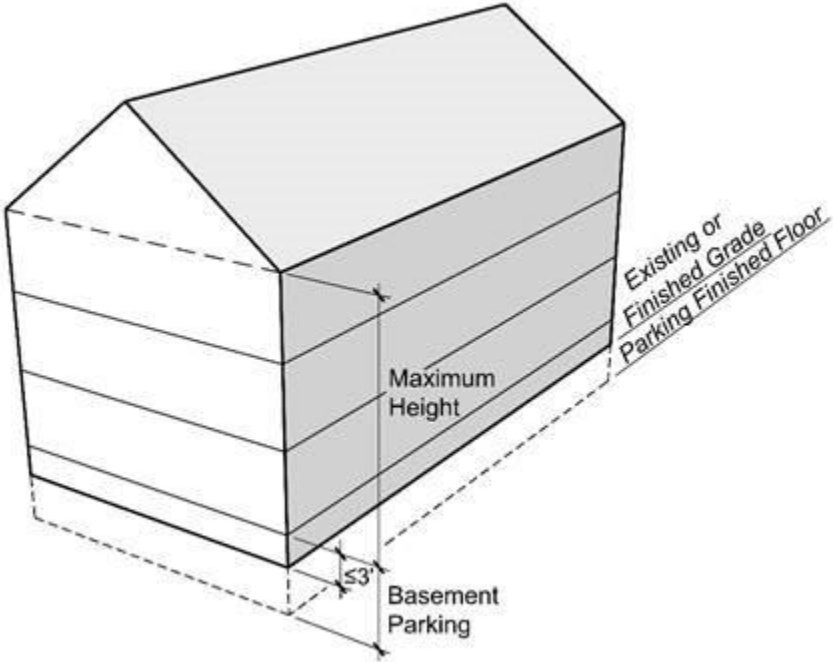
- 1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are forty feet, fifty-five 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.

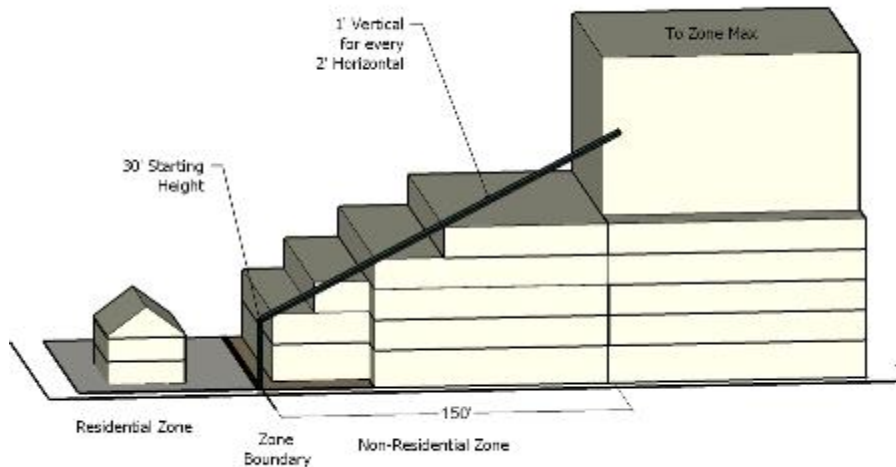
Figure 17C.111.230-C: Basement Parking Excluded from Height



- 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.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

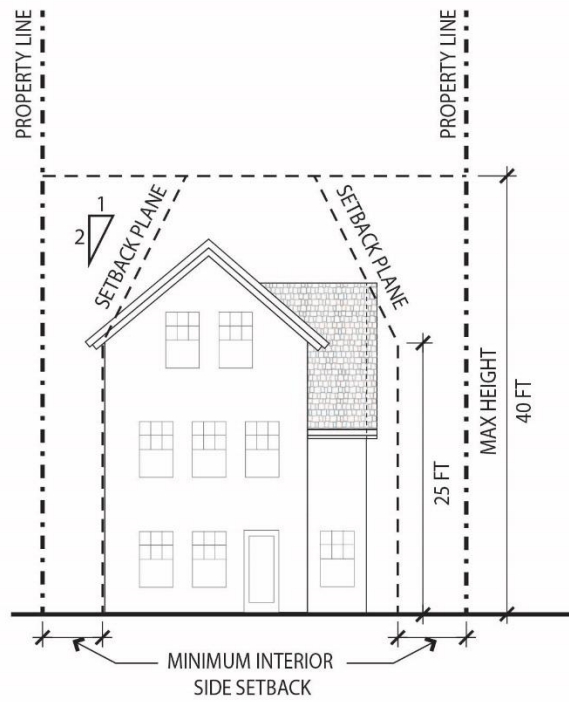


TABLE 17C.111.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 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. Manufactured Home Parks are not subject to these standards.

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.

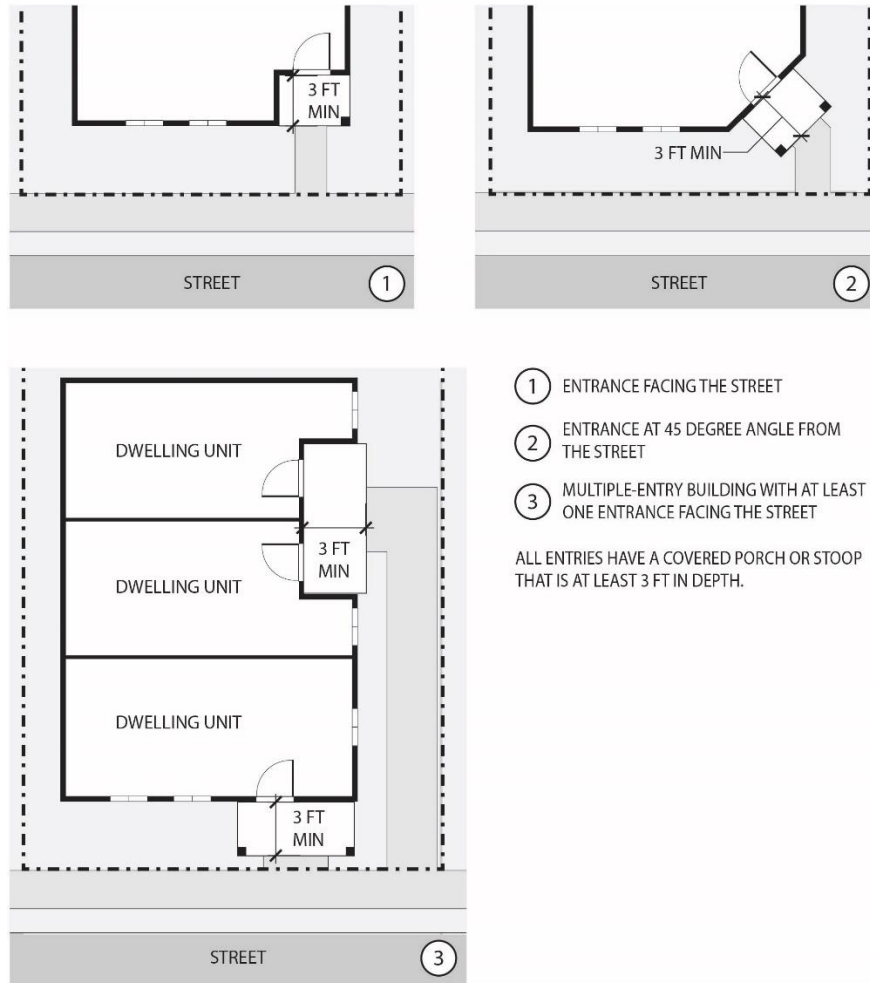
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

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.

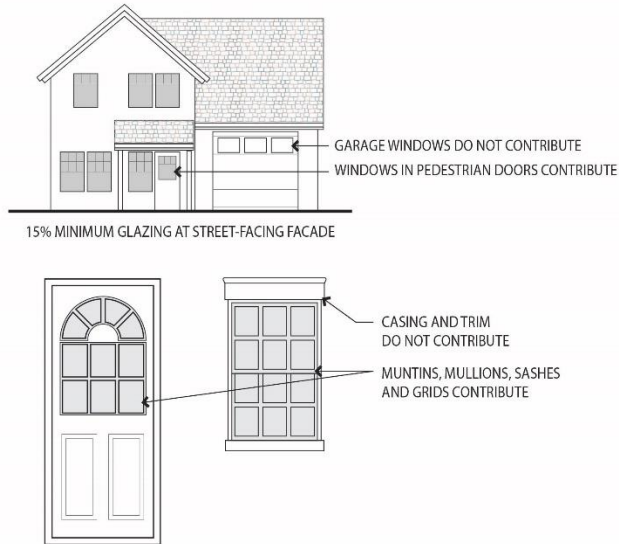
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

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.

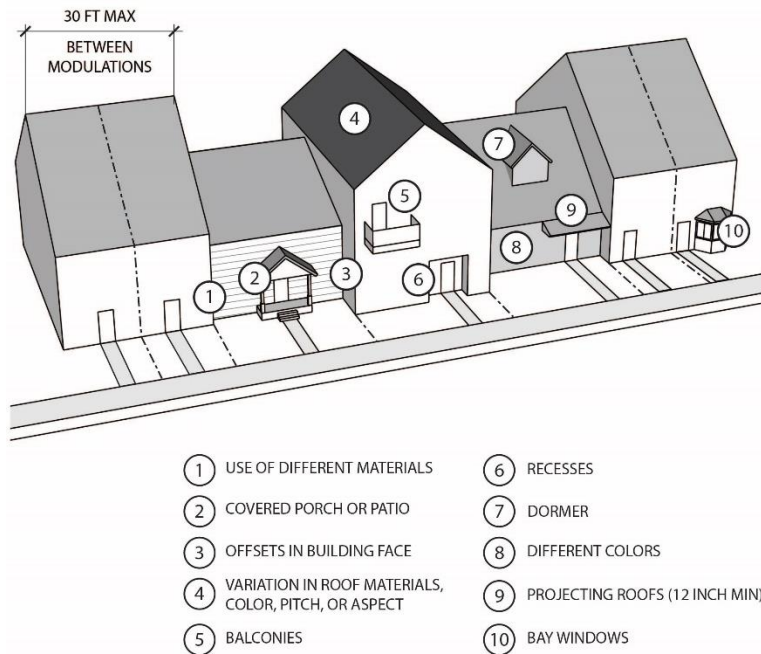
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

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)

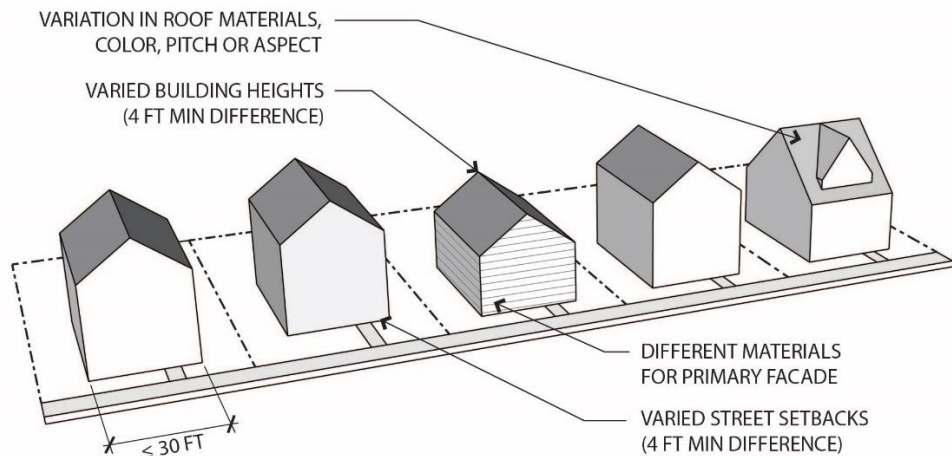
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - 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

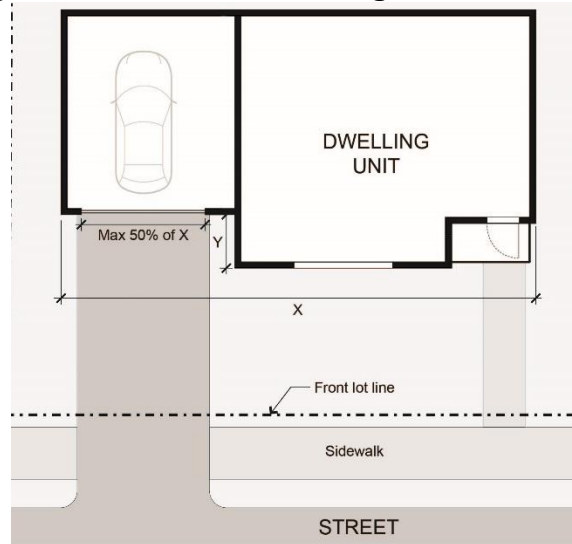
A. Purpose.

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

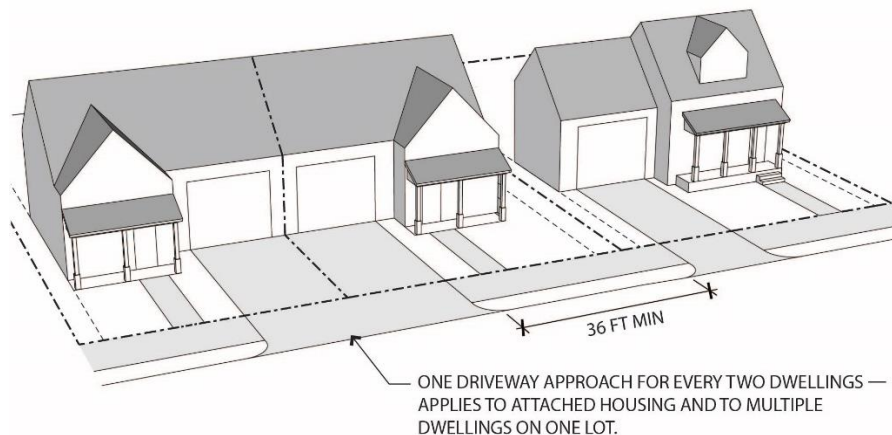


X = Length of street-facing building façade
Y = 2 ft minimum setback from primary street-facing building façade

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.

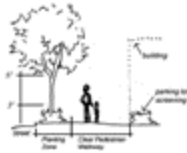
17C.111.410 Sidewalks

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)

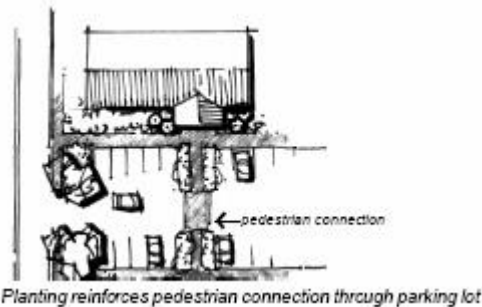


2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way 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.



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.

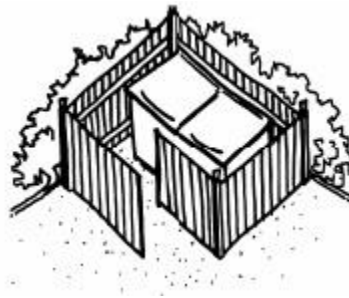


- B. Garbage and Recycling Collection Areas.

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.

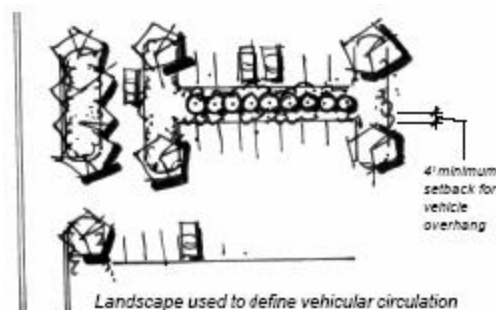
B. Landscaping Standards.

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.

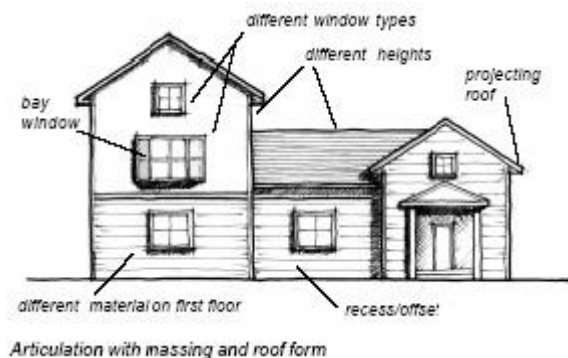
17C.111.440 Articulation and Details

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

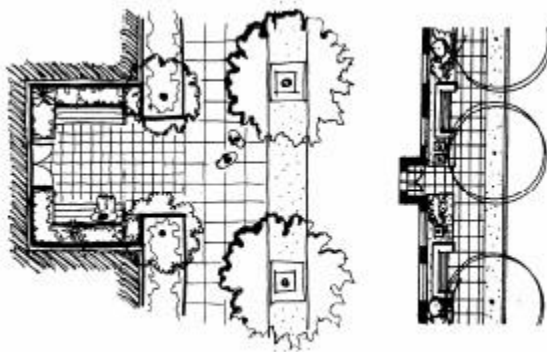


Building units with different color and building heights

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

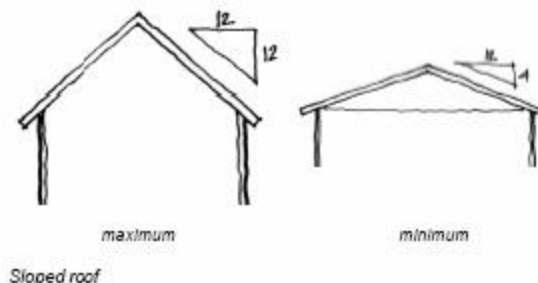
17C.111.450 Pitched Roofs

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)



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.

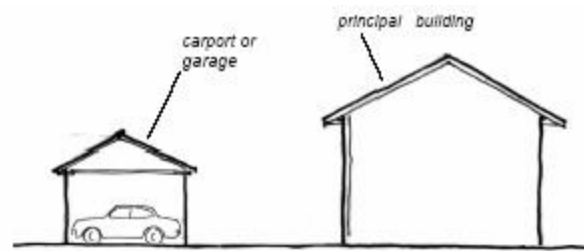
To integrate parking structure with the building and with surrounding character.

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

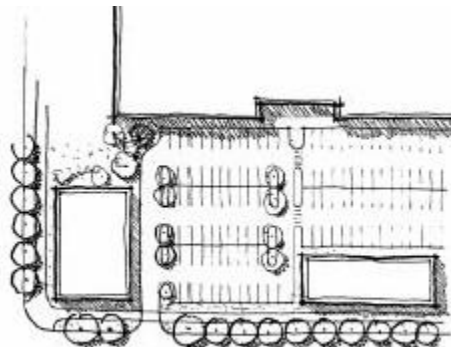
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17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

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

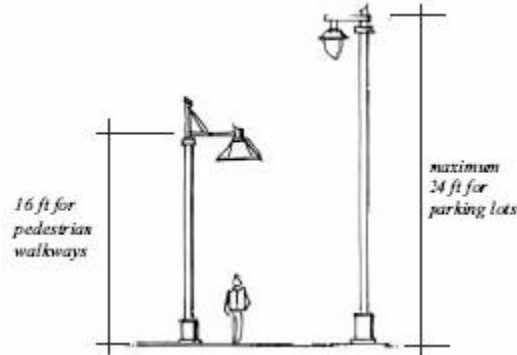
A. Purpose.

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.

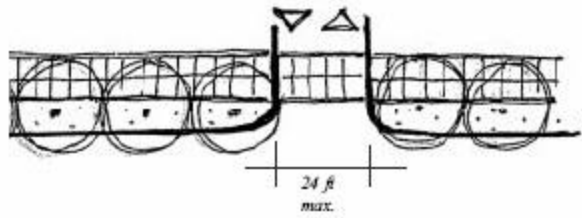
17C.111.535 Curb Cut Limitations

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)

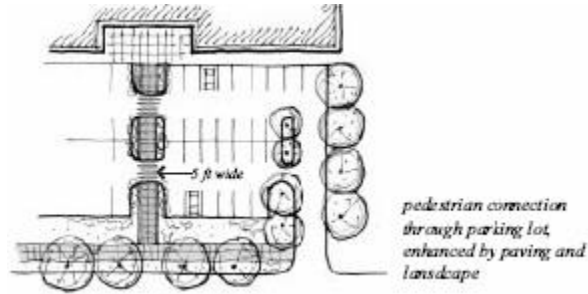


3. Adjacent developments shall share driveways, to the greatest extent possible. (P)
4. Vehicular access shall be designated so that traffic is not directed through an adjoining residential zone. (P)

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

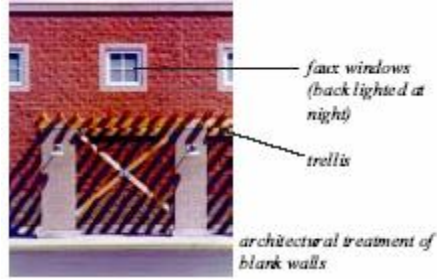
A. Purpose.

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.

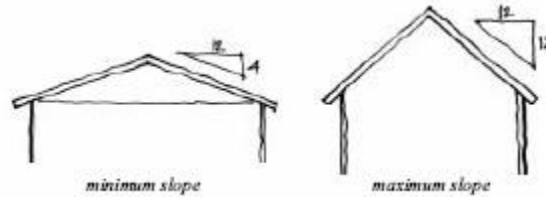
To ensure that rooflines present a distinct profile and appearance for the building and expresses the neighborhood character.

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.

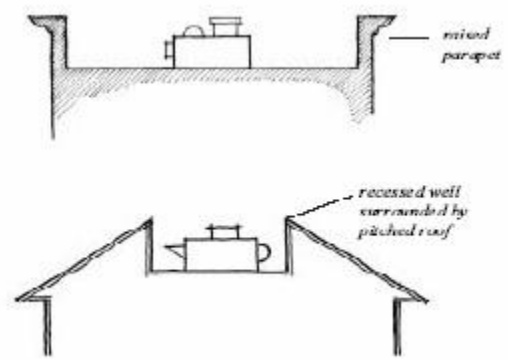


B. Garbage and Recycling Collection Areas.

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:

**ADJACENT PROPERTY ZONE
(horizontal)**

SUBJECT PROPERTY ZONE (vertical)	RA	((<u>RSF</u>)) <u>R1</u>	((<u>RTF</u>)) <u>R2</u>	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, FBC	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
((<u>RSF</u>)) <u>R1</u>	--	--	--	--	--	--	--	--	--	--	--	--	--
((<u>RTF</u>)) <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.

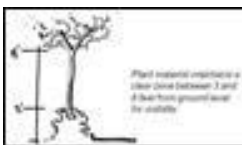
To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.



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)

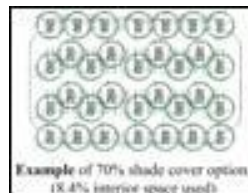
F. Parking, Outdoor Sales, and Outdoor Display Areas.

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.

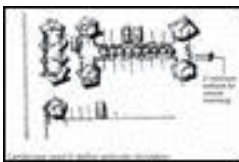
Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.
 - b. Option 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-conforming 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	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
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
Retail Sales and Service	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:~~

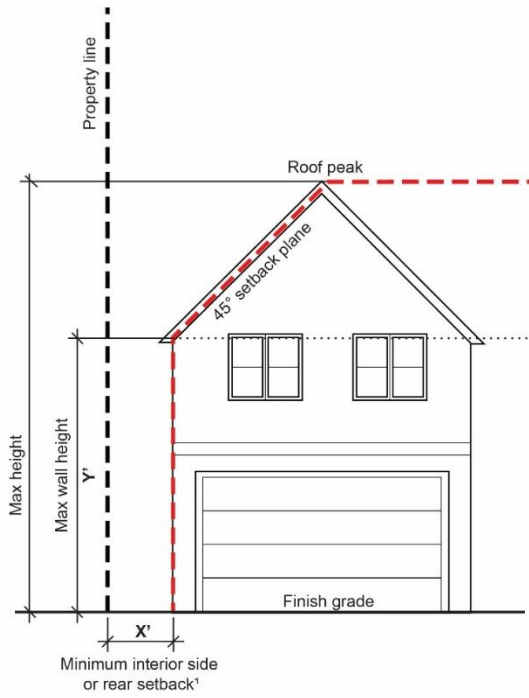
~~i. The forty five degree setback plane is measured at the maximum wall height listed in Table 17C.300-1, from the interior side lot line setback, or rear setback without an alley, as listed in Table 17C.110-3 for accessory structures. The setback plane does not apply on side or rear setbacks measured 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.~~

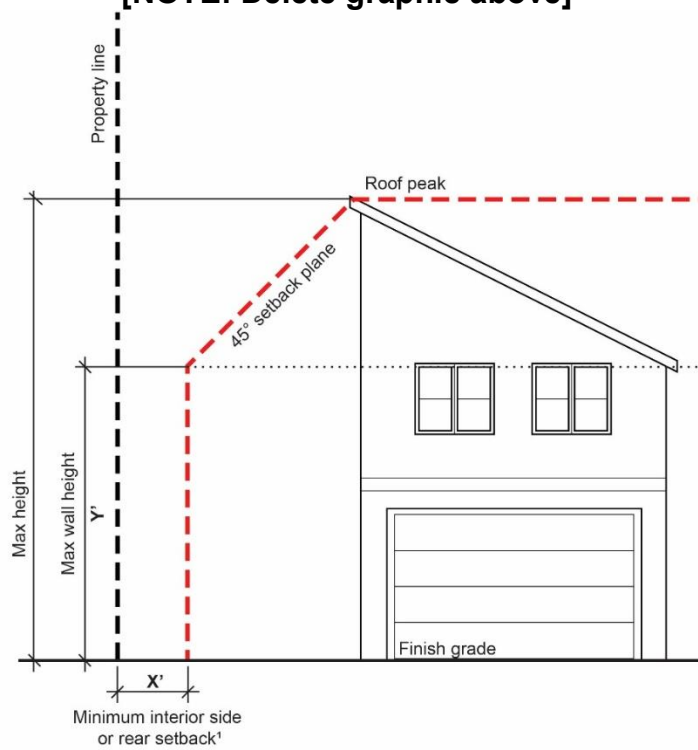
~~iii. No portion of the accessory dwelling unit may project beyond the forty five degree setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1).~~

~~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.)~~

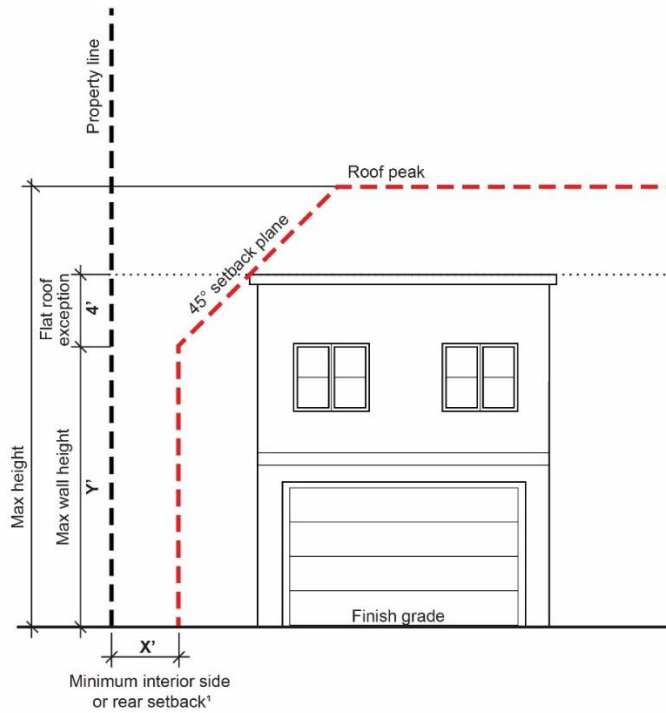
~~((Figure 17C.300-A. Setback Plane [1]))~~



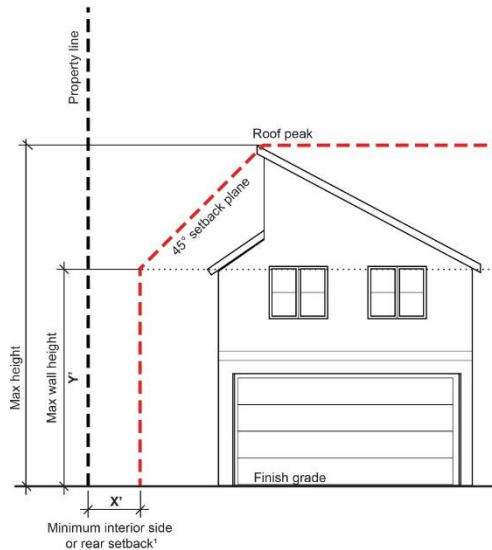
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2. Height.

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**

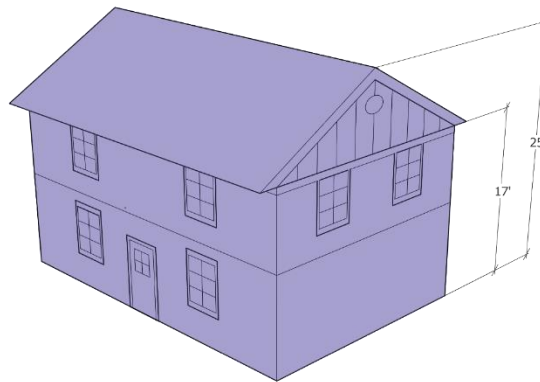
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	17 ft.	17 ft.
Maximum Roof Height [3]	25 ft.	25 ft.

[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six-foot eight-inches or greater.

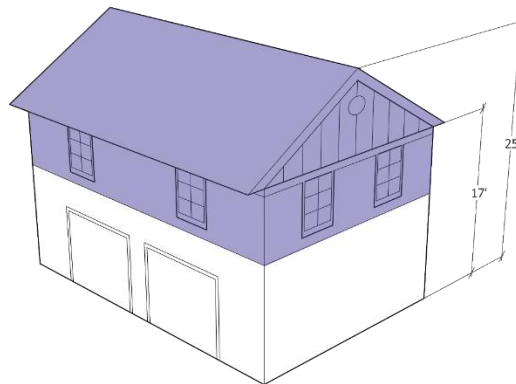
[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.

[3] The height of the ridge of the roof.
See “Figure 17C.300-B” below.)

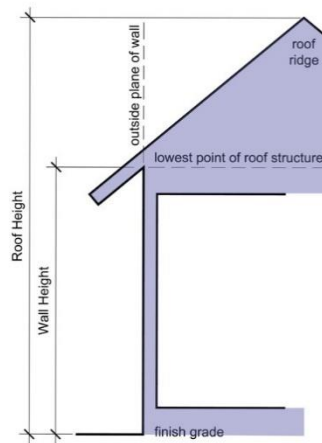
((Figure 17C.300-B))



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[NOTE: Delete graphic above]

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 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	-	-	-	-	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 Propo	Planning Director	-	5 years

					sed use Acrea ge # of lots			
Binding Site Plan (BSP) – Final	Exclude d	-	-	-	-	Planning Director	-	N/A
Boundary Line Adjustment (BLA)	Exclude d	-	-	-	-	Planning Director	-	N/A
Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individu al Sign Posted	Individu al Sign Posted	Projec t name Propo sed use	Hearing Examine r	-	N/A
Certificate of Compliance (CC) – Planning Director	Type II	-	Individu al Sign Posted	-	Projec t name Propo sed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individu al Sign Posted	Individu al Sign Posted	Projec t name Propo sed use	Hearing Examine r	-	3 year s
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individu al Sign Posted	-	Projec t name Propo sed use	Planning Director	-	3 year s
Floodplain Developme nt with SEPA	Type I	Individual Sign Posted	Individu al Sign Posted	-	Propo sed use	Planning Director	-	180 day s
Floodplain Variance	Type III	Individual Sign Posted	Individu al Sign Posted	Individu al Sign Posted	Projec t name Propo	Hearing Examine r	-	3 year s

					sed use			
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	Type II	Individual Sign Posted	-	-	Project name Propo	Planning Director	-	Must comply

nt Permit (SDP)					sed use			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 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;
 - 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:

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 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 ((RSE)) R1 zones cannot be waived or modified through the planned unit development process.

2. Through lots.

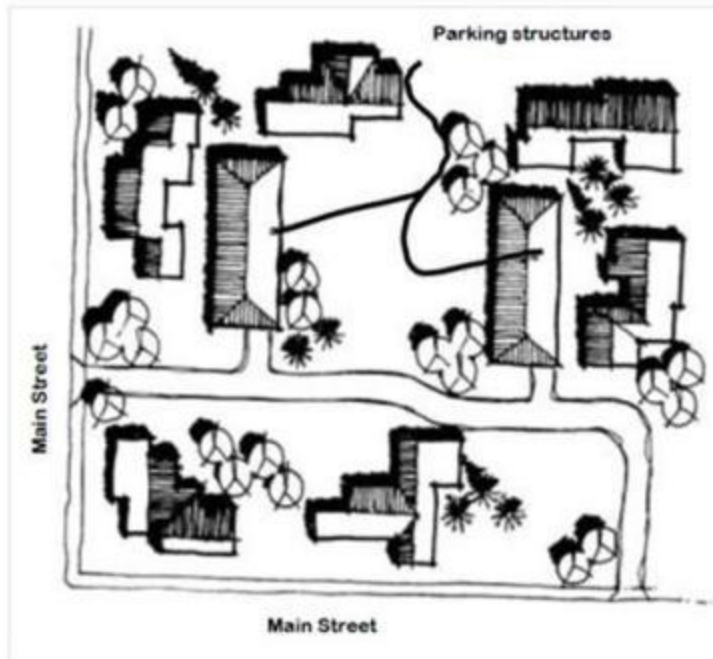
Lots shall be configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. A new PUD/subdivisions shall not “turn its back” on a collector, minor or principal arterial street. Through lots are allowed only where both front lot 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 ((47G-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.060.110))~~ 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 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~~)) 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 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.

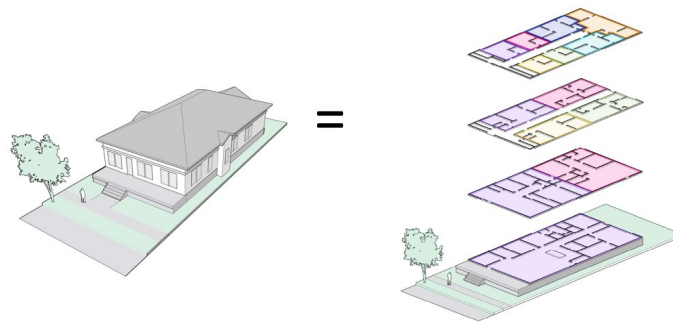


Figure 1 Conceptual figure illustrating the concept of regulating by scale rather than unit count. The same structure on the outside can contain a wide range of number of units.

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	<ul style="list-style-type: none"> ○ Relocated from 17G.060.200
	17G.061.340 Appeals	<ul style="list-style-type: none"> ○ Relocated from 17G.060.210
	17G.061.350 Expiration of Permit	<ul style="list-style-type: none"> ○ Relocated from 17G.060.240
	17G.061.400 Design Review	<ul style="list-style-type: none"> ○ Relocated from 17G.060.060 ○ Rename position for Planning Director
	17G.061.510 Optional Consolidated Project Permit Review Process	<ul style="list-style-type: none"> ○ Relocated from 17G.061.510
	17G.061.520 Shoreline Substantial Development Permit Letter of Exemption Procedure	<ul style="list-style-type: none"> ○ Relocated from 17G.060.075

17G.070 Planned Unit Developments

17G.070.030 Development Standards		<ul style="list-style-type: none"> ○ Clarifying that attached housing and duplexes are permitted outright ○ Updating zone names ○ Clarifying density applicability
17G.070.135		<ul style="list-style-type: none"> ○ 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	<ul style="list-style-type: none"> ○ Combine related sections ○ Relocate administration section from 17G.080.020 ○ Relocate exclusions from 17G.080.020 ○ Formatting adjustments
17G.080.020 General Provisions		<ul style="list-style-type: none"> ○ Move administrative language to 17G.080.000 ○ Move exclusions to 17G.080.000
17G.080.025 Decision Criteria		<ul style="list-style-type: none"> ○ 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.

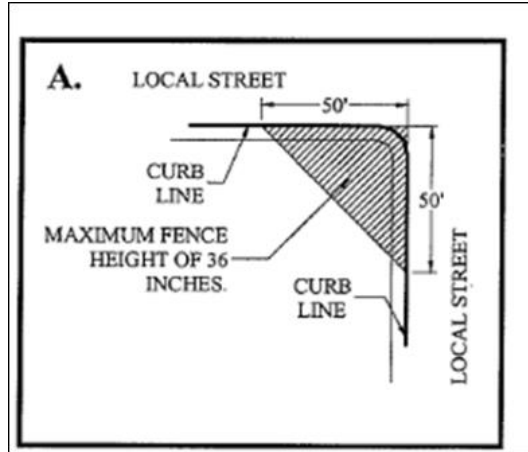
N. Clear Pedestrian Zone.

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.

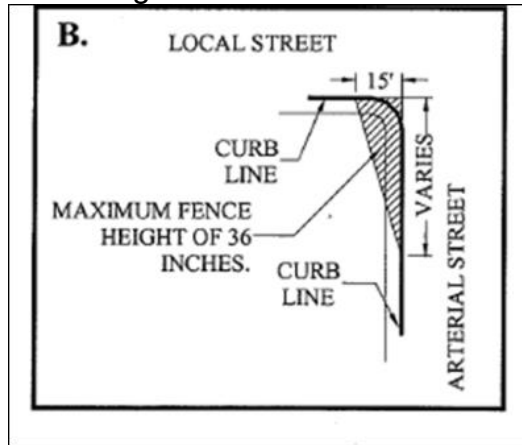
A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

- 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.



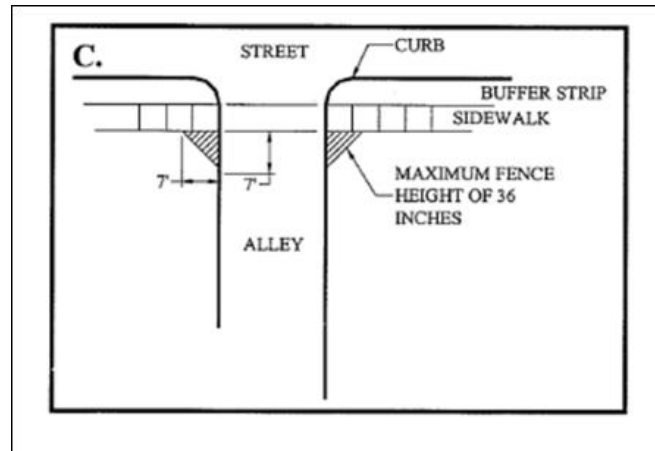
i.

- 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 17C.300 SMC</u>, Accessory Dwelling Units.</p> <p>[3] See ((SMC)) <u>chapter 17C.345 SMC</u>, Manufactured Homes and Mobile Home Parks.</p> <p>[4] See ((SMC)) <u>chapter 17C.316 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.

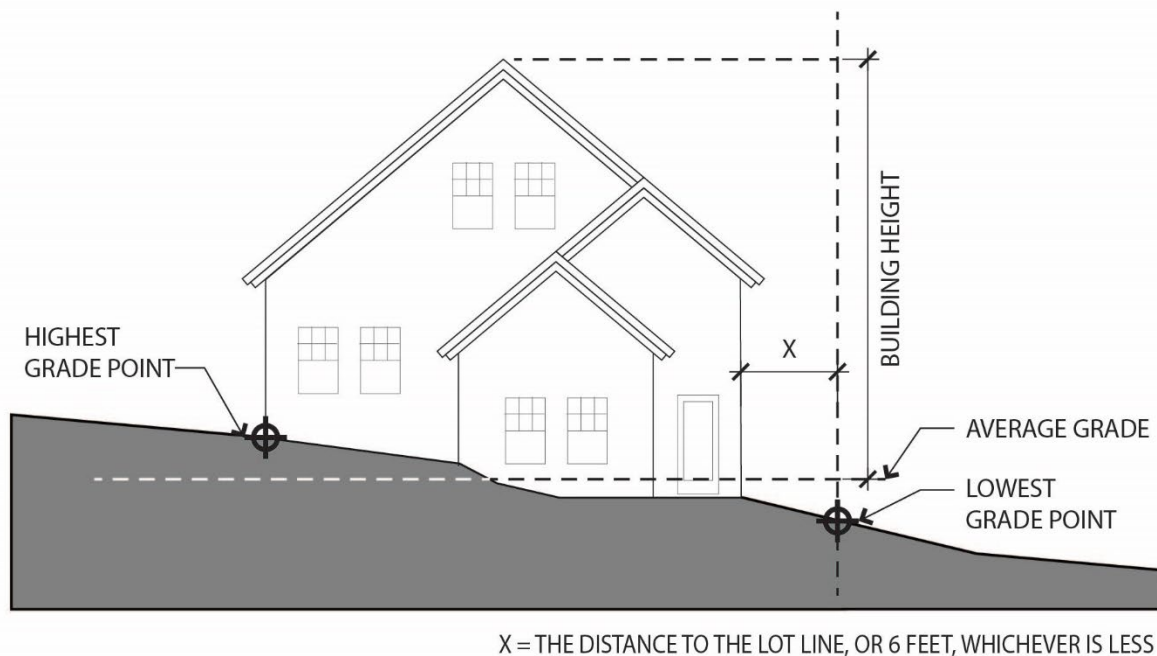
B. Height Standards.

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

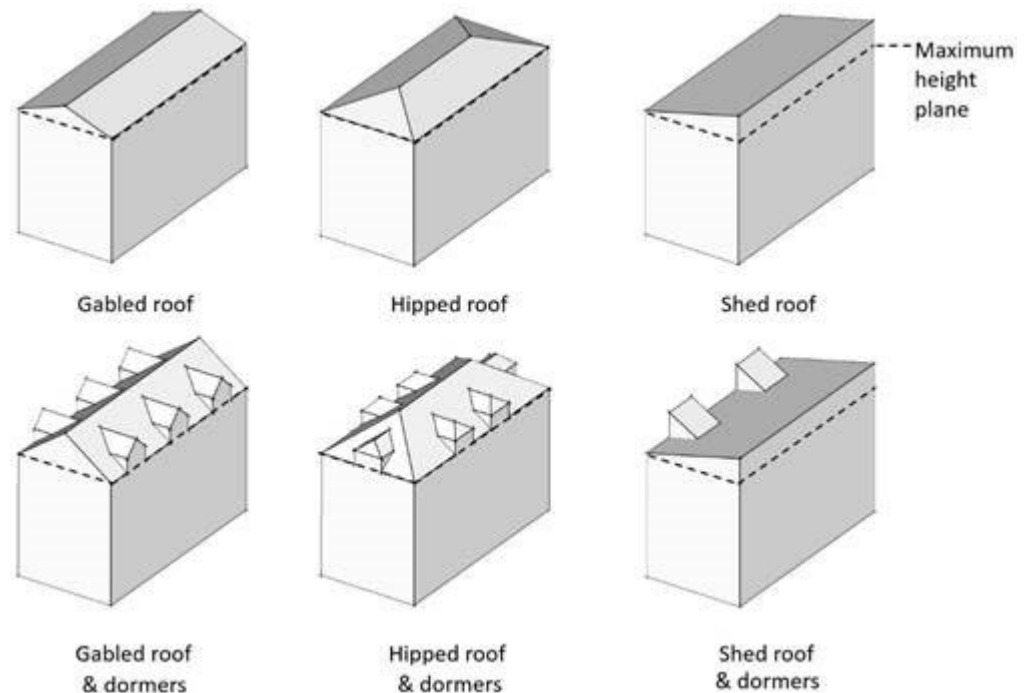


6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).
 - b. “Fill” means material deposited, placed, pushed, pulled or transported to a place 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.

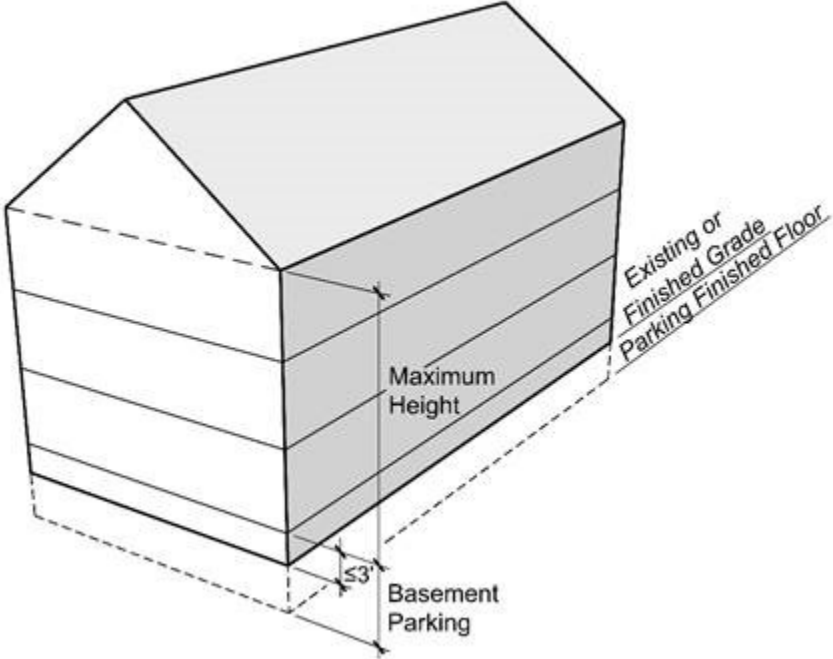
Figure 17C.111.230-B: Roof Type Examples for Height Exception



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

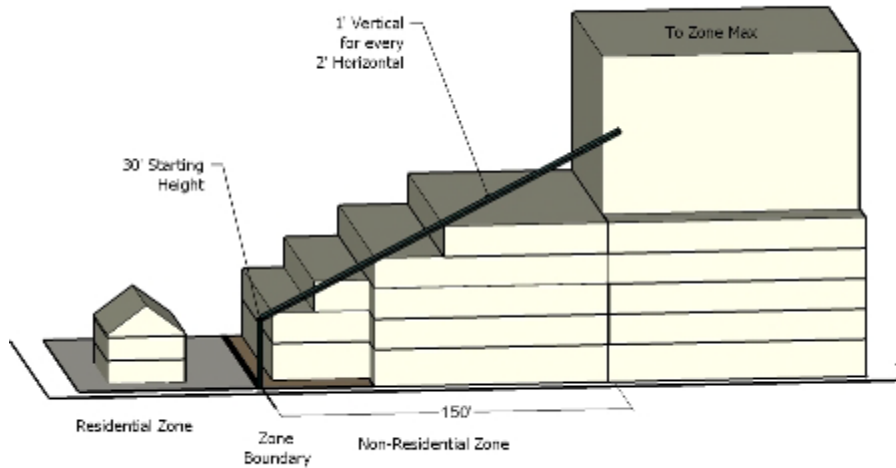


- 4. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in chapter 17C.250 SMC, Tall Building Standards
- 5. Adjacent to R1 and R2 Zones.

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

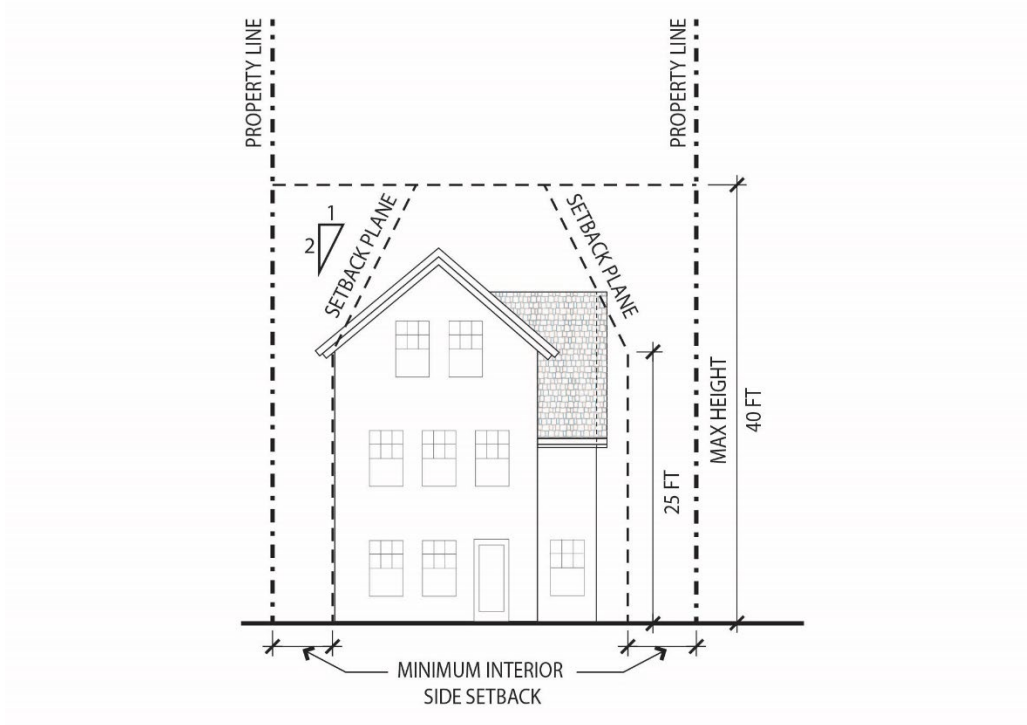


TABLE 17C.111.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 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.

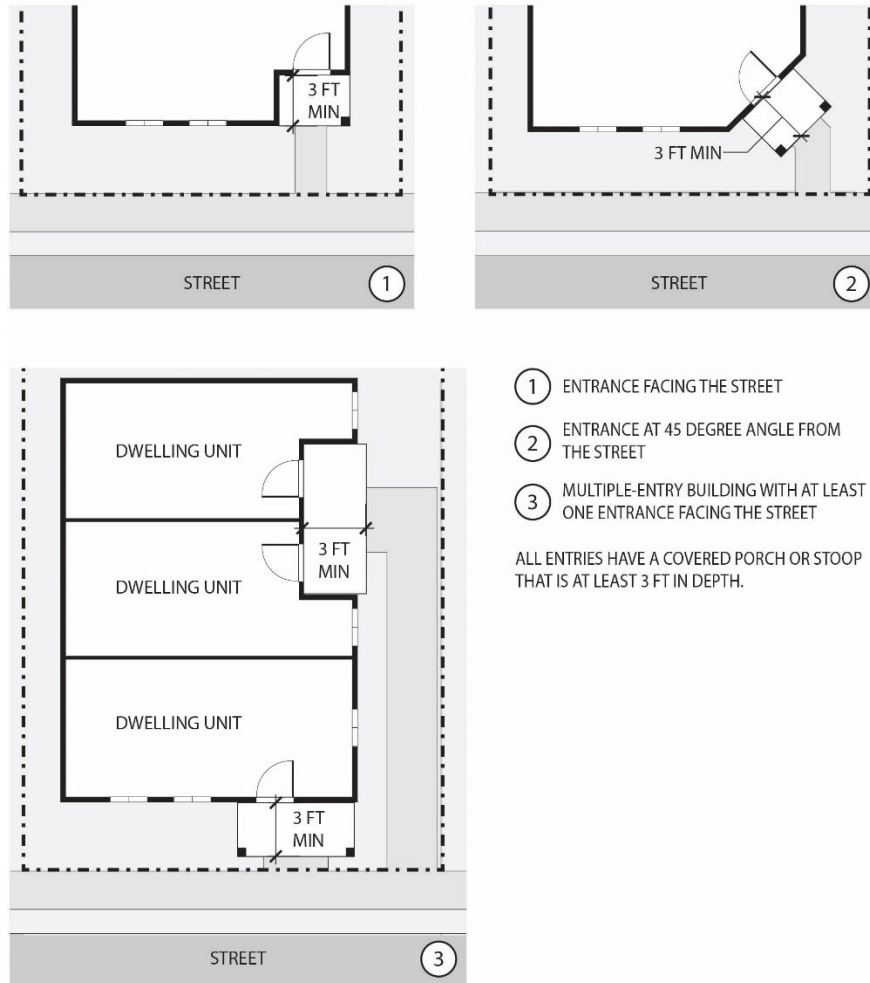
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

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.

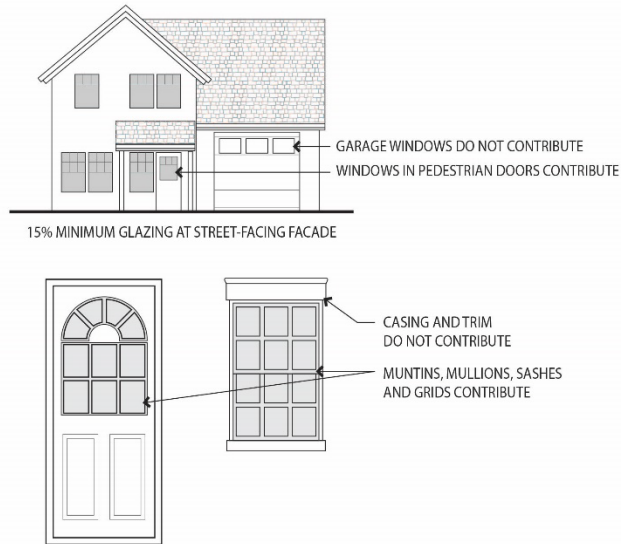
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building.

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.

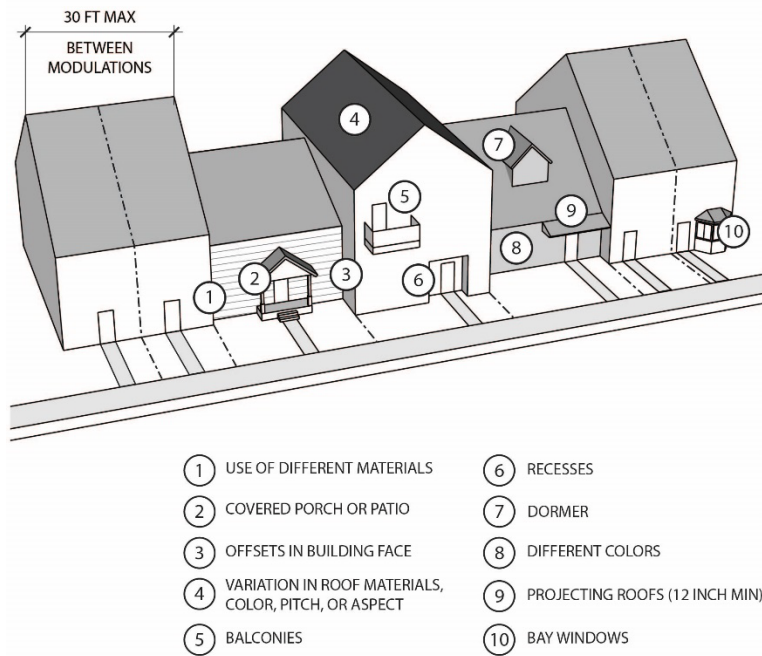
The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

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)

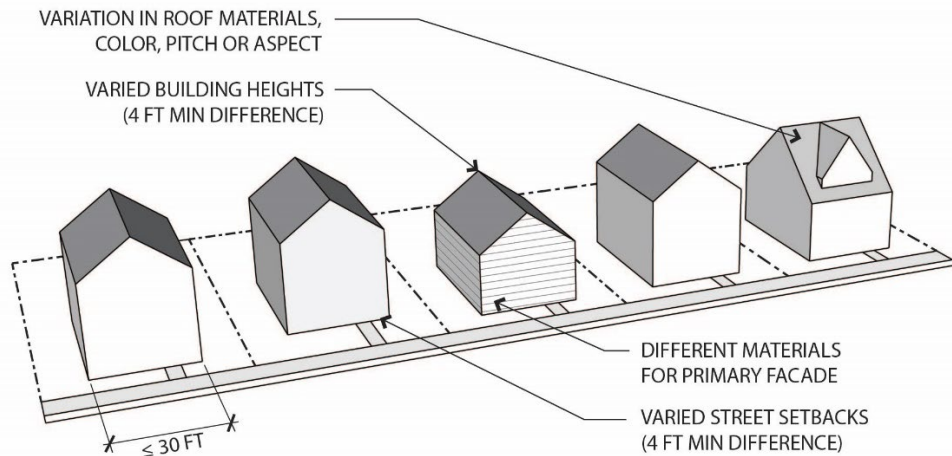
3. Horizontal street-facing facades longer than thirty feet must include at least four of the following design features per façade. At least one of these features must be used every thirty feet. (P)
 - a. Varied building heights.
 - b. Use of different materials.
 - c. Different colors.
 - d. Offsets.
 - 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

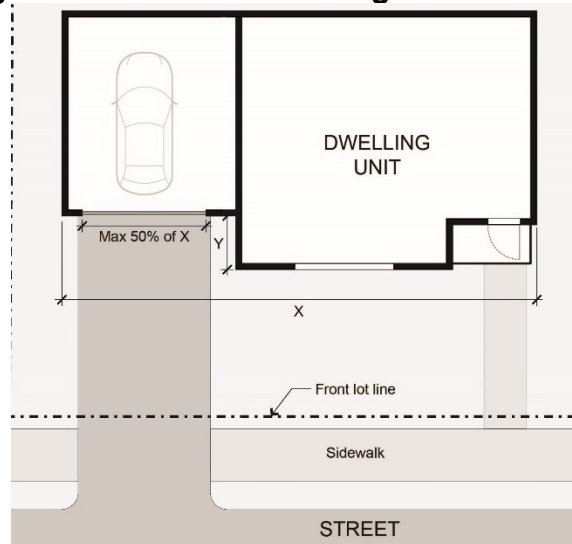
A. Purpose.

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

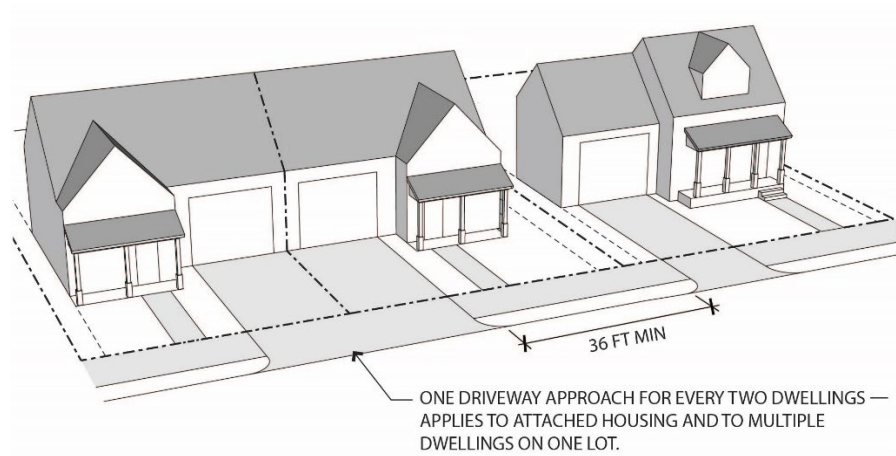


X = Length of street-facing building façade
Y = 2 ft minimum setback from primary street-facing building façade

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

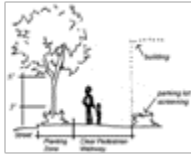
A. Purpose.

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)

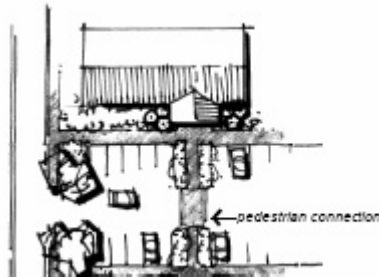


2. Sidewalks shall be continuous, without gaps between developments. (R)
3. Unless otherwise required or where larger plaza areas are provided, sidewalk paving materials shall be consistent with the street frontage improvements of adjacent developments. (P)
4. Sidewalks within the public right-of-way 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)

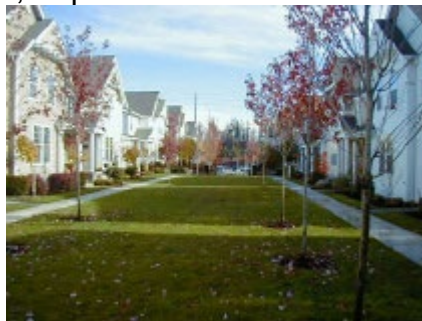


3. Upper Level Units.

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.

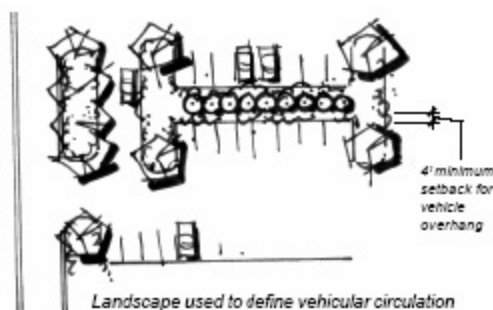
B. Landscaping Standards.

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.

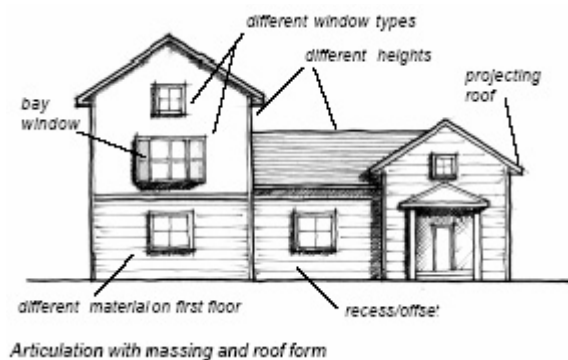
17C.111.440 Articulation and Details

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

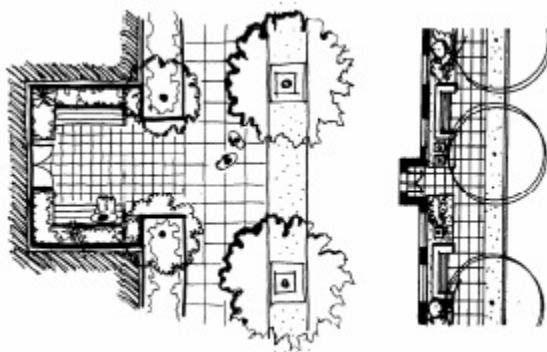


Building units with different color and building heights

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)



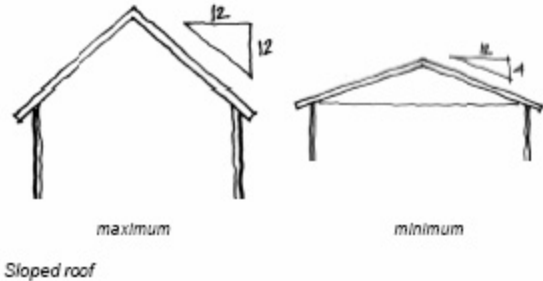
17C.111.450 Pitched Roofs

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)



Windows in a façade facing street

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.

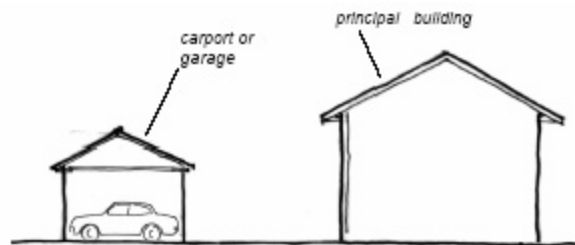
To integrate parking structure with the building and with surrounding character.

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.

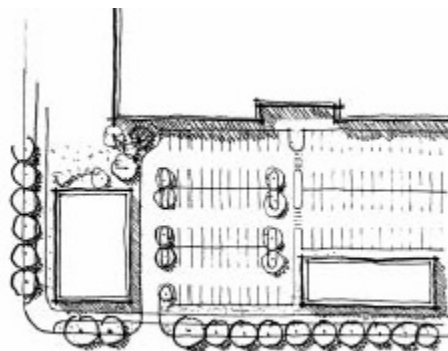
17C.111.510 Design Standards Implementation

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.

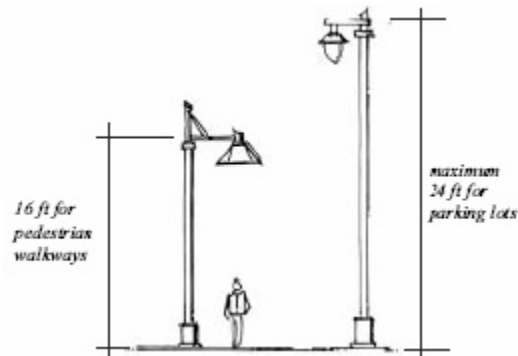
17C.111.520 Lighting

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.

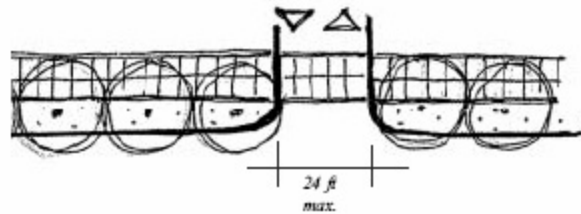
17C.111.535 Curb Cut Limitations

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)

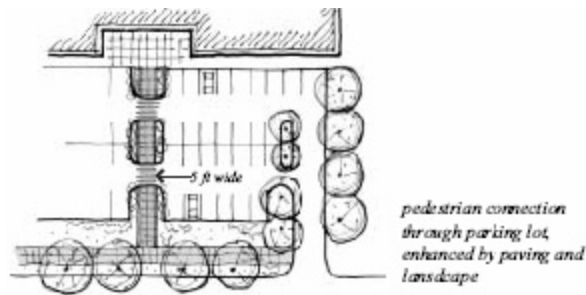


3. Adjacent developments shall share driveways, to the greatest extent possible. (P)
4. Vehicular access shall be designated so that traffic is not directed through an adjoining residential zone. (P)

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.

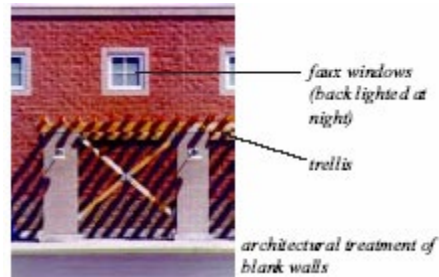
To ensure that buildings do not display blank, unattractive walls to the adjacent street or residential areas.

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.

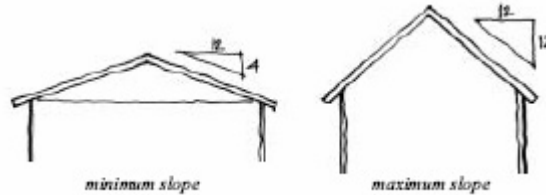
To ensure that rooflines present a distinct profile and appearance for the building and expresses the neighborhood character.

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.

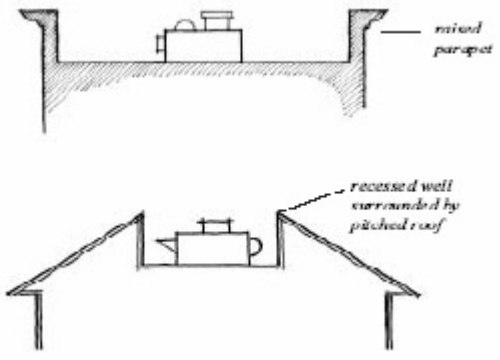


B. Garbage and Recycling Collection Areas.

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.

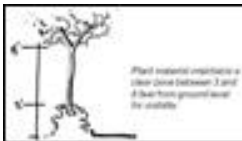
To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.



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.

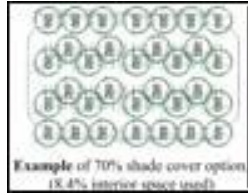
1. In residential, commercial, center and corridor, and FBC zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (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 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 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:~~

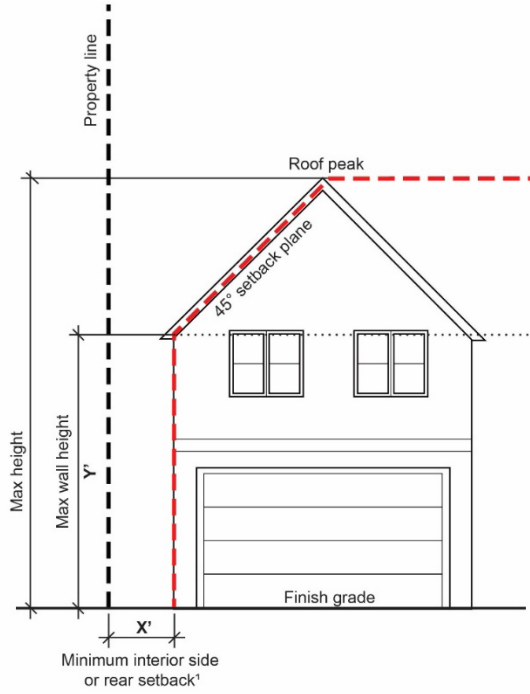
~~i. The forty five degree setback plane is measured at the maximum wall height listed in Table 17C.300-1, from the interior side lot line setback, or rear setback without an alley, as listed in Table 17C.110-3 for accessory structures. The setback plane does not apply on side or rear setbacks measured 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.~~

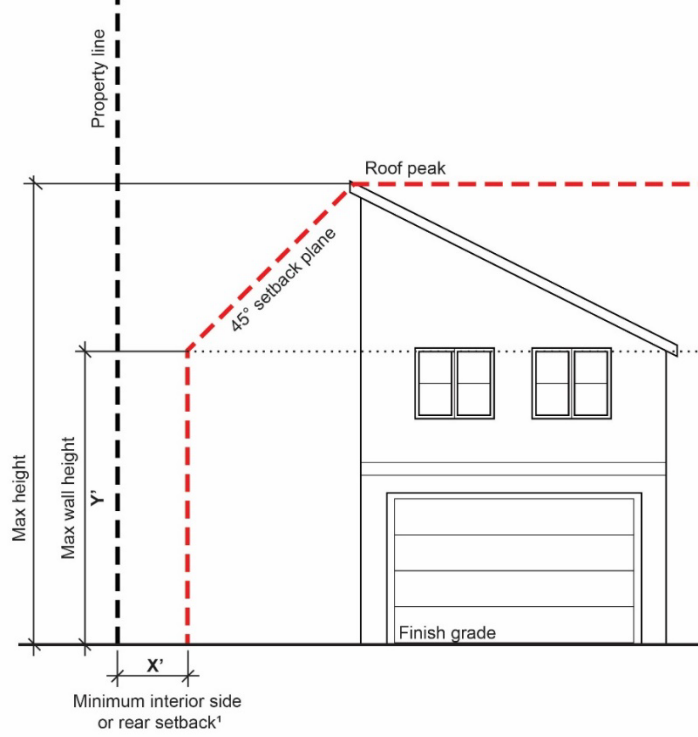
~~iii. No portion of the accessory dwelling unit may project beyond the forty five degree setback plane described in this subsection, except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1).~~

~~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]))~~



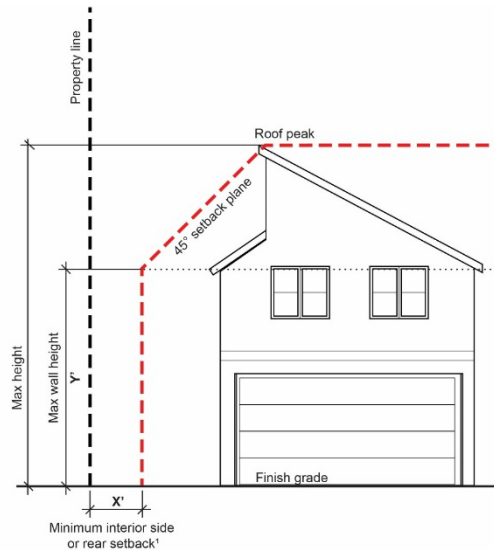
~~[NOTE: Delete graphic above]~~



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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**

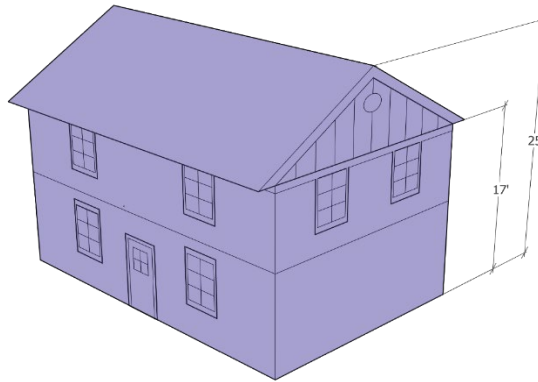
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	17 ft.	17 ft.
Maximum Roof Height [3]	25 ft.	25 ft.

[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six feet eight inches or greater.

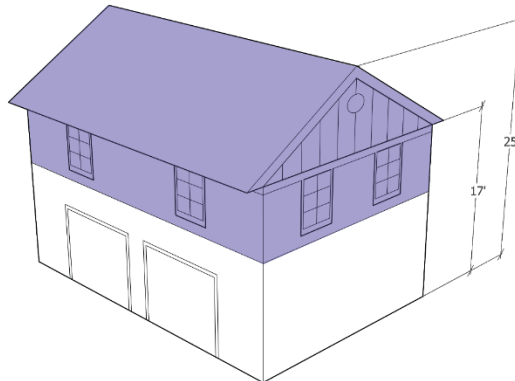
[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.

[3] The height of the ridge of the roof.
See “Figure 17C.300-B” below.)

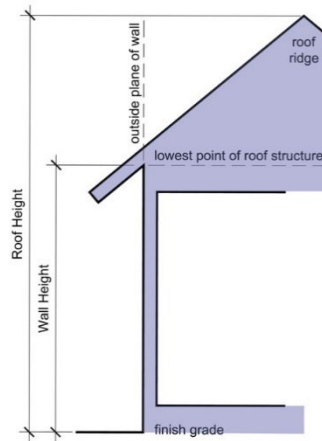
((Figure 17C.300-B))



[NOTE: Delete graphic above]



[NOTE: Delete graphic above]



[NOTE: Delete graphic above]

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.

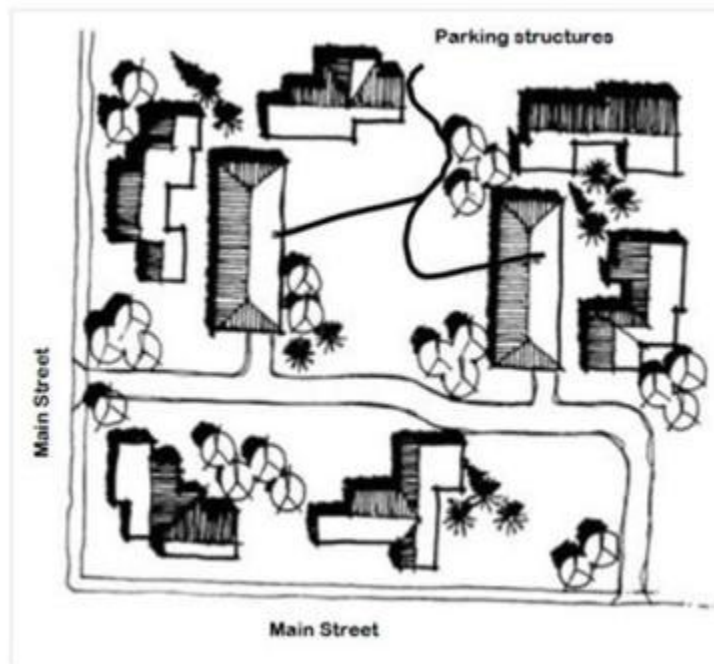
Section 40. That Section 17G.070.135 SMC is amended to read as follows:

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.
- 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?

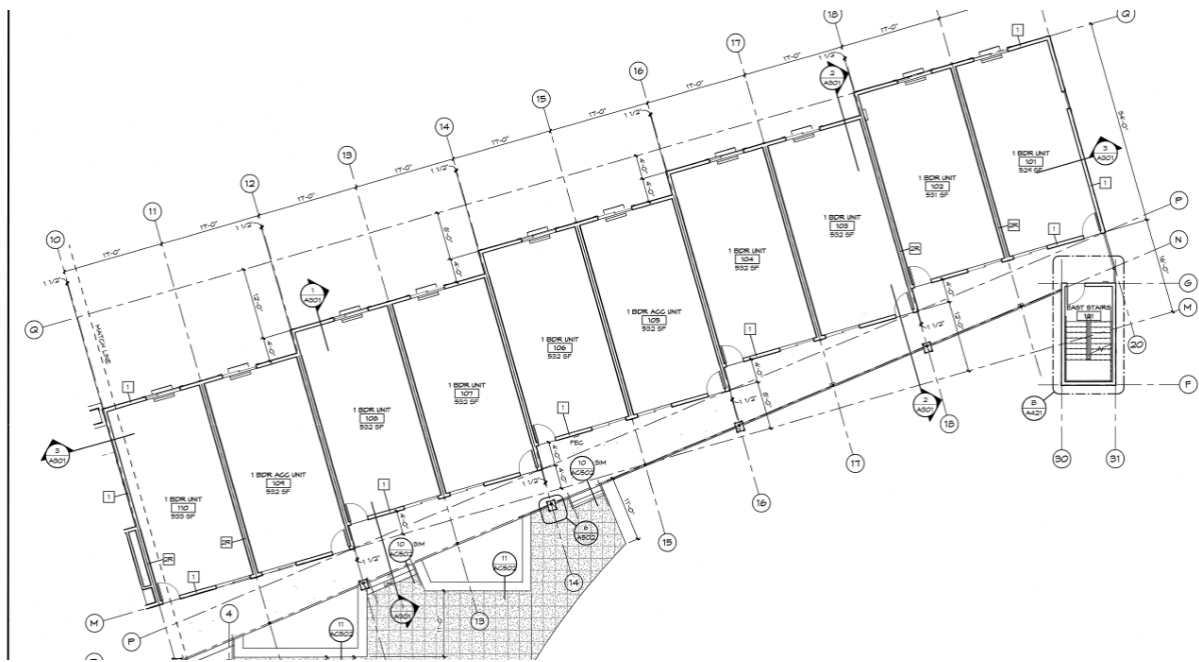
“The affordable units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions in accordance with RCW 84.14. The applicant must record a covenant or deed restriction that ensures the 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

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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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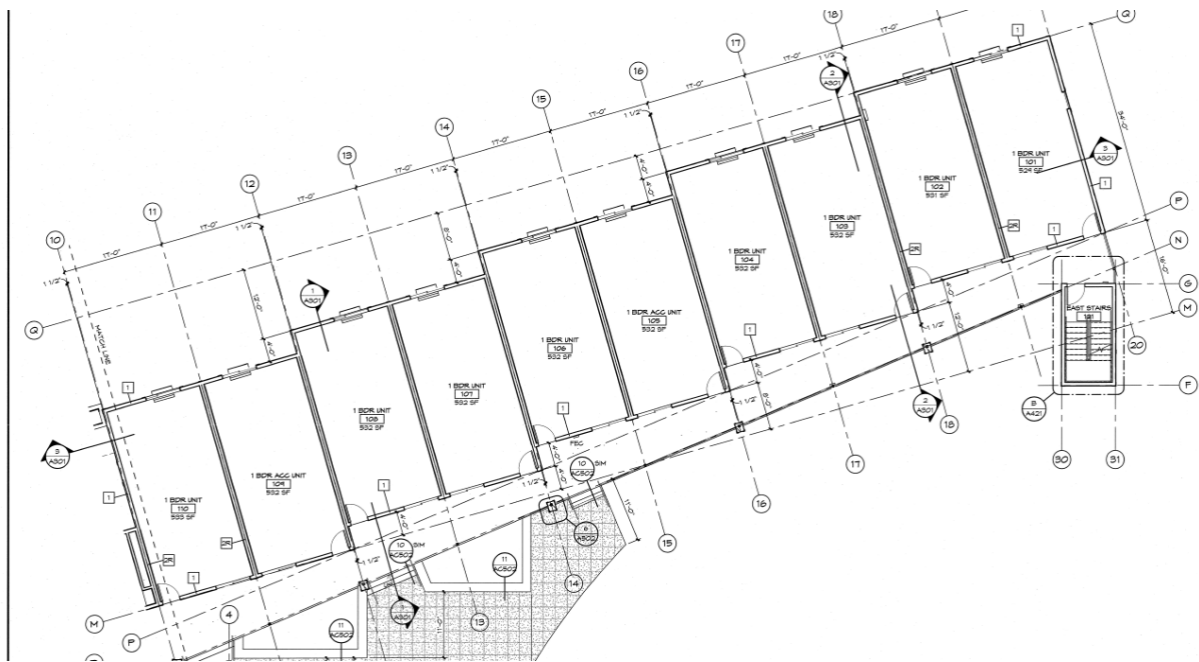
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Housing Solutions For The Northwest

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]

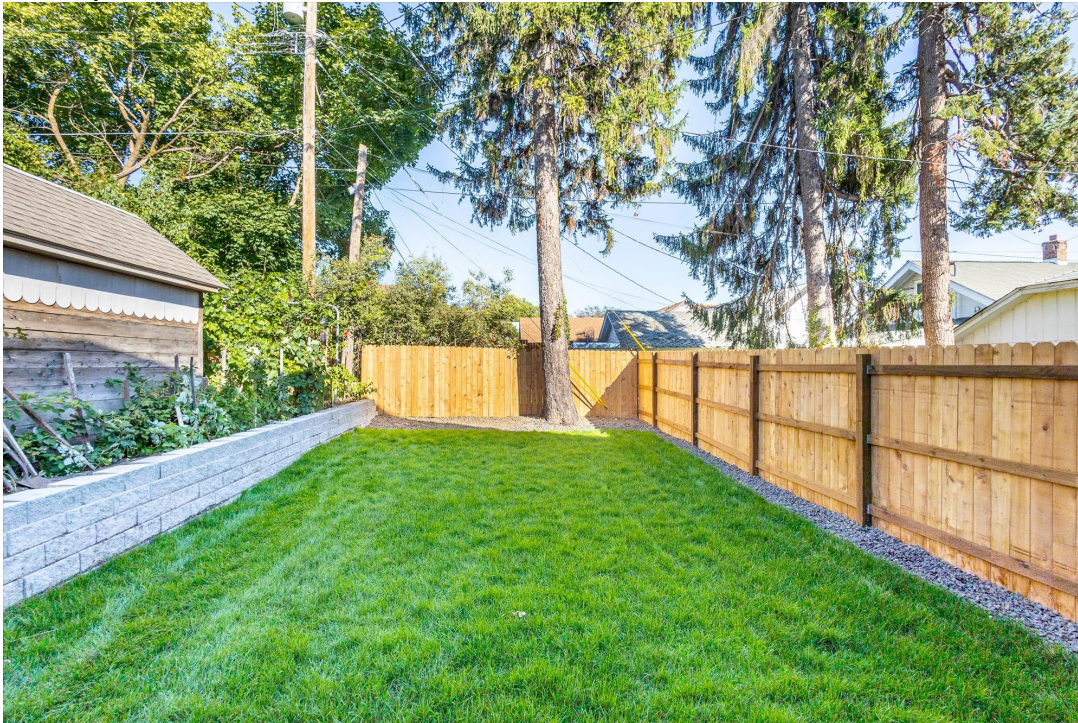
Good afternoon,
from my understanding I believe this duplex was the first one approved under boca (but probably not the first one finished).

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



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](#).

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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

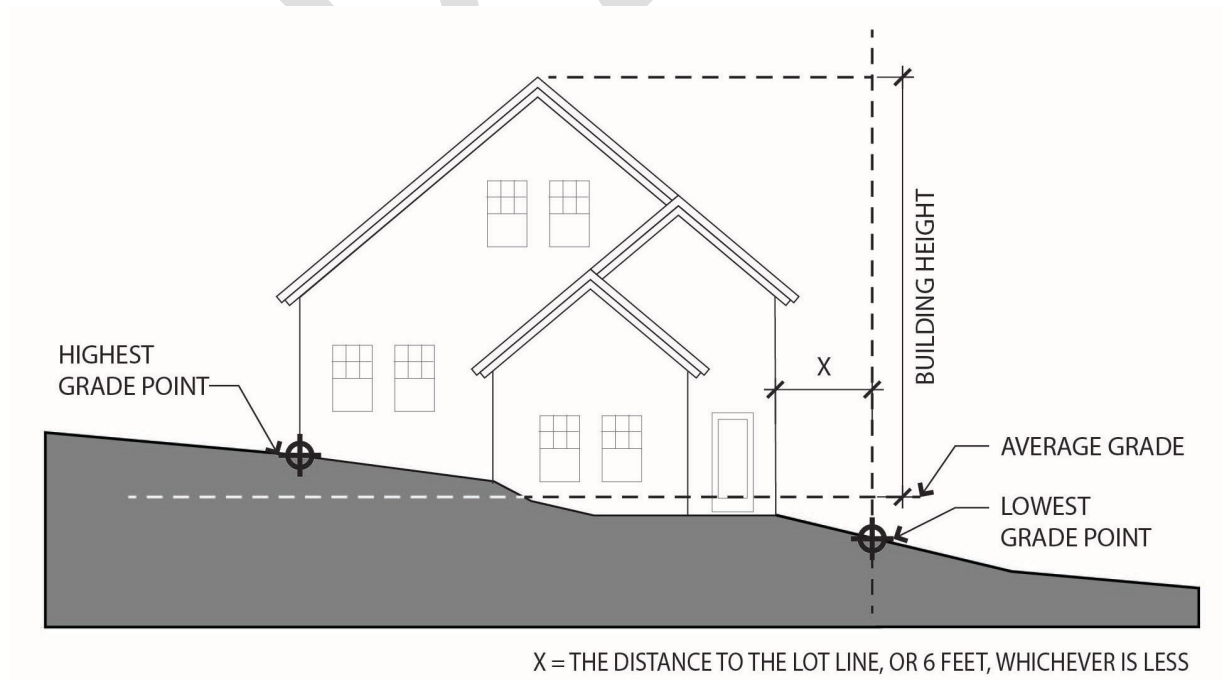
The current method of calculating and regulating building height is rather confusing and has been challenging for both staff and applicants to interpret. The proposed amendments to the height regulations would simplify the calculation method and bring it more in line with how the Building Code measures 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

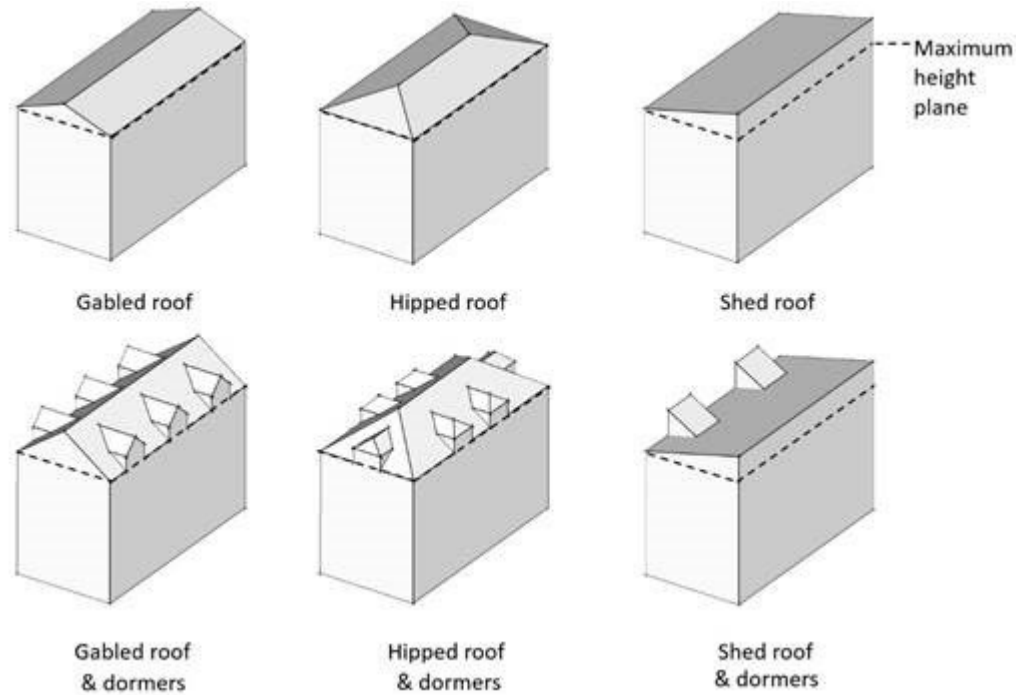


6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
 - b. "Fill" means material deposited, placed, pushed, pulled or transported to a place 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:

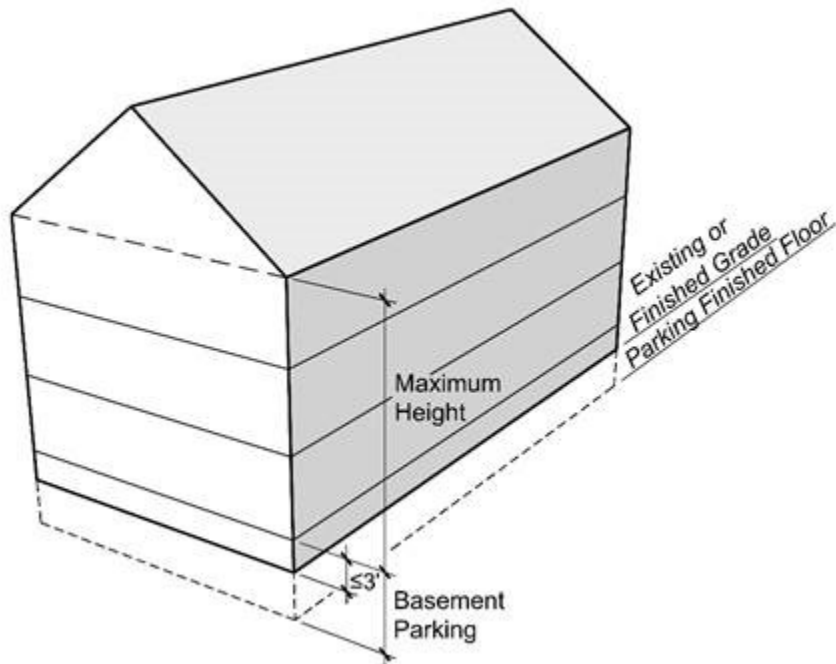
1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty-five feet, forty feet, 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

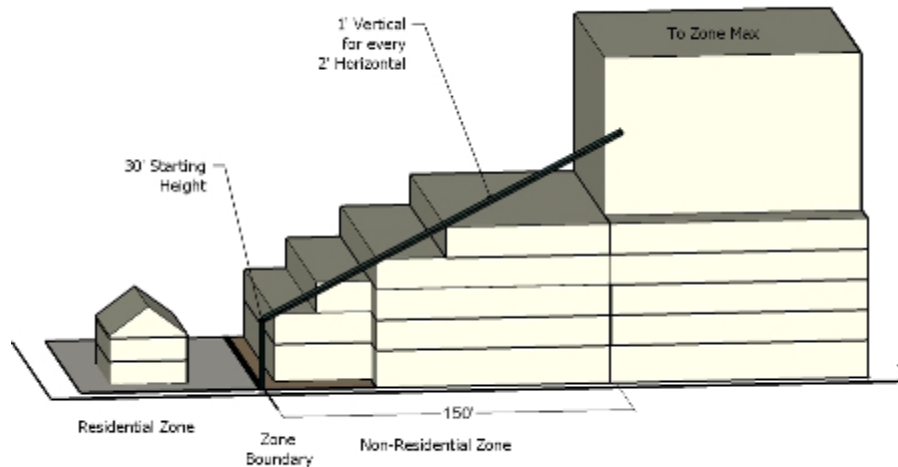


3. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure 17C.110.230-C.

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

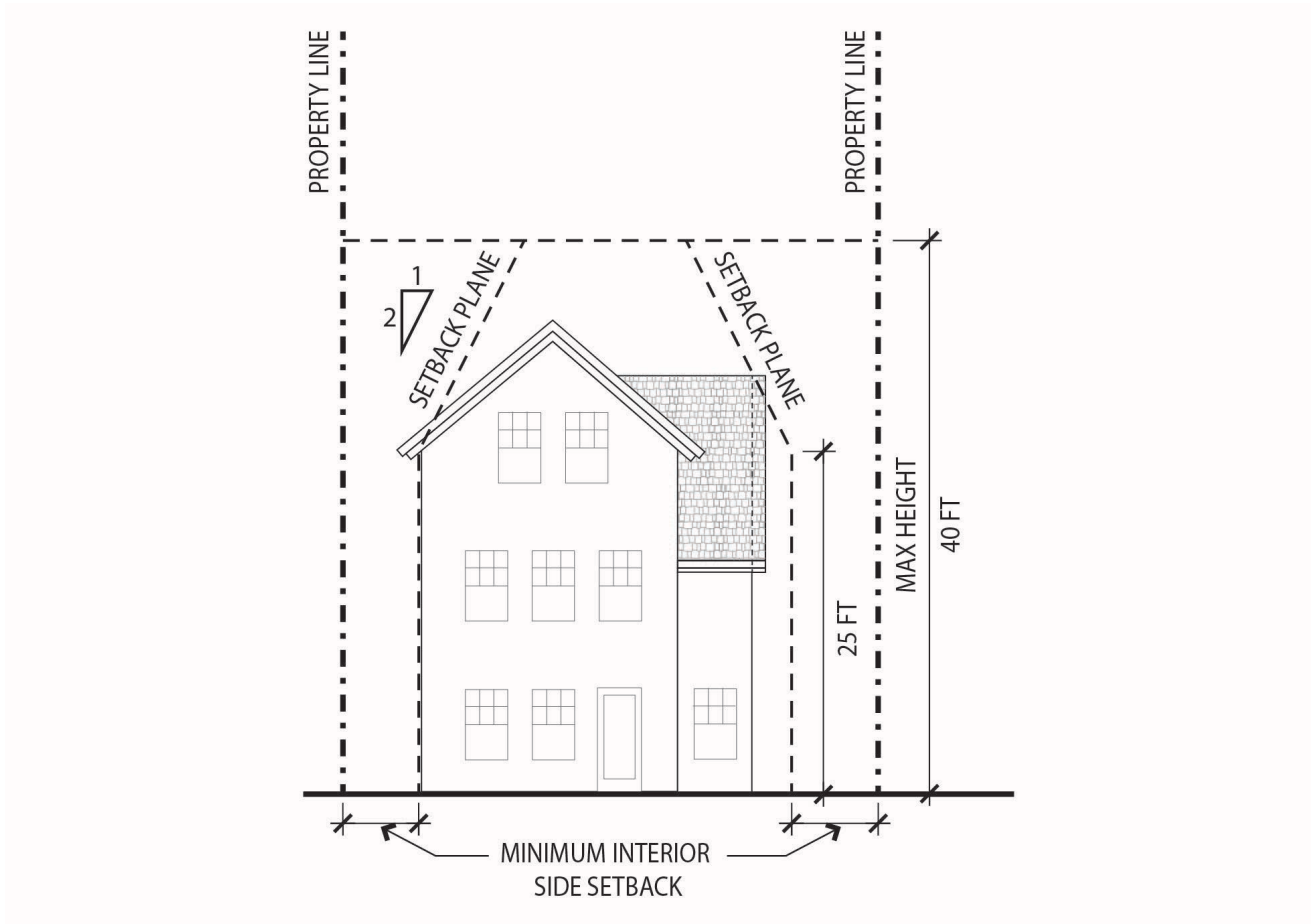


TABLE 17C.110.235-1 ROOF SETBACK FROM SIDE LOT LINE ON LOTS IN R1 and R2 ZONES	
LOT WIDTHS 40 FT. OR LESS	
Height	Setback
25 ft.	3 ft.
27 ft.	4 ft.
29 ft.	5 ft.
31 ft.	6 ft.
33 ft.	7 ft.
35 ft.	8 ft.
40 ft.	10.5 ft.
LOT WIDTHS MORE THAN 40 FT.	
Height	Setback
25 ft.	5 ft.
27 ft.	6 ft.
29 ft.	7 ft.
31 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.

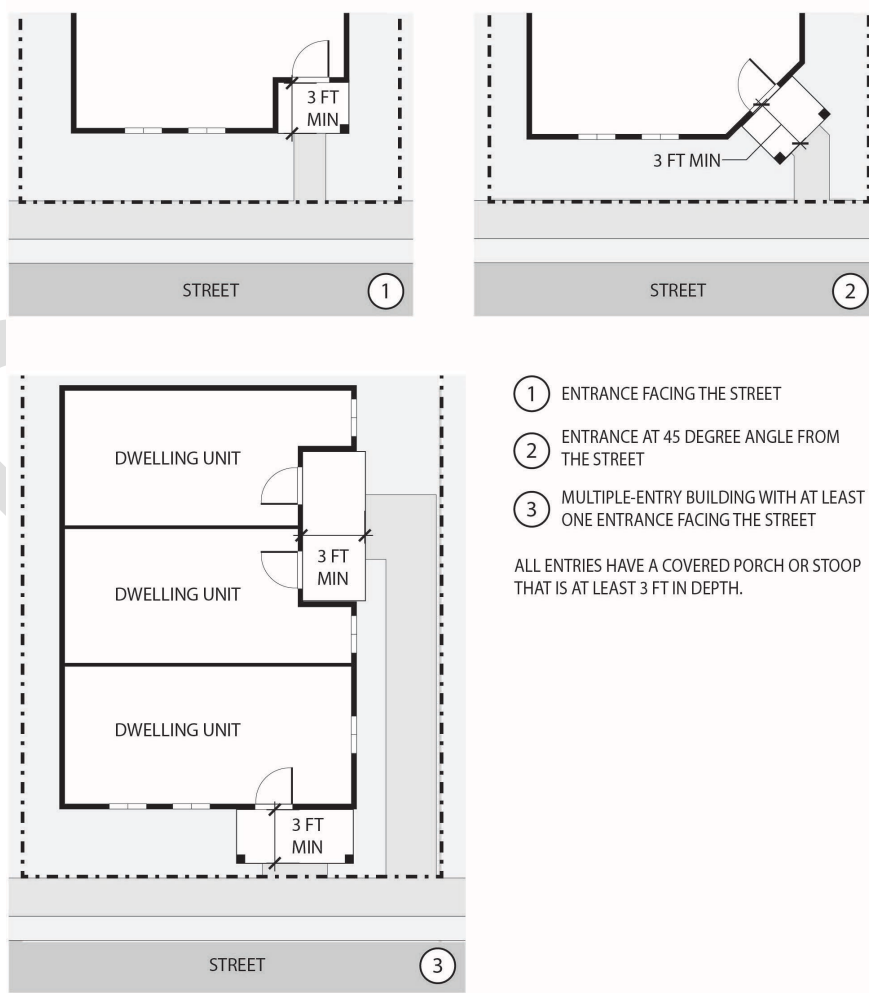
To ensure that entrances are easily identifiable, clearly visible, and accessible from streets, sidewalks, and common areas, to encourage pedestrian activity and enliven the street.

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.

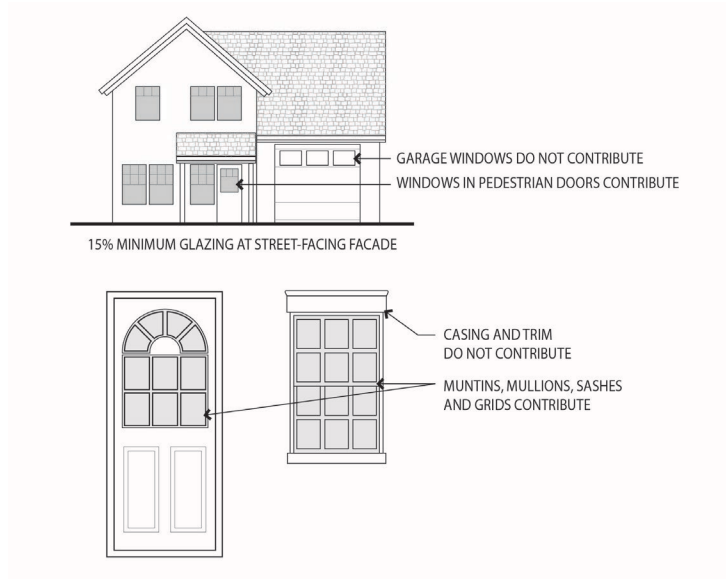
B. Applicability.

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.

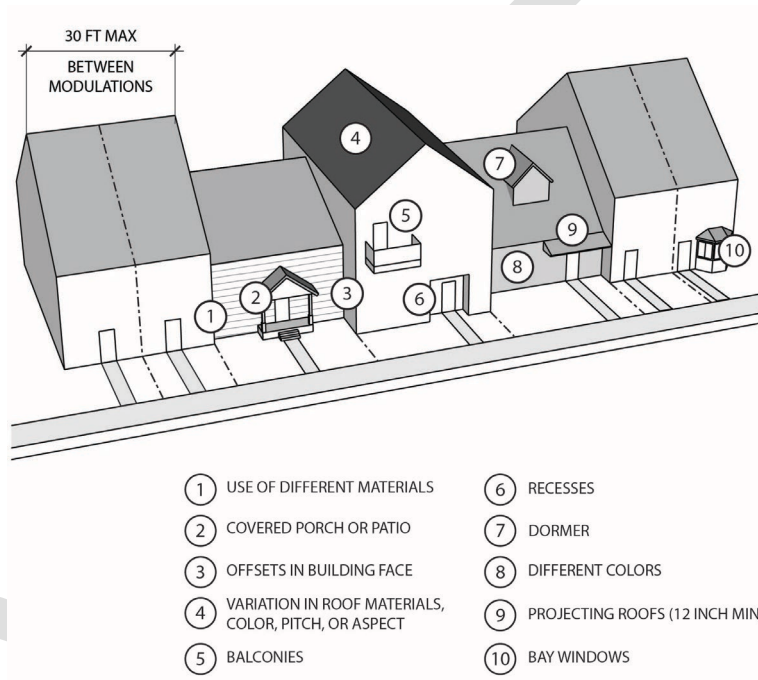
B. Applicability. The following standards apply to all building facades that face a public or private street, except those that are separated from the street by another building. The standards apply to facades of attached housing irrespective of underlying lot lines.

C. Building Articulation Implementation.

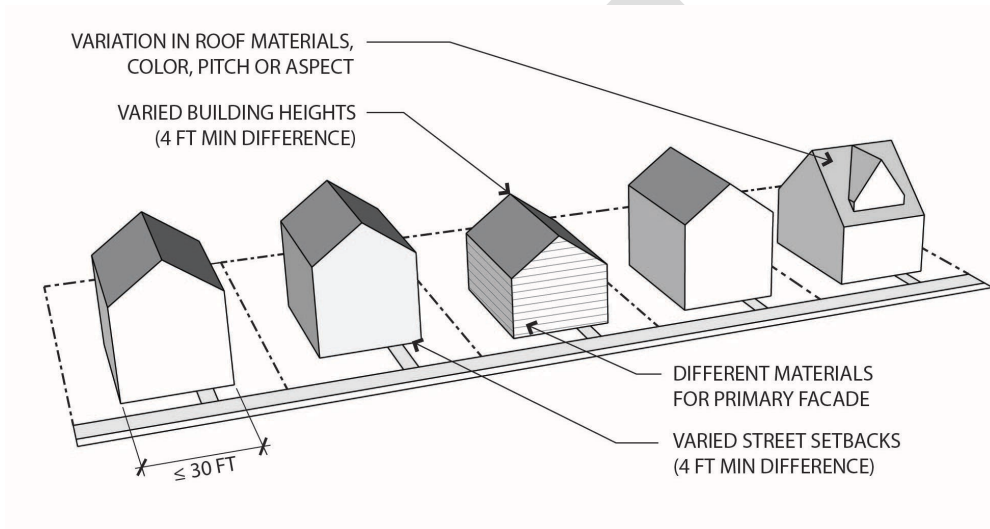
1. Buildings must be modulated along the street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. See Figure 17C.110.325-A. (R)
2. The scale of buildings must be moderated to create a human scale streetscape by including vertical and horizontal 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)

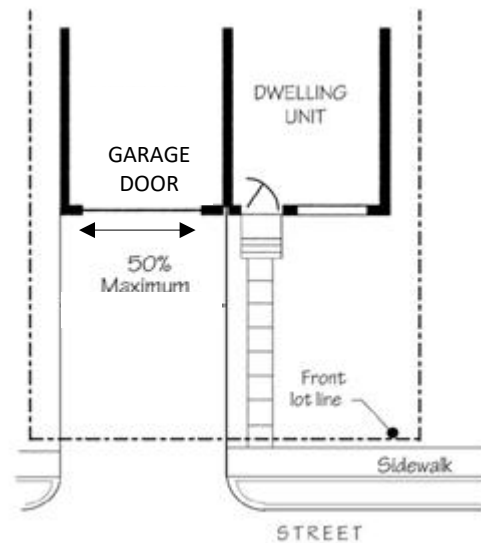
Section 17C.110.335 Parking Facilities

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.

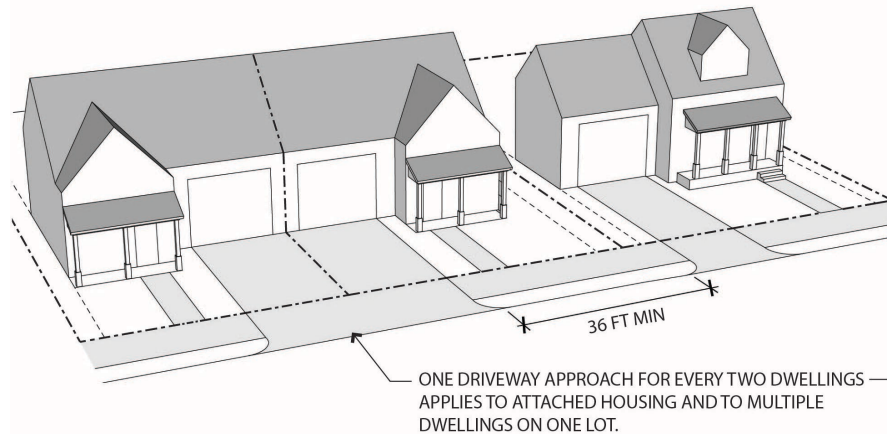
1. The combined width of all garage doors facing the street may be up to fifty percent of the length of the street-facing building façade. For attached housing, this standard applies to the combined length of the street-facing façades of all units. For all other lots and structures, the standards apply 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.

17 feet

17 feet

17 feet

17 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 Directo r	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Plannin g Directo r	-	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.

- 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.

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.

TABLE 17G.061.315-1 IMPLEMENTING ZONES FOR LAND USE PLAN MAP DESIGNATIONS	
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.

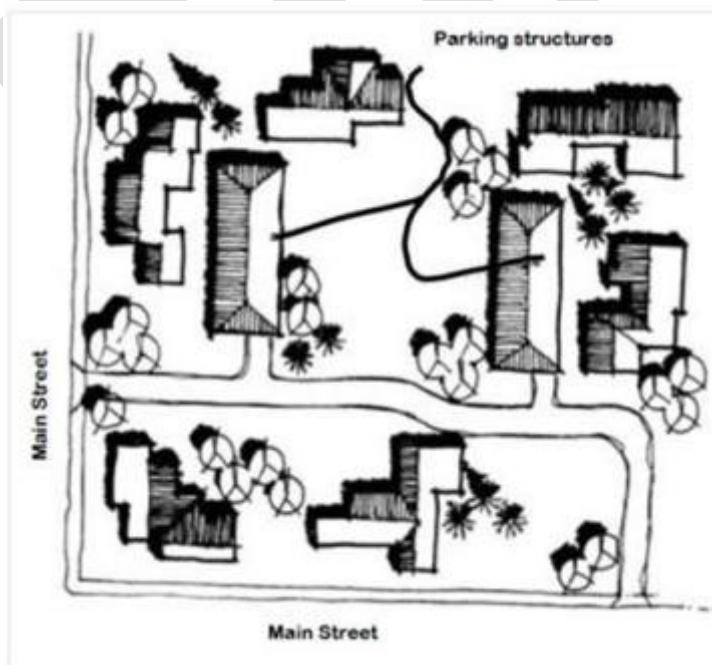
- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted 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:
 - ~~a~~i. The application is categorically exempt from chapter RCW 43.21C (SEPA);
 - ~~b~~ii. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
 - ~~e~~iii. No extensions of public water, sewer, or other utility services will be needed;
 - ~~e~~iv. No public easements for water, sewer, or other utility service exists on the lot;
 - ~~e~~v. The lot is not situated in a Special Drainage District as defined in SMC 17D.060.130; and
 - ~~f~~vi. 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

Created:	2023-10-13
By:	Ryan Benzie (rbenzie@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAANzrBor3GyjG4KHdEecUVaVuwnoDC6swJ

"Final Findings and Conclusions - BOH Ph II" History

-  Document created by Ryan Benzie (rbenzie@spokanecity.org)
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-  Document emailed to gfrancis@spokanecity.org for signature
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-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
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-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2023-10-13 - 11:01:55 PM GMT - Time Source: server
-  Agreement completed.
2023-10-13 - 11:01:55 PM GMT

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 #	FIN 2023-0001
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	Report Item
Agenda Item Name	0320 - SETTING HEARING ON 2024 BUDGET

Agenda Wording
Setting the hearings for review of the 2024 Proposed Budget beginning Monday, November 13, 2023 and November 20, 2023.

Summary (Background)
As part of the annual budget process, the City Council will hold public hearings on the 2024 Proposed Budget for the City of Spokane. Public testimony is welcome on all sections of the budget at each hearing. The first hearing will be held on November 13, 2023 and November 20, 2023. The City Council may continue the hearing day-to-day up to the 25th day prior to the beginning of the next fiscal year.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	BYRD, GIACOBBE	Study Session\Other	9/18 Finance Committee
Division Director		Council Sponsor	CP Kinnear and CM Wilkerson
Finance		Distribution List	
Legal		mboston@spokanecity.org	
For the Mayor		gbyrd@spokanecity.org	
Additional Approvals			
Purchasing			

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	City Council
Contact Name	Matt Boston
Contact Email & Phone	mboston@spokanecity.org ; x6820
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	Set Budget Hearings
Summary (Background)	<p>Setting the hearings for review of the 2024 Proposed Budget beginning Monday, November 13, 2023 and November 20, 2023.</p> <p>*use the Fiscal Impact box below for relevant financial information</p> <p>As part of the annual budget process, the City Council will hold public hearings on the 2024 Proposed Budget for the City of Spokane. Public testimony is welcome on all sections of the budget at each hearing. The first hearing will be held on November 13, 2023 and November 20, 2023. The City Council may continue the hearing day-to-day up to the 25th day prior to the beginning of the next fiscal year.</p>
Proposed Council Action	Setting the hearing date for 11/13/2023 & 11/20/2023
Fiscal Impact	
Total Cost: Click or tap here to enter text.	
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: 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.)	
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 hearing to gather response from community and required by RCW, no proposal made.	
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? This is a hearing to gather response from community and required by RCW and comment will be recorded on the above disparities via City Council record.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? N/A - This is a hearing to gather response from community and required by RCW, no proposal made	
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 This is a hearing to gather response from community and required by RCW, no proposal made

The Proposed 2024 Budget

can be viewed online at:

<https://my.spokanecity.org/budget>