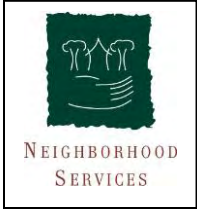


Spokane Neighborhoods Community Assembly

“Provide a vehicle to empower Neighborhood Councils’ participation in government”

Meeting Agenda for July 10, 2015

4:00-6:10 p.m. – COUNCIL BRIEFING CENTER, Basement, City Hall



Proposed Agenda Subject to Change
Please bring the following items:
*Community Assembly Minutes: June 2015

AGENDA ITEM	Presenter	Time	Action	Page No.
Introductions	Facilitator	3 min–4:00		
Proposed Agenda (incl. Core Values and Purpose)	Facilitator	2 min–4:03	Approve	1
Approve/Amend Minutes ▪ June 2015	Facilitator	5 min–4:05	Approve	5
OPEN FORUM				
Reports/Updates/Announcements	Please Sign Up to Speak!	5 min-4:10		
LEGISLATIVE AGENDA				
City Council ▪ Neighborhood Notification	City Council – Ben Stuckart	15 min-4:15	Oral Report	
City Council ▪ Cell Towers	City Council – Mike Allen	15 min-4:30	Oral Report	
Land Use ▪ Cell Towers and Neighborhood Notification	Patricia Hansen	10 min-4:45	Oral & Written Report - Vote	10
Retreat ▪ Survey Results	Committee Members	30 min-4:55	Oral & Written Report	32
Admin ▪ One-Minute Proposal	Jay Cousins	5 min-5:25	Oral & Written Report	35
PeTT ▪ Update/Resolution	Paul Kropp	10 min-5:30	Oral Report	37
ONS/Code Enforcement ▪ Update	Heather Trautman	10 min-5:40	Oral Report	
Plan Commission Liaison ▪ Update	David Burnett	5 min-5:50	Oral Report	
Liaison ▪ Plan Commission Liaison	Colleen Gardner	5 min-5:55	Oral & Written Report - Vote	38
CA/CD ▪ Update on Legacy Funding and Conflict of Interest	Fran Papenleur and George Dahl	10 min-6:00	Oral & Written Report	39
PRESENTATIONS/SPECIAL ISSUES				
OTHER WRITTEN REPORTS				
Design Review Board (DRB) Liaison	Colleen Gardner		Written Report	45
Building Stronger Neighborhoods (BSN)	E.J. Iannelli		Written Report	46
Public Safety	Julie Banks		Written Report	48
Cell Tower Draft Ordinance	Councilman Mike Allen		Written Report	60

** IF YOU CAN'T MAKE THE MEETING, PLEASE SEND YOUR ALTERNATE!!!! **

UPCOMING IMPORTANT MEETING DATES

- *July 16: Land Use, West Central Community Center, 1603 N Belt, 5pm*
- *July 27: Building Stronger Neighborhoods, Sinto Senior Center, 1124 W Sinto, 12pm*
- *July 28: Pedestrian, Transportation & Traffic (PeTT), West Central Comm. Ctr, 1603 N Belt, 6pm*
- *July 28: CA Administrative Committee (agenda item requests due. Please submit all written material to be included in packets two days prior to CA meeting date), ONS Office, 6th Floor, City Hall, 4:45pm*
 - *July 29: Joint CA/CC, NE Community Center, 4001 N Cook, 5:30pm*
 - *August 4: Public Safety, YMCA Corporate Office, 1126 N Monroe, 3:30pm*
 - *August 4: CA/CD, West Central Community Center, 1603 N Belt, 5:30pm*
 - *August 7: Community Assembly, Council Briefing Center, City Hall, 4pm*

MEETING TIMETABLE PROTOCOL

In response to a growing concern for time constraints the Administrative Committee has agreed upon the following meeting guidelines as a means of adhering to the Agenda Timetable:

1. When a presenter has one minute left in the time allotted the facilitator will raise a yellow pennant and indicate a verbal notice.
 - a. Should any Neighborhood Representative wish to extend the time of the presentation or comment/question period they may immediately “Move to extend the time by (1) to (5) minutes”.
 - b. An immediate call will be made for a show of hands in support of the extension of time. If a majority of 50% plus 1 is presented the time will be reset by the amount of time requested.
 - c. Extensions will be limited to (2) two or until a request fails to show a majority approval. After (2) two extensions, 1) if a motion is on the table, the facilitator will call for a vote on the open motion to either a) approve or not approve, or b) to table the discussion; 2) if there is no motion on the table, a request may be made to either (1) reschedule presenter to a later meeting, or (2) ask presenter to stay and finish at the end of the agenda.
2. When the allotted time has expired, a red pennant and verbal notice will be issued.

Administrative Committee

COMMUNITY ASSEMBLY LIAISONS (Draft)

Citizens Transportation Advisory Board (PeTT): Jim Bakke, 466-4285, jfbakke@q.com

Community, Housing, & Human Services Board: Fran Papenleur, 326-2502,

fran_papenleur@waeb.uscourts.gov

Design Review Board: Colleen Gardner, 535-5052, chiefgarryparknc@gmail.com

Plan Commission: David Burnett, 720-3321, dburnett@spokanecity.org

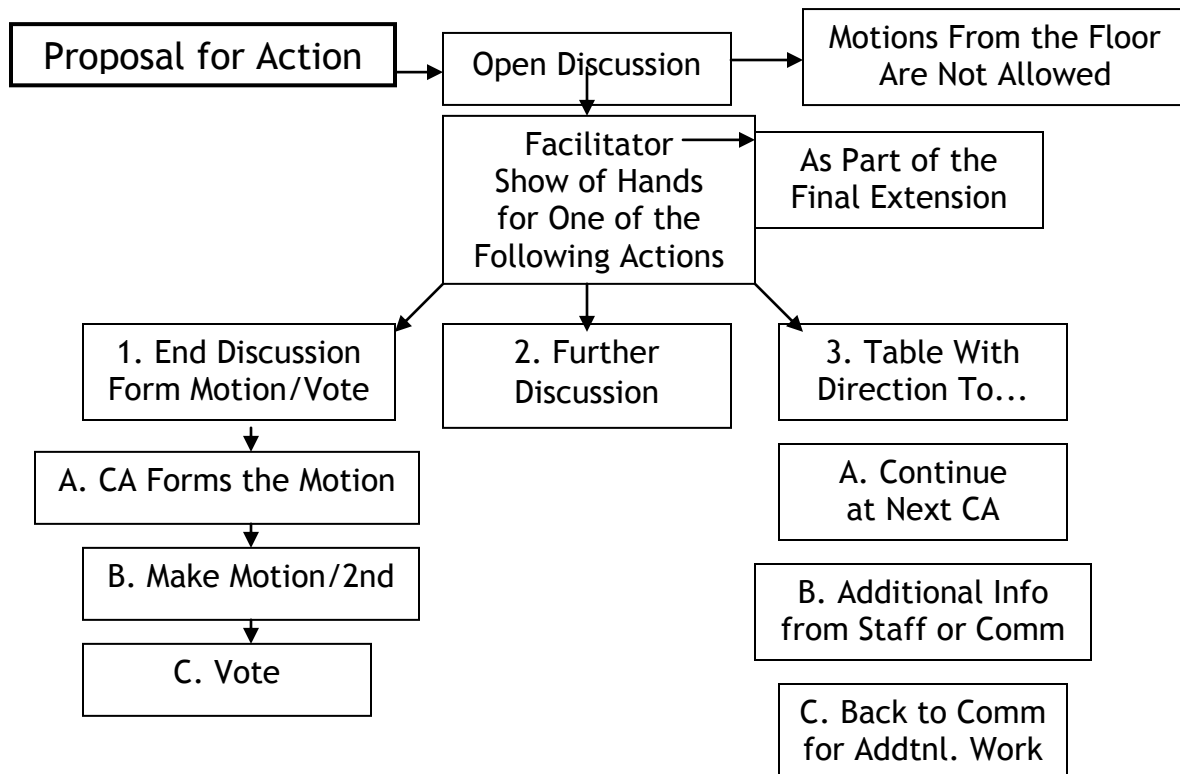
Plan Commission Transportation Advisory Committee (PeTT): Kathy Miotke, 467-2760,

zaromiotke@yahoo.com and Charles Hansen (alternate), 487-8462, charles_hansen@prodigy.net

Urban Forestry: Carol Bryan, 466-1390, cbryan16@comcast.net

a. CA Rules of Order:

- i. To speak at a meeting, a person must be recognized by the facilitator only one person can be recognized at a time. Each speaker has two minutes. When all who wish to speak have been allowed their time, the rotation may begin again.
- ii. When a proposal for action is made, open discussion will occur before a motion is formed by the group
- iii. As part of the final time extension request, the Facilitator will request a show of hands by the representatives at the table to indicate which of the following actions the group wants to take.
 1. End discussion and move into forming the motion and voting.
 2. Further Discussion
 3. Table discussion with direction
 - a. Request time to continue discussion at next CA meeting.
 - b. Request additional information from staff or CA Committee
 - c. Send back to CA Committee for additional work



Community Assembly Core Values and Purpose

CORE PURPOSE:

Provide a vehicle to empower neighborhood councils' participation in government.

BHAG:

Become an equal partner in local government.

(This will be further expounded upon in the Vivid Description. What does this mean to you?)

CORE VALUES:

Common Good: Working towards mutual solutions based on diverse and unique perspectives.

Alignment: Bringing together the independent neighborhood councils to act collectively.

Initiative: Being proactive in taking timely, practical action.

Balance of Power: Being a transparent, representative body giving power to citizens' voices.

VIVID DESCRIPTION:

The Community Assembly fulfills its purpose, achieves its goals, and stays true to its core values by its members engaging each other and the community with honest communication and having transparent actions in all of its dealings. Community Assembly representatives are knowledgeable and committed to serving their neighborhood and their city as liaisons and leaders.

The Community Assembly initiates and is actively involved early and often in the conception, adoption and implementation of local policy changes and projects. The administration and elected officials bring ideas to the Community Assembly in the forming stages for vetting, input and participation. The Community Assembly is a valuable partner to these officials and neighborhoods in creating quality policy & legislation for the common good.

The Community Assembly stimulates participation in civic life among our residents. Citizens that run for political office will believe in the importance of partnering with the Community Assembly and neighborhood councils. Those candidates' active participation and history with neighborhoods contributes to their success, enhancing successful partnerships between the Community Assembly and local government.

Community Assembly Minutes

June 5th, 2015

Agenda was approved with the addition of discussion of the nominating process for the Jeanette Harras Volunteer of the Year award. Unanimous approval of May minutes with amendment to the date of the first Audubon Concert Series from June 23rd to July 9th.

1. Open Forum

- a. Gregory Johnson, Cliff/Cannon Neighborhood
 - 1. Cell towers are still going up even though there is a moratorium.
 - 2. In Cliff Cannon there is to be a 60 ft. tall tower to go in.
 - 3. The cell towers are for data not for voice, cell towers are the least expensive way for the cell companies to provide their service.
 - 4. Cliff/Cannon Neighborhood Council Cell Tower Task Force provided a Cell Tower Facts and Spokane Issue report found on [page 41 of the CA packet.](#)
 - 5. Contact Cliff/Cannon Neighborhood for questions at patricia@pahansen.com or grj@desertpine.com
 - 6. There is an update on the Cell Tower Moratorium in the CA packet on [page 37.](#)
- b. Colleen Gardner, Chief Garry Park Neighborhood
 - i. Chief Garry Park will be hosting a Meet and Eat with Scott Richter the District 1 Representative on the Police Ombudsman Citizen Oversight Commission on June 17th, 5:30 to 7:00pm at Cassano's, 2002 E. Mission, [flyer in the packet on page 45.](#)
- c. Fran Papenleur, Northwest Neighborhood
 - i. Concert Under the Pines
 - 1. Begins July 9th with the Spokane Jazz Orchestra, 6:30-8:30pm at Audubon Park, [flyer on page 41 of the CA Packet.](#)
 - ii. Shadle Park Concert
 - 1. New Shadle Park Concert (near the gazebo) will feature Pamela Benton on July 30th from 6:30-8:30pm.
- d. Julie Banks, Rockwood Neighborhood
 - i. Summer Parkways, June 18th, 6-9pm
 - 1. Event where the streets are closed from Manito Park to Comstock Park to allow for people to walk, bike and enjoy the closed street.
 - 2. For more information go to <http://summerparkways.com/>
 - ii. Kidical Mass
 - 1. Held in Chief Garry Park Neighborhood on May 16th about 30 kids rode, 7 bikes were given away, there was great participation.
- e. Alicia Spencer, WSU Spokane, Community Engagement Officer
 - i. School received \$100,000 to collaborate with community based programs related to Health disparities in our community.
 - ii. Part of the larger collaborative effort to recognize that the school was closed off to the community and are now trying to become more involved in helping to make positive impacts in the community.

2. Jeanette Harras Volunteer Award:

- a. Jay Cousins, Emerson Garfield Neighborhood

- i. Colleen would like to hold off on the award until the December Award's Dinner. There was a recommendation from Colleen to put off to a committee that is going to plan the December recognition party.
 - 1. The group agreed to the recommendation by Colleen.

3. City Council:

- a. John Snyder, District 2
 - i. City Council resolution to send a list of candidates to the City Council for consideration for the current ombudsman position, which is still not filled.
 - ii. The City Council approved a letter to Spokane Transit Authority regarding PTBA cities pursuing revenue via a TBD or other local funding mechanism. The letter requests that STA to provide information regarding the City of Spokane pursuing revenue for STA service through a TBD or other local funding mechanisms. It asks that STA take into consideration certain assumptions when providing this information, as articulated in the letter.
- b. Amber Waldref, District 1
 - i. Centers & Corridors Design Update-[Information can be found here.](#)
 - 1. Update the original document from 14 years ago. The update includes stronger intent language to have the goal of getting it updated and create site specific codes and plans for the smaller centers and larger business centers.
 - 2. Some of the proposed changes are:
 - a. Changing some instances of discretionary language to required language: Changing "should" to "shall" in several instances.
 - b. Adding the ability for applicants to request Design Review Board process in certain instances.
 - c. Changing the language to require a % of the site frontage to have the building oriented to the street with no parking between the street and the building. (Build to Street)
 - d. Adding a new section that requires buildings to be built to the intersection corner (Build to Intersection Corner).
 - e. Clarifying the guidelines for Drive-Through lanes shall not be located between the building and the street.
 - f. Revising the landscape code SMC 17C.200 to change the buffer when residential is adjacent from a five-foot buffer to an eight-foot buffer.
 - g. Changes the minimum parking requirements for residential development within CC1, CC2, CC3 zones (SMC Table 17C.230-1)
- c. **Plan Commission Hearing is scheduled for June 10th, 2:00pm in the Council Briefing Center.**

4. Retreat Committee

- a. Jay Cousins, Emerson Garfield
 - i. Community Assembly Survey
 - 1. The Retreat Committee passed out a survey for the members of the CA to pass out on what opinions and knowledge they have on particular items.
 - 2. Next meeting is June 11th at 4:00pm at the Great Hillyard Business Center, 4006 N. Market, the group will be putting together the training binder.

5. Office of Neighborhood Services

- a. Heather Trautman, Director of Neighborhood Services and Code Enforcement
 - i. Upcoming Events:

1. Monday, June 8th, Town Hall of Northwest Neighborhoods, 6:00pm, West Central Community Center, 1603 N. Belt
2. June 15-17th, CDBG Workshops by District, 5:30-6:30pm ([flyer in packet on page 34](#))
3. Events can be found on www.spokaneneighborhoods.org select Meetings and Events tile to view the Google Calendar
- ii. 2015 Program Application Schedule
 1. 2015 Proposed Program Application Dates
 - a. June 1st to October 31st & November 25th: CDBG Applications
- iii. CDBG Program
 1. 2015 Application Status
 - a. Next Steps
 - i. Grant Year Begins-July 1st
- iv. Forest Spokane
 1. Greening Grants
 - a. Reminder Application Deadline: June 30th, application found [here](#).
 - b. Each neighborhood can submit up to 3 applications
 - c. Each application can be up to \$5,000
 - d. Goal: Plantings on public land to mitigate stormwater neighborhood enhancement.
 - e. Contact Alicia Bemiss-Powell, 625-6780, apowell@spokanecity.org
- v. Traffic Calming
 1. Cycle 4 Update (2014)
 - a. Preliminary Designs have been sent to the Neighborhood Councils
 - b. Project Bids: End of June
 - c. Construction: August-October
 2. Cycle 5 (2015)
 - a. Timeline for applications
 - i. March-July: Engineers performing traffic assessments
 - ii. August: Completed Traffic Assessments will go to City Council Traffic Calming Subcommittee & Neighborhood Councils
 - iii. September: Council makes decision on funding applications.
 - b. Traffic Calming Budget
 - i. Developed New Budget Tracking System: Collaboration of Jackie Caro, ONS and Debra Robles, City Council
 - ii. Outcomes:
 1. Increase of project maximums from 40 to 50K
 2. Revenues from Photo Red Funds will be used to balance spending between Districts
 3. District maximum increased from 100 to 150K

6. Pedestrian Transportation & Traffic Committee

- a. Paul Kropp, Southgate Neighborhood

- i. Draft Resolution on [Page 7 of the CA packet](#)

1. Consider the unallocated funds from traffic calming. Material in the packet shows that the revenue is available. Still there is plenty of excess to use.

2. Councilmember Snyder came to the PeTT and would like the neighborhoods to help complete traffic calming projects. Take \$100,000 a year to help create a matching fund for larger projects, as an example the Mission Street crossing, the diagram is a little old. The project is a bridge that is diagonal from the Witter pool parking lot to the upriver drive area.
3. Take the resolution found at the end of page 7 back to the neighborhoods to have a formal vote in July.
4. Recommend that the funds have an intention to pay for this project and such others that would come up that are like these. Doing this whenever it comes up.
5. Next month put up there a motion that can be changed and modified. Right now the neighborhoods just need to bring this to the neighborhoods for comment.

ii. Post St. Bridge

1. There are key points on [page 7 of the CA packet](#).

7. Neighborhoods USA (NUSA) Conference

- a. Rod Minarik, Office of Neighborhood Services
 - i. Rod gave a presentation regarding Community Development Block Grant Program that the neighborhoods do. Other communities were impressed that the neighborhoods take on the task of doing project and the applications.
 - ii. Rod advised the group to look at iLead from Orlando, Florida, which is an interactive neighborhood training source. Click [here](#) to go to their website.

8. Public Safety Committee

- a. Julie Banks, Rockwood Neighborhood
 - i. Public Safety has conceived a stakeholder group, landlords and tenants.
 - ii. Embarking on every two week meeting schedule.
 - iii. Once the fact finding portion of the work plan is complete the group will work to identify gaps and look at how to fill those gaps.
 - iv. Hoping to come up with information that is beneficial for tenants and landlords that will identify resources and what is available currently.

9. Liaison Committee

- a. Colleen Gardner, Chief Garry Park Neighborhood
 - i. Plan Commission Liaison position is still open
 - ii. Suggested candidates can be emailed to Colleen Gardner at chiefgarryparknc@gmail.com

10. Design Review Committee

- a. Colleen Gardner, Chief Garry Park Neighborhood
 - i. Colleen Gardner is available to visit your neighborhood council and give a presentation about the Design Review Board, if interested contact Colleen at chiefgarryparknc@gmail.com.
 - ii. Design Review Board has started using simpler minutes, those will be included in the packet from now on, for example go to page 24 in the [CA packet](#).

11. CA/CD Committee

- a. George Dahl, Community Housing and Human Services Department (CHHS)
 - i. There will be workshops held June 15th, 16th and 17th for the 3 Council Districts see [page 34 of the CA Packet](#) for specific locations and times.
 - ii. There are a few changes to the program this year:
 1. One page application for new projects.

2. There will be a menu option for the neighborhoods to put their money into shovel ready projects.
3. Minimum allocation on all projects is \$10,000, as a way to complete larger community impact.

iii. Neighborhood Individual Trainings are being offered for those that are interested. Contact George Dahl at gdahl@spokanecity.org or your ONS Neighborhood Liaison to sign up.

In attendance:

Bemiss	Browne's Addition	Chief Garry Park
Cliff Cannon	Comstock	East Central
Emerson Garfield	Grandview/Thorpe	Latah/Hangman
Lincoln Heights	Minnehaha	North Indian Trail
North Hill	Northwest	Peaceful Valley
Riverside	Rockwood	Southgate
West Central	Whitman	

Not in attendance:

Balboa/SIT	Five Mile Prairie
Hillyard	Logan Manito/Cannon Hill
Nevada/Lidgerwood	West Hills

DRAFT

Land Use Committee

DRAFT

June 18, 2015

5:00 to 6:30 pm

West Central Community Center

Facilitator: Patricia Hansen

Secretary: Teresa Kafentzis

Introductions:

Patricia Hansen – Cliff Canyon

Greg Johnson – Cliff Canyon

Teresa Kafentzis – Southgate

Heather Trautman – ONS

Grant Wencil – Planning Dept, City of Spokane

Review and Approve Current Agenda –

- Approved with Old Business topic moved to July

Review and Approve Minutes from April (no meeting in May)

- Moved, seconded and approved

New Business

Grant Wencil – Planning Dept – Neighborhood Notification Improvement Process

- Overview/White Paper sent out prior to meeting
- Citizen summit meeting in 2014, improvements to neighborhood notice of primary importance
- Citizen stakeholder group formed to explore changes
- City Council President, Ben Stuckart, city staff, and stakeholders held meetings and drafted recommendations
- Supported by Plan Commission Workshop on June 10
- Notice of Public Hearing 2 weeks before July 8
- Plan Commission Public Hearing on July 8
- To City Council later in the summer
- Neighbors requested earliest possible notice
- City staff person from agency who is processing the application will now send notice to neighborhood council chair when there is a “counter” completed application (at same as departments receive it).
- Neighborhood written comments will be forwarded to project manager/developer and neighborhood submission will be acknowledged by city staff. Staff will respond to questions and address comments.
- Demolition permits will be forwarded to the neighborhood councils for review and comments when application is received. 10-day review period, comments will be forwarded to the applicants.

- Added section defining “standing” and limitations. (Plan Commission had questions on section on standing because most of it is also somewhere else in city or state codes except definition regarding neighborhood council standing. PC requested removing the entire section. What about projects that span more than one neighborhood boundary.

DISCUSSION – Recommendations from LUC to Community Assembly (Patricia Hansen willing to present recommendations to CA on July 10.)

- Recommendation from LUC is that comments that are submitted after deadlines will still be accepted, forwarded to applicant but will not delay the process of the application.
- Is there a method to differentiate on validity of comments? For example, a licensed professional provides a specific, technical comment within their own field on a project. How will a response be triggered to require applicant to follow up on concern and how will professional know the comment was addressed?
- Request that section on standing regarding neighborhood councils is clarified. An individual commenting or testifying has standing but how does that standing convey to the neighborhood council? Clarification of standing of neighborhood council versus individual. What action conveys standing? What limits standing? What are the parameters? Recommendation is standing without issue precedence. Difficult to provide a comprehensive comment within limited comment period.
- Suggest using notification boundary for instances where project is on border of two or more neighborhoods.
- Public Hearing date of July 8 is 2 days before next community assembly on July 10.. Heather will contact Plan Commission and request that hearing being delayed until community assembly has an opportunity to discuss.

Patricia Hansen – Cell Tower Moratorium Update

- Overview sent out prior to meeting
- Some of documentation submitted to CA from Council Person Mike Allen had errors that contradict the FCC orders. A second fact sheet was submitted by Cliff Canyon and included in the CA packet.
- Question as to when the Plan Commission will be hearing public testimony (tentatively on July 8). Can request extending written comment period and not render a decision at the hearing.
- Heather will check with Rod Minarik to see if this is on the CA agenda and add it if needed.
- Not sure of time line that was originally developed; may require an extension of the moratorium.

Old Business

Land Use Guidelines Project

- Discuss relationship to Neighborhood Notification/Work on flow chart drafts from planning department (defer to July 16)

Reports – no reports presented.

- Plan Commission Update – Liaison, Dave Burnett (North Indian Trail)
- PeTT Committee Update – Paul Kropp (Southgate)
- Planning & Development Quarterly Updates – Louis Mueller
- Building Stronger Neighborhood (invite when needed)
- Community Development (invite when needed)

Meeting adjourned at 6:55 pm

Good of the Order

- Follow Up on Neighborhood Notice in July
- Follow Up on Cell Tower Moratorium
- Work up on Land Use Guidelines
- Next Meeting July 16

NEIGHBORHOOD NOTICE WHITE PAPER

Plan Commission Workshop
June 10, 2015

Background

At two citizen summit meetings in 2014 moderated by Council President Ben Stuckart, possible improvements to communication and other issues between city government and city neighborhoods were discussed. Citizens voted on the top issues needing improvement. Land use notification was the number one issue and a stakeholder group began exploring modifications.

December 2014: The stakeholder group with help from Gonzaga University Law Clinic drafted specific proposed changes to Spokane's existing land use notification related to neighborhoods and sent the draft to Council President Ben Stuckart and others for review.

April 2015: Council President Ben Stuckart provided a Neighborhood Notification Summary Paper and a draft of proposed ordinance changes to the Planning Department for review. A meeting between Council President Ben Stuckart, stakeholder members, and City staff discussed clarifications and modifications to the proposed ordinance changes.

May 2015: Two meetings were held between city staff members (Planning and Development Services, Legal, Community and Neighborhood Services) and stakeholder members to further clarify issues and propose acceptable, workable, and legal changes. The result has been a draft of potential modifications to Title 17 of the Spokane Municipal Code (included, pages 4-17).

Proposal Goal

To improve the Spokane Neighborhood Council's notification procedures, project awareness, and ability to comment on land use applications and permits which are processed by the City of Spokane.

Regulatory Framework

The Revised Code of Washington (RCW) establishes much of the framework that jurisdictions must follow regarding land use "project permits", "permit applications", project review and approval, public notice and public comments, time frames, and appeals. The statute requires all jurisdictions in the state to provide for a predictable and expedient process for processing applications. Administrative procedures related to application processing are required to contain certain specific steps that are required to be completed within 120 days.

Within that framework, local jurisdictions have the ability to establish more refined and functional requirements and processes, which the City adopted into the Spokane Municipal Code in 1996. Some "project permits" and "project applications" with minimal public impact are approved by city officials, typically building officials, and do not require review from other officials, or require a public notice, public hearing, or public comments. Other project types have increased public impact and therefore have strict requirements for public notice, project review, public hearing, etc. with the approval process. These project types are listed within the Spokane Municipal Code, Title 17G. Administration and Procedures.

Present Process Requirements for “x” Permit Type

The provisions of RCW 36.70.B require the follow minimum steps to be accomplished within 120 days of the application processing time:

- Complete Application Certification
- Notice of Application
- Public Comment Period
- SEPA Threshold Determination (if applicable)
- Notice of Public Hearing
- Consolidated Public Hearing
- Open Record Public Hearing
- Closed Record Public Hearing
- Notice of Decision
- Appeal

The **Complete Application Certification** is a determination by the local official that the application subject is ‘complete’, and as a result of this determination the application is ‘vested’ against review by newly adopted regulations that are promulgated after the date of vesting. This procedure should follow closely the ‘Vesting Rights Doctrine’ of the State of Washington. This process is required to take no more than 28 days.

The **Notice of Application** is a procedure that requires public notice to be provided that informs the public that an application has been filed with the local jurisdiction including reference information (project name, file number, etc.), contact information and a project description. The preparation of the Notice of Application is required to be completed within 14 days of the determination of a Complete Application.

As part of the Notice of Application, a **Public Comment Period** is required to be completed and notice of the ability to comment on an application is provided on the Notice of Application. This time is discretionary to the jurisdiction except that it may not be less than 14 days and may not be more than 30 days.

At the end of the public comment period, a **SEPA (State Environmental Policy Act) Threshold Determination** will be made on the project, if applicable. A SEPA determination is a decision on the likely impacts of the project to either the natural or manmade environment. Please note that SEPA can occur earlier in the application process such as with Notice of Application when the Optional DNS Process is used. The Threshold determination is required to be made no less than 15 days before the Public Hearing.

The **Notice of Public Hearing** is required to occur after the Public Comment Period and if applicable, after the SEPA Threshold Determination has been made. Again, the notice is required to contain project information, contact information and the date, time and place of the hearing. Notice of Public Hearing is required to be made no less than 15 days before the hearing.

The Public Hearing is an opportunity for all people to present to the decision maker their position on an application. There are rules for conduct of a Public Hearing such as recording the testimony, submission of evidence and the protocol for a person testifying.

In the past, an application with multiple components may go through multiple hearings related to a project. Each time the application risked being disallowed because one component would not be approved. The statute provides for **Consolidated Public Hearing** and allows applications to be combined into one public hearing and receive one decision of approval or denial for the overall project. The City of Spokane is a Hearing Examiner based system, which means that the Hearing Examiner renders all discretionary decisions. This includes rezones, variances, preliminary plats, shoreline permits and some special permits.

The number of Public Hearings is limited under the statute to one **Open Record Hearing** and one Closed Record Hearing. The Open Record Hearing is a hearing conducted by an officer that creates the record through testimony and submission of evidence on the project permit. An Open Record Hearing may also be held on an appeal if no open record predecision hearing was held, such as the case of short plat or the issuance of a building permit.

The **Notice of Decision** is required to provide notice of the decision rendered on an application including any statement about the SEPA threshold determination and procedures for administrative appeal, if any. The Notice of Decision may be a copy of the report or the decision on the permit. The notice is required to be provided to the applicant and anyone who requested notice of the decision or submitted substantive comments on the application.

An **Appeal** of a decision may be allowed and notice of the appeal procedure is required to appear on the Notice of Decision. Depending on the type of appeal, either an open record or closed record appeal hearing is conducted. The purpose of the appeal hearing is to allow for an applicant or an affected party to present evidence and testimony to a single hearing body or officer in conjunction with a project permit to consider changing the final permit decision.

The **Closed Record Hearing** relates to the appeal of a decision, following an open record hearing on a project. In this case, the record for the appeal hearing is closed and no new information may be submitted. The party that reviews the appeal may only consider the information that was presented at the open record hearing on the application.

Major Proposed Changes

- Early in the process, the applicable city department will forward complete project permit applications to the neighborhood council in which the project is located for review and comments.
- The department will provide a written response to neighborhood comments received, and also forward comments to the project applicant.
- Applications for demolition permits will be forwarded to the neighborhood council in which the project is located for review and comments.
- The city website/project address will be added to the sign requirements for public notice signs.

Neighborhood Notice

Proposed draft modifications within the Spokane Municipal Code 6/1/15

Underlined text is new proposed text, crossed out text is to be removed, and notes in boxes help explain changes, but are not included with proposed code modifications.

Section 17G.060.090 Determination of a Complete Application

Within twenty-eight days of receiving a project permit application, the department shall determine if the application is complete (RCW 36.70B.070). Upon receipt of a project permit application the department shall:

A. Counter Complete.

Conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If the administrative official determines the application does not contain the required documents and information, the application including fees shall be returned to the applicant.

B. 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 ~~((administrative official))~~ 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.

C. Review by Interested Agencies.

If the application, after the detailed review, is found to contain the required components and supporting documents, the application shall be forwarded to ~~((a#))~~ (i) interested City departments, ~~((and))~~ (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, 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

SMC 4.27.010 (D)
Each neighborhood council designates at least two individuals to receive written documentation and other information from the City's department of neighborhood services and code enforcement and to be responsible for disseminating this information to their respective neighborhood councils.

Note: the applicable department will process the application.

Note: Complete project permit applications to be forwarded by the applicable city department to the neighborhood council in which the project is located for review and comments.

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.

1. If review agencies require additional information to continue processing the application, the applicant shall be notified in writing.
2. 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](#).
3. 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.
4. If the neighborhood council submits written comments on an application, the department shall provide a written response to the chairperson no later than the date on which the application is certified complete pursuant to paragraph D herein below.

Timeline requirements:

7 days (to determine if application complete to process)

14 days (comment period)

within 7 days after comment period ends (application to be certified complete if no additional information needed)

Note: The purpose of this preliminary step in the application process is primarily to determine whether the application includes adequate information for further processing. RCW 36.70B.070

D. 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 (C) of this section is acceptable, the administrative official shall certify the application complete. Applications requiring review by the hearing examiner are forwarded to the hearing examiner upon being certified as complete.

E. 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 (B) or (C) of this section, the application shall not be considered complete for purposes of vesting or other statutory compliance dates.

Note: Under State law, fundamental land use planning choices made in adopted comprehensive plans and development regulations must serve as the foundation for project review. RCW 36.70B.030(1).

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in RCW 36.70B.110.

(4) Pursuant to RCW 43.21C.240, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

RCW36.70B.030.

Section 17G.060.120 Public Notice – Types of Notice

A. Individual notice is given in writing by regular U.S. mail or by personal service.

1. Notice is given to:

- 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 and code enforcement.

2. Individual and newspaper notices must contain the following information:

- a. Type I, II, and III project permit applications:
 - 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. In addition, for Type III project permit application:
 - i. Notice of community meeting: Date, time, and place of the meeting.
 - ii. Notice of public hearing: Date, time, and place of a public hearing.

B. Sign.

Posted 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.

1. The posted notice sign must meet the following specifications:
 - a. 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.
 - b. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - c. It is white with red lettering.
2. Posted 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, read as follows
depending on the proposal:

C.

TABLE 17G.060-2 CONTENT OF PUBLIC NOTICE (Click here to view PDF)			
Content of Public Notice	Type I Application	Type II Application	Type III Application
Proposed Use	X	X	X
Proposed Zone			X [2]
Proposed Standard			X [3]
Project Name		X	X
Acreage		X [1]	X [1]
# of Lots		X [1]	X [1]
Notes: [1] Preliminary Plat, BSP, PUD, Short Plat [2] Rezone [3] For applications which modify a development standard			

- a. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- b. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number)."
- c. The following figures illustrate posted notice signs:

Example "A"
<p style="text-align: center;"> NOTICE OF PUBLIC HEARING PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M. LOCATED: COUNCIL BRIEFING RM., CITY HALL Proposed Zone: C1 Proposed Use: Warehouse Applicant/Agent: John Doe, Phone (509) 999-0001 SEPA: DNS, appeal deadline 12/24/03 FOR INFORMATION: (509) 625-6300 https://my.spokanecity.org/projects/example/ </p>

Example "B"
<p> NOTICE OF SEPA/APPLICATION BUILDING PERMIT, FILE #B0300001 PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M. LOCATED: COUNCIL BRIEFING RM., CITY HALL Proposed Use: Commercial Applicant/Agent: John Doe, Phone (509) 999-0001 SEPA: DNS, appeal deadline 12/24/03 FOR INFORMATION: (509) 625-6300 https://my.spokanecity.org/projects/example/ </p>

D. Posting.

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:

1. The main City public library and the branch library within or nearest to the area subject to the pending action;
2. The space in City Hall officially designated for posting notices; and
3. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

E. Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (A)(2) 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.

F. Other Notification.

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.

TABLE 17G.060-3
TYPE OF PUBLIC NOTICE REQUIRED / PROJECT PERMIT REVIEW PROCESS
[\(Click here to view PDF\)](#)

Project Permit Type	Notice of Community Meeting	Notice of Application	Notice of Public Hearing	Review Official	City Council Review	Expiration of Permit [1]
Building and Code Enforcement – Type I Application						
Building Permit	No	Legal / Individual	No	Building Official	No	180 days
Grading Permit	No	Legal / Individual	No	Building Official	No	180 days
Demolition Permit	No	Legal / Individual [5]	No [2]	Building Official	No	180 days
Building Permit with SEPA	Posted / Individual	Posted / Individual	No	Department Director	No	180 days
Grading Permit with SEPA	Posted / Individual	Posted / Individual	No	Department Director	No	180 days
Demolition Permit with SEPA	Posted / Individual	Posted / Individual	No	Department Director	No	180 days
Planning Services – Type I Application						
Floodplain with SEPA	Posted / Individual	Posted / Individual	No	Planning Director	No	180 days
Planning Services – Type II Application						
Binding Site Plan	No	Posted / Individual	No	Planning Director	No	5 years
Certificate of Compliance	No	Posted / Individual	No	Planning Director	No	None
Conditional Use Permit	No [3]	Posted / Individual	No	Planning Director	No	3 years
Plans-in-lieu	No	Posted / Individual	No	Planning Director	No	3 years
Shoreline SDP	No	Posted / Individual	No	Planning Director	No	Must Comply with WAC 173-27-90
Short Plat	No	Posted / Individual	No	Planning Director	No	5 years
Planning Services – Type III Application (Hearing Required)						
Certificate of	Posted /	Posted /	Posted /	Hearing	No	None

Compliance	Individual	Individual	Individual	Examiner		
Conditional Use Permit	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
Floodplain Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
Long Plat	Posted / Individual	Posted / Individual	Newspaper / Posted / Individual	Hearing Examiner	No	5 years
Plans-in-lieu	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years

Note: Applications for demolition permits to be forwarded to the neighborhood council in which the building or structure is located for review and comments. This will include only the demolition of an entire building or structure. Conversely, applications for the demolition to a portion of a building or structure will not be forwarded.

PUD	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	5 years [4]
Rezone	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	3 years
Shoreline CUP	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	Must Comply with WAC 173-27-90
Shoreline Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	Must Comply with WAC 173-27-90
Skywalk	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	2 years
Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years

Notes:

[1] Approval expires after the specified time if no permit to develop the project is issued by the City of Spokane or building permit expires without completion of the improvements.

[2] Public Hearing is required if the structure is on the National Historic Register.

[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] 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.

[5] 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.

Administration and Procedures

Chapter 17G.060 Land Use Application Procedures

Section 17G.060.120 Public Notice – Types of Notice

- A. Individual notice is given in writing by regular U.S. mail or by personal service.
1. Notice is given to:
 - 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.
 2. Individual and newspaper notices must contain the following information:
 - a. Type I, II, and III project permit applications:
 - 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. In addition, for Type III project permit application:
 - i. Notice of community meeting: Date, time, and place of the meeting.

- ii. Notice of public hearing: Date, time, and place of a public hearing.

B. Sign.

Posted 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.

1. The posted notice sign must meet the following specifications:
 - a. 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.
 - b. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - c. It is white with red lettering.
2. Posted 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, read as follows depending on the proposal:

TABLE 17G.060-2
CONTENT OF PUBLIC NOTICE
[\(Click here to view PDF\)](#)

Content of Public Notice	Type I Application	Type II Application	Type III Application
Proposed Use	X	X	X
Proposed Zone			X [2]
Proposed Standard			X [3]
Project Name		X	X
Acreage		X [1]	X [1]
# of Lots		X [1]	X [1]
Notes: [1] Preliminary Plat, BSP, PUD, Short Plat [2] Rezone [3] For applications which modify a development standard			

- 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/>

C. Posting.

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:

1. The main City public library and the branch library within or nearest to the area subject to the pending action;
2. The space in City Hall officially designated for posting notices; and
3. Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

- D. Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (A)(2) 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.

E. Other Notification.

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. Bottom of Form

Section 17G.060.190 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. 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.050.310 Right of Appeal

- A. ~~((The applicant of a))~~ A person with standing ~~((as defined in chapter 17A.020 SMC))~~ may appeal to the hearing examiner a decision of the director of planning services, engineering services, the building official, the responsible official under SEPA as provided in SMC 17G.060.210 and the landmarks commission related to applications for certificate of appropriateness and determination of eligibility under SMC 17D.040.230 by filing with the permit application department a written appeal within fourteen days of the date of the written decision.
- B. The applicant, a person with standing, or a City department may appeal to the city council any decision of the hearing examiner, except as provided in SMC 17G.060.210, by filing with the permit application department a written appeal within fourteen days of the date of the written decision of the hearing examiner.

Add new Section to Chapter 17G.050 as follows:

Section 17G.050.315 Standing

Standing to bring an appeal under this chapter is limited to the following persons:

- A. The applicant and the owner of property to which the decision is directed;
- B. Another person aggrieved or adversely affected by the decision, or who would be aggrieved or adversely affected by a reversal or modification of the decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - (1) The decision has prejudiced or is likely to prejudice that person;
 - (2) That person's asserted interests are among those that the department was required to consider when it made the decision; and
 - (3) 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 decision.

- C. The neighborhood council in which the property to which the decision being appealed is directed, subject to the neighborhood council demonstrating that it adhered to established bylaws in making the decision to bring the appeal.
-

Note: "The time periods for local government actions for each type of complete project permit application or project type should not exceed one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed to process specific complete project permit applications of project types." RCW 36.70B.080(1). In addition, preliminary plats of any proposed subdivision and dedication generally must be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time. RCW 58.17.140(1). Similar time limitations apply to other types of applications for development permits.

Administration and Procedures

Chapter 17G.050 Hearing Examiner

Article II. Procedures

Section 17G.050.140 Effect of Notice

- A. Failure of a person entitled to notice to receive notice does not affect the jurisdiction of the hearing examiner to hear the application at the time and place scheduled and to render a decision, if the notice was properly mailed and posted.
- B. A person is deemed to have received notice if that person appears at the hearing or submits a written statement regarding the hearing even if notice was not properly mailed or posted. Subject to chapter 36.70B RCW, the hearing examiner may continue the hearing date and extend the comment period to allow such persons additional time to respond.
- C. Subject to paragraph B of this section, if the hearing examiner determines that any notice required under chapter 17G.060 SMC has not been provided, the hearing examiner may reschedule the hearing or keep the record open on the matter to receive additional evidence.

Reference Materials

RCW 36.70B.140

Project permits that may be excluded from review.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW [36.70B.060](#) and [36.70B.110](#) through [36.70B.130](#): **Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review** under chapter [43.21C](#) RCW, or for which environmental review has been completed in connection with other project permits.

Definitions:

RCW 36.70B.020

(3) **"Open record hearing"** means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) **"Project permit" or "project permit application"** means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) **"Public meeting"** means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

RCW 36.70C.060**Standing.**

Standing to bring a land use petition under this chapter is limited to the following persons:

- (1) The applicant and the owner of property to which the land use decision is directed;
- (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.

Community Assembly Survey Summary

The survey was completed by 21 citizens on 5/2/15, 20 of which are CA Reps.

Those CA Reps have been part of the CA for:

- 26%: 1 year or less
- 16%: 1-2 years
- 21%: 3-5 years
- **37%: 5+ years**

Importance of the CA to Neighborhoods:

- **90% agree/strongly agree.** 10% disagree/strongly disagree.
- Comments to potentially act on: Contact NCs that don't attend CA to find out what would motivate them. Bring in Channel 5 for NCs that won't/can't attend. Accomplish more to add to quality of life in Neighborhoods. Refine the role of CA Reps and communicate this to NCs to make the CA more important/relevant.

I understand the purpose of the CA:

- **90% agree/strongly agree.** 10% neither agree nor disagree.
- Suggestions to help CA fulfill its purpose: Develop an effective working relationship with Mayor, CC, City Staff to align with our Vision. Increase outreach to NCs, get people to show up/get them interested. Become regular participants at CC.

Attending a CA member orientation:

- **71% agree/strongly agree.** 24% neutral. 5% disagree.
- Content: Goals of CA, Importance of Participation, understanding CA/City government processes, priorities & political issues within City Departments. CA Committees detail, history/Charter connection. Role of CA, sub-groups, liaisons, visions for NCs and City. Bylaws, meeting preparation/participation/reporting back to NC. A mock CA meeting.

Needing more time to discuss issues:

- **71% agree/strongly agree.** 19% neutral. 10% disagree.
- Suggestions: Adding an hour to CA meeting. Meet more often/extra meeting per month. Preferably not a Friday evening. Break meeting into sections: Info/Take Action. More focused meetings. More discussions.

CA would be improved by having less agenda items:

- **95% agree/strongly agree.** 5% neutral.
- Focus on:
 - 10%: 1-2 items/year
 - 10%: 2-3 items/year
 - **48%: 3-4 items/year**
 - 24%: 5-6 items/year
 - 5%: 12 items/year (1/month)
- Suggestions: Get all the NCs at the table, get more liaisons ready to go, get more young people involved. Cell tower notification, budget, notification (standing), graffiti, blight, traffic. Items should come from CC issues/projects. Collaboratively develop goals for subcommittees, equity and disparities, insurance for officers/directors, more interaction with Mayor, safety of communities, health of citizens/mental health concerns, homelessness, involvement of citizens in NCs and committees. Streets/sidewalks, parks, neighborhood cones, HUD money, rentals/landlords. Regular reports to CA from department heads, extra time for NCs/CA to testify at CC hearings.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
		Happy birthday! 3pm - Urban 5:30pm - Communit 7pm - Cliff Cannon 7pm - Rockwood	5:30pm - Whitman 6:30pm - Browne's	6:45pm - Five Mile		
6	7	8	9	10	11	12
	City Hall Closed Labor Day	West Hills-No Mtg 3:30pm - Public 7pm - North Indian	6pm - Emerson- 6:30pm - Hillyard 6:30pm - West 7pm - Grandview/Th 7pm - Nevada- 7pm - Peaceful 7pm - Southgate @	6pm - Bemiss @ 6:30pm - North Hill 7pm - Latah/Hangm 7pm - Minnehaha @	4pm - Community	
13	14	15	16	17	18	19
		6:30pm - East 6:30pm - Logan @ 7pm - Lincoln		5pm - Land Use @ 6:30pm - Chief Garry 7pm - Northwest @		
20	21	22	23	24	25	26
	6pm - Town Hall @	4:30pm - Administra 4:45pm - Administra 6pm - Pedestrian	5pm - Riverside 5pm - Riverside 6:30pm - Hillyard			
27	28	29	30	1	2	3
	12pm - Building		5:30pm - Joint	Five Mile-No Mtg	4pm - Community	
						34

CA Administrative Committee Meeting

June 30, 2015

4:45-5:30 p.m.

City Hall, ONS

CA Reps Present:

Jay Cousins (Emerson-Garfield), Chair
Gary Pollard (Riverside), Vice Chair
Seth Knutson (Cliff-Cannon)
Fran Papenleur (Northwest), Secretary
Kathryn Alexander (Bemiss)

Others Present:

Heather Trautman, City Staff/ONS
Karen Stratton, City Council Liaison

CC:

Rod Minarik, City Staff/ONS

I. Today's Agenda/Items to address:

- Draft Agenda for July Community Assembly meeting
- New Business

II. July CA Agenda

Legislative Agenda topics, speakers and/or reports were reviewed.

1. City Council – three updates from Council Members(!) (15 minutes each)
 - a. Neighborhood Notification – Council President Ben Stuckart
 - b. Cell Tower Issue – Council member Mike Allen
 - c. Mission Ave Bridge/Photo Red Funds – Council member Jon Snyder

Note: Reports from Land Use Committee and PeTT will immediately follow the City Council's briefing, so discussions will be topically consistent.
2. CA Admin –
 - a. Retreat Committee - Jay/Luke - CA member survey results – discussion. (30 minutes)
 - b. “One-Minute Proposal” – Jay – introduce procedure amendment
3. ONS – Heather. Multiple updates on programs and initiatives, including: traffic program, mid-year cleanup totals, NC best practices, CDBG. (15 minutes)
4. Liaison Committee – Colleen Gardner – introduce candidate for Plan Commission liaison/seek endorsement. (5 minutes)
5. CA/CD Committee – George Dahl will introduce Conflict of Interest Policy (5-10 minutes)
6. CHHS – Fran – July board meeting report, will refer to packet attachments. (5 minutes)

A request was received from Kelly Cruz for 10 minutes to present a training opportunity regarding adolescent substance abuse prevention. The group determined this would best be part of Open Forum.

III. New Business

- A. Kathryn opened a brief discussion regarding the Police Ombudsman Commission situation. She suggested a letter of support from the CA for the two remaining commission members. The group declined any action at this time. Karen said the City is actively recruiting new candidates, preferably of color. Contact her with any recommendations.

There being no other pressing business, meeting was adjourned at 5:35. Next Admin Committee meeting will be Tuesday, July 28, 4:45 p.m. City Hall/ONS.

"Photo-Red" Revenue Allocations per Resolution 2014-0032

After direct costs are allocated to city departments for administration, revenue is allocated as follows:

- \$100,000 per city council district (\$150,000 for the next round of applications)
- \$100,000 for a traffic enforcement police officer
- An unallocated "flexible matching fund for excess Photo Red money"

The use of the unallocated revenue is characterized as not to be used for "one-time expenses or ongoing operations" but used instead:

- "... **to supplement or match**, at City Council discretion, larger neighborhood traffic calming projects, neighborhood business districts, streetscape improvements, or other redevelopment projects or community development projects **related to public safety**."

The PeTT Committee submits the following in summary of the discussions so far:

- The neighborhood council concerns, in general, for the use of the unallocated flexible matching fund for any single project that substantially reduces the fund for an extended period of time are:

<i>The project should be fitting for the purpose of these funds: i.e., "traffic calming" and/or "public safety".</i>	<i>The project should be agreed to by the neighborhood councils and the Community Assembly.</i>	<i>The sustainability of a large commitment of funds over time for a single project should be addressed.</i>
Notes:	Notes:	Notes:

CA July 10, 2015

Liaison Committee
Minutes
6/19/2015

In attendance: Colleen Gardner-Chair 2015-(Chief Garry Park), Connie McInnis-(West Central), Paul Kropp (Southgate)
Staff: Melissa Wittstruck
Gene Klozar (Riverside) had stepped aside for the time being

- Fran Papenleur's evaluation is completed and will be send to Fran on Monday 6/22/2015 by the chair
- Recommendation to the CA at July meeting to approve Greg Francis as the new Plan Commission liaison, if approved a letter with the CA recommendation will be sent to the Mayor for confirmation not later than July12th,2015 by the chair.
- Melissa will forward the founding documents to the committee by Wed. 6/24/2015
- Paul will work with Rod to compile a Policy& Procedures binder as a reference for all committees too make it easier for committees to access, now and in the future
- Melissa/Paul will continue to work on the liaison appointment process as outlined in the SMC
- The Committee will suspend meetings until Sept, but will continue to work on issues via email

Respectfully submitted,
Colleen Gardner

BRIEFING PAPER
City of Spokane
Community, Housing and Human Services Board
Wednesday, July 01, 2015

Subject

Legacy CDBG Neighborhood allocations (excluding FY 2015 allocations)

Background

Neighborhood Councils receive a portion of the CDBG allocation each year to fund programs/activities in the community. Over the years, many Neighborhood Councils have accumulated funds on projects that never had enough detail/scope to get implemented. Over the past 18 months, CHHS staff has been working with Neighborhood Councils to either implement their projects or transfer funds to another project.

Due to some deficiencies in our prior accounting and reporting practices, it has been difficult to fully grasp the total uncommitted funds through the Neighborhood CDBG Program. This briefing outlines a more accurate summary of the total Neighborhood funds committed to a “shovel ready” project, those that will be canceled and those that require additional information from the Neighborhoods.

Funding

- Fund Transfers
 - Staff is currently working on transferring approximately \$51,073.22 toward “shovel ready” projects.
- Canceled Activities
 - Staff will cancel approximately \$73,647.00 from activities that have no project scope tied to them.
- Funds requiring additional information
 - Staff is working with Neighborhood Councils to transfer, cancel or scope another \$60,930.37 in legacy neighborhood allocations.

Recommendations

This briefing is intended to provide the Board with a more accurate summary of the current CDBG Neighborhood financial obligations. No recommendations are being sought at this time.

Action

None required, this is an informational brief only.

BRIEFING PAPER
City of Spokane
Community, Housing and Human Services Board
Wednesday, July 01, 2015

Subject

2016 CDBG Neighborhood Application Process update.

Background

On July 1, 2015, CHHS staff posted the 2016 CDBG Neighborhood Application Process on the Neighborhood Services website. This website was on display at the June 2nd CA/CD Committee meeting and again at the June 5th CA meeting to provide an overview of the resources available to Neighborhood Councils as they apply for funding. Staff also provided City Council with an overview of the resources and process during their June 15th PCED meeting.

In addition to the presentations mentioned above, staff also hosted three separate workshops (June 15th, 16th and 17th) to educate Neighborhood Councils on the application process. The workshops were very well attended with positive feedback coming from those in attendance. The following excerpt is taken from an email sent to City Council summarizing all three workshops...

Summary of the 3 Neighborhood Workshops

- 45 individuals attended
- 14 Neighborhood Councils participated
- 100% of survey results (24 of 24) indicated that the workshops provided enough clarity to complete a menu, new project or sidewalk application.
- 4 Neighborhood Councils have requested additional training assistance.
- 100% of survey results (24 of 24) indicated an understanding of how to navigate to the CDBG page on Neighborhood Services webpage.
- 100% of survey results (24 of 24) indicated an understanding of who their primary point of contact is.
- 100% of survey results (24 of 24) found these workshops to be useful.

In an effort to ensure Neighborhood Councils have all the support they need, staff has been and will continue attending Neighborhood Councils meetings to provide additional training.

Funding

N/A

Action

None required this is an informational brief only.

MEETING SUMMARY

Community Development Committee

Community Assembly

Tuesday, June 2, 2015 – 5:30 to 7:00 p.m.

Northeast Community Center – Founders Room

ATTENDANCE: Bonnie McInnis – West Central, Charles Hansen – Whitman, Lois Wardal – Hillyard, Don Sundahl – Whitman, Roland Lamarche – North Hill, Mike Brakel – West Central, Amber Johnson – Riverside, Liz Marlin – Browne’s Addition, Mike & Mary Ann Rapp – Bemiss, Fran Papenleur –Northwest, Kathryn Alexander – Bemiss, Alexandra Stoddard – Nevada-Lidgerwood, Bill Forman – Peaceful Valley, Valena Arguello – East Central

NEIGHBORHOODS PRESENT: West Central, Whitman, Hillyard, North Hill, Riverside, Browne’s Addition, Bemiss, Northwest, Nevada-Lidgerwood, Peaceful Valley, East Central

NEIGHBORHOODS ABSENT: Balboa, Five Mile, North Indian Trail, Comstock/Manito, Rockwood, Grandview/Thorpe, West Hills, Latah/Hangman Valley, Comstock, Chief Garry Park, Southgate, Minnehaha, Lincoln Heights, Cliff/Cannon, Logan, Emmerson Garfield

STAFF PRESENT: Jonathan Mallahan and George Dahl

WELCOME/INTRODUCTIONS: Roland called the meeting to order at 5:35 p.m.

REVIEW AND APPROVE MAY 5TH MEETING MINUTES: Meeting minutes were approved. There was confusion about the meeting location; staff will do a better job communicating where Committee meetings are being held. A suggestion was made to include any changes in the subject heading of future emails.

COMMUNITY ASSEMBLY REPORT: Fran shared a report on the Community Assembly meeting. The CA is working to reorganize their meetings and provide training resources (CA Handbook) to new CA representatives.

REVIEW OF 2016 CDBG NEIGHBORHOOD APPLICATION AND RELATED RESOURCES: Roland introduced the application and provided some personal thoughts regarding the content. Roland expressed concern that there may be too much information on the website and suggested the need to pair it down. Others in attendance offered their thoughts that the content was robust, but necessary to help Neighborhood Councils understand the scope of CDBG. Following these remarks, George provided an overview of the website and where Neighborhood Councils can locate information necessary to fund projects.

Those in attendance were encouraged to provide feedback for making the resources more use- friendly. Several suggestions were offered over the course of the presentation. They include the following...

- Convert the existing PDF documents (applications) from flat file to a fillable document
- Hillyard Park needs to be changed to Hays Park
- Neighborhoods would like to see an application cover page for the sidewalk application
- Need to edit the timeline to provide greater clarity on the sidewalk application due dates
- Need to identify (on timeline) that neighborhoods can submit more than one project application
- All due dates need to be in **bold** or **red** font

- Need more information on the Combined Sewer Overflow (CSO) tank locations
- There was a suggestion that staff provide training evaluation forms for each of the three Application Workshops in June.

NEXT MEETING: The Committee **will not meet on July 7th**. The *next meeting* will be Tuesday, August 4th from 5:30 to 7:00pm at the West Central Community Center.

DRAFT

City of Spokane Neighborhood Councils

CDBG Conflict of Interest Statement

HUD regulations at 24 CFR 570.611, 24 CFR 85.36 and 24 CFR 84.42 prohibit an employee, officer or agent of the grantee/subgrantee or recipient/subrecipient from participating in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Any real or apparent conflicts of interest must be publicly disclosed and reported to the City of Spokane, as the grant recipient and the U.S. Department of Housing and Urban Development as the funder. This CDBG Conflict of Interest Statement is meant to address this regulatory requirement.

The general rule is that no persons who are in a position to participate in a funding decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one (1) year thereafter.

WHEREAS, I, _____ am a member of the _____ Neighborhood Council (“Neighborhood Council”), and WHEREAS, the Neighborhood Council will make funding recommendations for the Community Development Block Grant awarded to the City of Spokane, and, WHEREAS, I have a real or apparent conflict of interest with the following activities and/or organizations:

Activity/Organization	Nature of Conflict

I hereby notify the Neighborhood Council, City of Spokane and U.S. Department of Housing and Urban Development of such conflict(s) above, and recuse myself from the consideration and discussion of grant awards for the above-identified activities and/or organizations.

In the instance that any additional conflict of interest presents itself, I will abstain from making any comments regarding the activity or organization and abstain from making a motion, seconding a motion or voting to support the particular project where a conflict exists and submit a revised CDBG Conflict of Interest Statement to include the additional activities and/or organizations.

Neighborhood Council Member Signature: _____

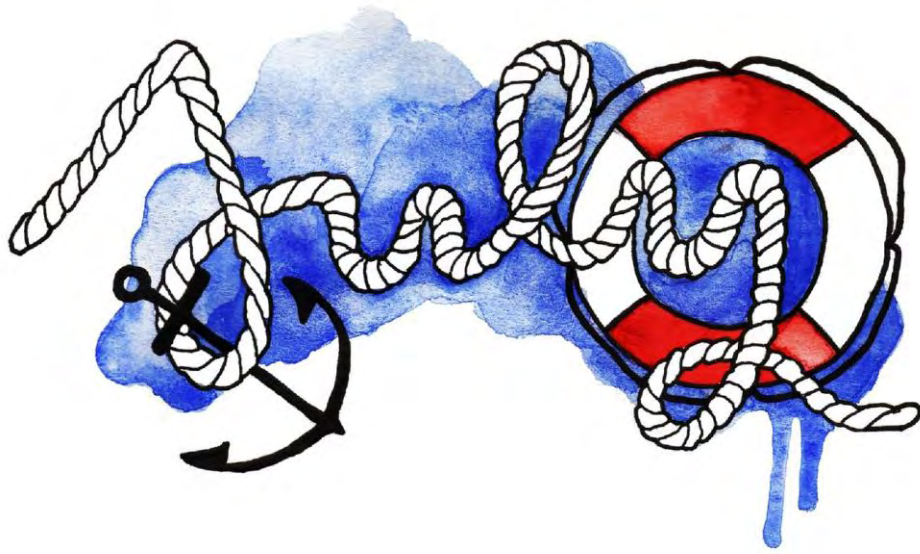
Neighborhood Council Member Name (Print): _____

Date: _____

Signature of Neighborhood Council Chair: _____

Date: _____

All completed Conflict of Interest Statements must be returned to the City of Spokane Community, Housing and Human Services Department. Failure to submit completed Conflict of Interest Statements for all individuals voting on CDBG projects (regardless of conflict) will prevent project(s) from being funded. Neighborhood Councils will be required to submit their meeting minutes (including names of all in attendance) with completed Conflict of Interest Statements.



DRB Report
July 2015-06-28 Colleen Gardner

There were not reviews in the month of June. The Board did meet on June 10th to review some of our guidelines to help in future reviews.

July 2015 will tentatively bring before the Board: Review of Larry H Miller and North South Corridor.

As I receive more details will share with the corresponding Neighborhoods

Again, beginning in Sept. I will be available to make a presentation to any NC on the role of the DRB. Email your request to chiefgarrparknc@gmail.com at least two weeks in advance of your meeting.

Any other questions/concerns please let me know



Community Assembly Building Stronger Neighborhoods Committee June 22, 2015 Meeting Summary

Voting Members Present: E.J. Iannelli (Emerson-Garfield), Seth Knutson (Cliff/Cannon)

Others Present: Alicia Powell (East Central)

Staff Present: Jackie Caro

Meeting Summary: The April and May meeting minutes were approved.

- **Appointing a BSN secretary:** Alicia Powell volunteered to be the secretary for the June meeting and will continue as secretary as she is able to attend meetings.
- **BSN outreach efforts:** Attendance at the following events was deemed a priority. Jackie is providing outreach to each of the respective neighborhoods for their volunteerism at the booth/event.
 - Perry Street Fair (July 25) – *Information/request sent to Neighborhood Chair for volunteers to man the booth.*
 - Garland Street Fair (August 8) – *Neighborhood does participate in this event under COPS booth; they are willing to pass out neighborhood information.*
 - Resources permitting, Kendall Market (every Wednesday, 4-8pm) – *Reach out to Mike Brakel to find out if there is any interest in having a neighborhood booth at the market. Information needs to be distributed by a volunteer from the neighborhood.*
 - South Perry Market (every Thursday, 3-7pm) – *same as Perry Street Fair. E.J. will provide contact information to Jackie to request free booth set up at the Market.*
 - Emerson-Garfield Farmers' Market (every Friday, 3-7pm) – *E.J. has distributed information at this Market and has had success in neighborhood participation from this.*
 - Browne's Addition (Thursday's in July & August, 6-8pm) – *A neighborhood representative must manage the booth at this event.*
 - Summer Parkways – *This is another possible event for a neighborhood booth. Reach out to the Manito/Cannon Hill neighborhood and others in the area for their participation.*

Volunteers from each respective neighborhood may borrow the tent and popped corn machine from ONS for these events. (Neighborhoods must provide popped corn and oil. They must return the machine clean.) To request these items contact Jackie Caro.

- **ONS updates:**
 - **Gonzaga interns:** Jackie will put together all necessary information needed for working with Gonzaga to have interns for neighborhoods.
 - **Outreach funding available from discontinued neighborhood calendars:** Approximately \$1,200 in funding available for neighborhood outreach. BSN collectively agreed that a tri-fold brochure would be the best use of the funding for each neighborhood. Jackie is going to put together a menu of options for neighborhoods to choose from when purchasing the tri-fold brochures.

Next meeting: July 27th, 2015, noon at the Sinto Senior Center (1124 W Sinto Ave)

Proposed Agenda Items: Confirming volunteer participation attendance at BSN outreach booths. Update on GU internship packet of information. Presentation from BSN leadership to the Community Assembly in July, to speak about neighborhood engagement best practices and successes.

DRAFT

Rental Research Stakeholder Meeting Minutes

July 7th, 2015

Julie Banks, Chair Public Safety-

- Introduction
- Spoke about the restart after the last meeting, the group decided to take a month off to reassess the group and do a few surveys as well as better define the roles of staff and the Chair.
- Described the role of the committee and of the staff present, Melissa Wittstruck of Office of Neighborhood Services will be the facilitator, Jackie Caro of Office of Neighborhood Services will be aiding in the follow up and contact with the group as well as providing material and taking white board notes during meetings, Sarah Kintner from ONS will be the note taker and help with follow-up information and scheduling.
- Mentioned that as part of the restart staff had sent out a survey for feedback on the process as agreed to and a survey on the decision making model.

Jackie Caro, Office of Neighborhood Services-

- Spoke about Survey Monkey results that the group was asked to fill out, ONS will be further looking into the suggestions from the survey and reach out to suggested speakers.
 - Are there additional speakers that should be invited to attend? *No: 72.73% Yes: 27.27%*
 - Small property owners
 - Code enforcement and health department (already scheduled to attend)
 - Actual landlords and tenants
 - Spokane School District #81, Northwest Fair Housing Alliance, Cindy Algeo from Spokane Low Income Housing Consortium, Spokane Homeless Coalition Organizations to represent populations at risk of disparate impact due to current housing in Spokane.
 - Do you feel that there are voices missing from the stakeholder process? *No: 81.82% Yes: 18.18%*
 - Comments included small scale landlords, landlord and tenant lawyers, Fair Housing and Human Rights Commission, more tenants
 - Reduce the size of the group
 - Decision Making Model Survey:
 - Voting: 40%
 - Consensus: 60%
 - Abstain: 0

Melissa Wittstruck, Office of Neighborhood Services, Facilitator

- Agenda was approved by the group.
- Read the ground rules which included a new ground rule that questions will be held until the end of each speaker presentation.
- Potential new meeting schedule- next meeting on August 4th; group is moving to a every month schedule to give the speakers and staff enough time to prepare materials.

Sergeant Dan Ervin-

- Dan is part of the Civil Enforcement Unit which focuses on problem properties, looks at addresses drawing crime activity within community.
- Presented a PowerPoint on Rental Housing from Spokane Police Department Perspective, presentation can be found here.

Stakeholder Questions and Comments:

Q- Are landlords in general cooperative with police? Are landlords resistant to allowing onto and into properties?

A- Some are great, some are not. Cannot generalize.

Q- If you come across occasion to communicate with tenant what advice do you offer if living in unlivable situation?

A- Still learning, filling my toolbox. Issue needs to be addressed. Currently in the process of learning of all the different resources that are in the community that can help with legal aid.

Q- How do you see the tenant associations' ability to work with tenants and managers to address some of these situations?

A- First, what can and cannot be addressed under landlord/tenant act and what expectations can a tenant have? Educate on tenants ability to impact living environment.

Q- How would licensing process go? Would begin with a test?

A- Cannot provide this information, not for me to decide. Melissa- We'll get there in further discussions.

Q- Do you notify landlord after person has been released from jail?

A- No. If evicted and returns after being released a landlord should give a notice of trespass so that police may take action.

Q- Arrest letter rate is pretty high, but what about person who is not charged, are there any safeguards to allow the person back into their home?

A- Property owner can use their discretion, I recommend if someone is not to move to eviction after first offense but if it is a repeat occurrence action is necessary.

A- Eric Basset recommended looking at the SLIHC program for high risk tenants to get back into housing (this was added to the resource board)

Q- Chris- Who is letter sent to?

A- Property owner of record. Sometimes requires digging. GAP identified. Management database of local contact would be very useful.

Q- How does unit size impact calls? Is this problem unique to large complexes? How do you think licenses will fix the problem? What would be the advantage of a license?

A- No. It tends to be the small to mid-size complexes. But runs the gamut.
Pt 2- the current methods of addressing issues is a lengthy legal process that puts many people at risk of displacement.

RENTAL HOUSING RESEARCH STAKEHOLDER GROUP

PUBLIC SAFETY COMMITTEE

July 7th, 2015

Ground Rules for Meetings

The ground rules for the workgroup meetings are simple, and designed to help the process forward in a considerate, productive manner:

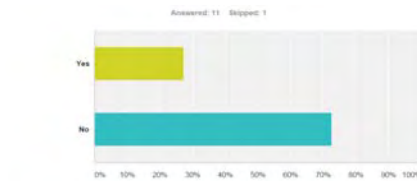
1. Treat each other, the organizations represented in the stakeholder group, and the stakeholders themselves with respect and consideration at all times – put any personal differences aside.
2. Work as team players and share all relevant information. Express fundamental interests rather than fixed positions. Be honest, and tactful. Avoid surprises. Encourage candid, frank discussions.
3. Ask if you do not understand.
4. Openly express any disagreement or concern you have with all stakeholder members.
5. Offer mutually beneficial solutions. Actively strive to see the other's point of view.
6. Share information discussed in the meetings with only the organizations/constituents that you may represent, and relay to the stakeholder group the opinions of these constituents as appropriate.

Ground Rules for Meetings Cont.

7. Speak one at a time in meetings, as recognized by the facilitator.
8. Acknowledge that everyone will participate, and no one will dominate.
9. Agree that it is okay to disagree and disagree without being disagreeable.
10. Support and actively engage in the workgroup decision process.
11. Do your homework! Read and review materials provided; be familiar with discussion topics.
12. Stick to the topics on the meeting agenda; be concise and not repetitive.
13. Make every attempt to attend all meetings. In the event that a primary workgroup member is unable to attend, that member is responsible for notifying Office of Neighborhood Services about alternative arrangements.
14. Question and Answers will be held until the end of each presentation.

Feedback Survey Results Question 1

- 11 out of 15 people answered
- Are there additional speakers that should be invited to attend?

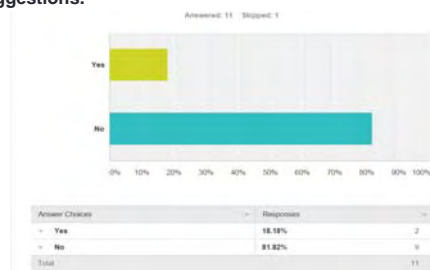


Answer Choices	Responses
Yes	27.27% 3
No	72.73% 8
Total	11

Comments (5)

Feedback Survey Results- Question 2

- 11 out of 15 people answered
- Do you feel that there is voices missing from the stakeholder process? If yes, please use the suggestions box for suggestions.



Decision Making Model Survey

- 10 of 15 people responded
- 4 for Voting
- 6 for Consensus

Potential New Meeting Schedule

- Move to a once a month meeting schedule
 - Every two weeks has been difficult for speakers to be fully prepared and for staff to gather further information when needed.

Rental Housing Issues Timeline (Subject to Change as Needed)		
I) Research/study the issues (group has agreed to meet bi-weekly)	Timeline (tentative)	Presenter
Stakeholder Process Overview	May 12th	Office of Neighborhood Services
Base Housing Data - monthly or Real Estate Management	May 20th	Thomas Ho, Kim Sample
Lawyers - RESCHEDULED TO COME BACK	June 8th	Jess Tripp-Northwest Justice/Barry Furt, Center for Justice
Spokane Police Department	July 7th	SPD-Sgt. Ervin
Base line Data, Spokane Regional Health Department	August 4th	James Caddey, City of Spokane, Spokane Regional Health District, Peggy Slider
Code Enforcement Department, Building Department	September 1st	Building, Fire Code Enforcement Suzanne Treko/Melissa Whitbeck
Housing Providers, Spokane Fire Department	October 6th	
Landlord Tenant Act	November 3rd	Tim Spornsholm, City of Spokane Attorney
Lawyers	January 5th	Jess Tripp-Northwest Justice, Barry Furt, Center for Justice, Eric Stevens
Stakeholder Discussion: Landlords/Tenants/Neighborhoods	February 2nd	
Develop/Review List of issues	March 1st	
II) Identify the programs/policies/ordinances that might solve identified issues (group has agreed to meet once a month)	Timeline (tentative)	
CC, applicable codes		
Spokane Municipal Codes	April 5th	
Permitting Processes		
RCW Landlord Tenant Laws	May 3rd	
Substandard Building RCW 35.80		
CPTED (Crime Prevention Through Environmental Design)	June 7th	
Crime Free Multifamily Housing COPS Program		
III) Explore gaps between issues and existing solutions	Timeline (tentative)	
Help Users with potential solutions/resources	July 5th	
Identify Gaps in solutions/resources and issues	August 2nd	
Formulate recommendations based on gaps	September 6th	

Next Meeting

- Speakers:
 - James Caddey, Finance Department, City of Spokane
 - More Data on Rental Housing in Spokane
 - Breakdown of rental vs. owner occupied housing by type
 - Spokane County Housing Conditions
 - Rental Rates
 - Utility payment by renter vs. property owner
 - % of rentals in local ownership
- Peggy Slider, Spokane Regional Health District

Presenter

- Dan Ervin, Spokane Police Department

RENTAL PROPERTIES

- SGT. DAN ERVIN
- SPOKANE POLICE DEPARTMENT
- CIVIL ENFORCEMENT UNIT
- 509-835-4530

SPOKANE POLICE DEPARTMENT GOALS

- Prevent and reduce crime
- Reduce the fear of crime
- Improve the quality of life of our residents and our visitors

What tools are we using achieve these goals?

- Patrol
- Compstat
 - Accountability at precinct level
- Hot Spot Policing
 - Focus on high crime area
- Neighborhood Conditions Officers
 - Work neighborhood problems and nuisances
- Civil Enforcement Unit
 - Focuses on problem properties

NOTICE OF ARREST LETTERS

- A letter generated to the landlord advising them a subject was arrested for a violent crime at their property
- Mandated by statute to send to landlords
- SPD has been sending these letters beginning in March of this year. There were a total of 206 incidents that qualify. Of those 155 letters were sent to landlords
- Those statistics indicate that approximately 75% of the letters involved rental property

ARREST LETTERS BREAK DOWN

- 38 % went to single rental units
- 19 % went to 2-5 rental units
- 43 % went to 6+ rental units
 - Note: The type of unit was determined by County Assessor data.

NOTIFICATION LETTER OF DRUG ACTIVITY

- A letter sent to the landlord when the property is being used for manufacturing or delivery of a controlled substance
- Notice is commonly sent after police have executed a search warrant at the location
- Letter advises landlord that the property will be subject to seizure and forfeiture if activity continues
- In the past 12 months SPD mailed 37 letters. 9 of those letters were mailed to homeowners and the rest to landlords.
- These statistics show that approximately 76% of these letters involved rental property

HOW LETTERS CAN BE USED

- Either letter can be used as grounds to evict the problem tenant
- In domestic violence situations the victim cannot be evicted
- These letters do not mandate an eviction, however regarding the drug activity letters, if the landlord allows activity to continue there is a potential for seizure or forfeiture
- We have found that 57% of the landlords have advised they were addressing the problem

THE IMPACT OF PROPERTIES/LOCATIONS ON CRIME

- *Minneapolis, Boston, Seattle studies show that about 50% of crime occurs in 5% of the areas*
- *The concept is to focus on the locations that attract crime, not just the offender*

CRIME TRIANGLE



CONCEPTS OF THE CRIME TRIANGLE



- The handler manages the offender. Keeps under control. Family/friend
- The guardian watches over the victim, and/or target
- The manager watches over the place. The manager role is extremely important. How he/she manages the property can either attract crime or help discourage crime

LET'S EXAMINE 4 DIFFERENT APARTMENT COMPLEXES

- Two are located on the north side
- Two are located downtown
- Each are right next to each other
- Each have contrasting numbers of calls for service

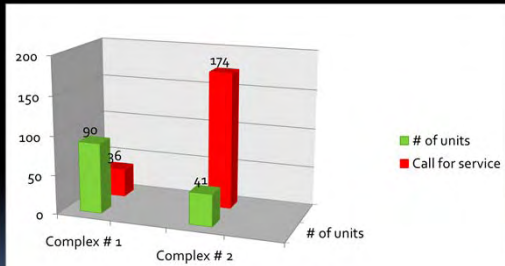
NORTH SIDE COMPLEXES

90 units total in three complexes. Same owner. Complexes generated 36 calls for service in the last year.



41 unit complex. 174 Calls for service in the same time period. This address has 4.8 times the number of calls.

NORTH SIDE COMPLEXES



SIMILARITIES

- Both complexes charge about the same for rent
- Both accept housing subsidies
- Both are located in a high crime area

LIVING CONDITIONS

- Safety systems vs **no safety systems**
- Well maintained vs **poorly maintained**
- On site management vs **no or minimal management**
- Owner investment vs **no or minimal investment**
- Management has expectations of the tenant vs **little or no expectations of tenants**

RUSTING DECAYING STAIRWAY



OR NO DECAYING STAIRWAY



GRAFFITI



OR NO GRAFFITI



GARBAGE AND JUNK



OR NO GARBAGE AND JUNK



MOLD CAUSED BY WATER LEAKS IN THE ABOVE APARTMENT



OR NO MOLD AND NO WATER LEAKS FROM ANYWHERE



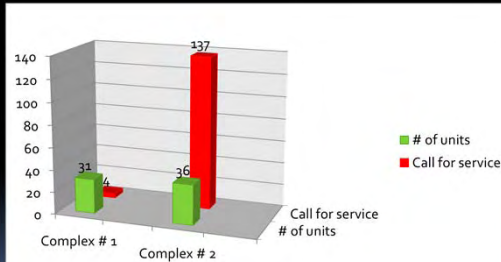
DOWNTOWN

31 unit complex. 4 calls over the last 12 months. Complexes are side by side. Only an alley separates them



36 unit complex 137 calls over the last 12 months. That is 34 times more calls for service

DOWNTOWN COMPLEXES



QUALITY OF LIFE CONSIDERATIONS

- Which complex is affordable
- Which complex has better living conditions
- Which complex generates more crime or fear of crime
- Which complex do you feel safe in
- WHICH COMPLEX WOULD YOU RATHER LIVE IN

POSITIVE INFLUENTIAL FACTORS

- Background checks
- Criminal history checks
- Income requirements
- Rental history check
- On site manager
- Evictions done when necessary
- Maintenance kept up
- Expectations of tenants

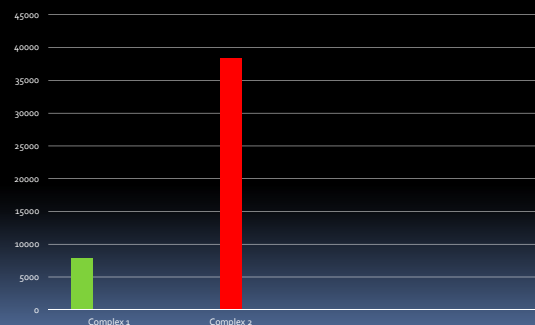
NEGATIVE INFLUENTIAL FACTORS

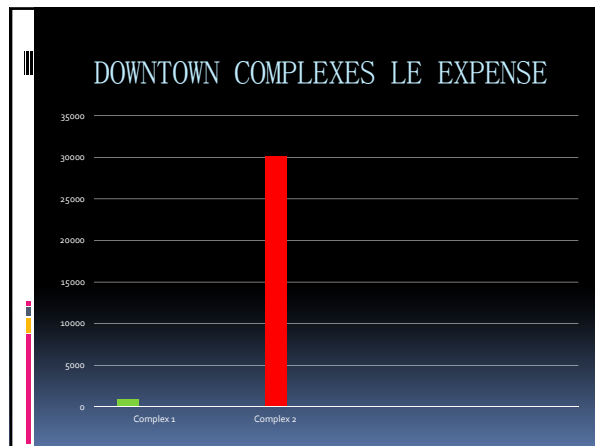
- Unwilling to invest in property. (No upkeep)
- Unwilling to provide safety measures such as smoke detectors, lighting, and security locks
- No upkeep to tenants apartments. Does not give tenants motivation to watch over property
- No on site management or poor management
- No enforcement of rules or code of conduct
- Poor/no rental contracts. Not willing to evict
- Tenants?? Can be either positive or negative

COSTS TO THE COMMUNITY

- People are victimized. This impacts the victim as well as other citizens. Insurance/medical
- Reduced property values
- Using an average of 2 officers per call at a cost of \$110.00 per officer per hour
 - Community expense for police response to each complex per year
 - North side/ \$7,920 VS \$38,280 a year to provide police services
 - Downtown complex/ \$880 VS \$30,140

NORTH COMPLEXES LE EXPENSE





- ### TYPES OF CALLS
- Assaults
 - Weapon calls
 - Burglaries
 - Vehicle thefts
 - Vehicle prowling
 - Other property crimes
 - Domestic violence
 - Fights, arguments and disorderly people
 - Drug use and sales
 - Suspicious people
 - Prostitution
 - Threats & harassment
 - Noise
 - Nuisance
 - Mental Health/ suicide calls

- ### NOBODY TO SEND TO YOUR CALL
- Police dispatch and the patrol supervisors screen calls, prioritize, and determine what calls we can and can't go to due to manpower
 - The number of officers available, the type of calls they are on "**priority level**" determines where the police service will go.
 - When officers are constantly going to a high number of calls at one address it slows or at times eliminates our abilities to get to your call

- ### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)
- The concept is that by changing the physical environment it will impact criminal behavior in a way to reduce the incidence of and fear of crime, and improve quality of life.
 - Surveillance. Cameras, windows, people
 - Designed to keep intruders under surveillance. Increases perceived risks.
 - Natural access control
 - Designed to limit who can gain entry
 - Card readers, alarms, and guards

- ### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)
- Territoriality
 - Physical design
 - May give occupants a sense of ownership
 - May dissuade a criminal from committing a crime
 - Who is in charge of location, who belongs, and who doesn't belong
 - Example: Graffiti indicates a gang is in control

- ### POLICE PERSPECTIVE
- Law enforcement is spending a disproportionate amount of time handling calls for service at poorly managed locations
 - We need tools to train, educate, and when necessary hold landlords accountable
 - We have a great city. By developing partnerships with the community we can make it even better

TOOLS THAT COULD HELP

- Require a license to operate rental properties
 - A license that can be revoked if necessary
 - Periodic property inspections
- Tools for landlords and tenants
 - Create an education program for landlords on how to manage their properties
 - Create an education program for tenants that includes their rights as well as expectations of them at a rental property. How can they be helpful to the landlord
 - CPTED (Crime Prevention Through Environmental Design) Provide this service for landlords

OBSERVATIONS

- We clearly have very good owners/landlords in our community
- We clearly have owners/landlords that would benefit from a training program
- We also have uninvolved/negligent owners/landlords in our community
- We have problem tenants that contribute to the crime problem

PARTNERSHIPS

- When addressing crime one group, organization, or agency cannot successfully do it on their own
- It has been my experience that when partnerships are developed and crime is attacked from multiple angles we are far more successful
- We as a community must develop partnerships and work together in order to be successful

**CITY OF SPOKANE
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPOKANE, WASHINGTON,
AMENDING CHAPTER 17C.355 OF THE SPOKANE MUNICIPAL CODE RELATED TO
WIRELESS COMMUNICATION FACILITIES**

WHEREAS, Chapter 17C.355 currently governs the City's regulation of wireless communication facilities; and

WHEREAS, some of the existing regulations for wireless communication facilities are more than ten years old and federal laws, regulations and court decisions have reshaped the environment within which WCFs are permitted and regulated; and

WHEREAS, federal laws and regulations that govern local zoning standards and procedures for wireless communications have substantially changed since the City adopted Chapter 17C.355; and

WHEREAS, the City Council of the City of Spokane desires to update its local standards and procedures to protect and promote the public health, safety and welfare of the City of Spokane community, to reasonably regulate wireless communication facilities aesthetics, to protect and promote the unique City character in a manner consistent with State and federal laws and regulations; and

WHEREAS, on August __, 2015, the City Council conducted a lawfully-noticed public hearing and received the report and recommendation of the Plan Commission regarding the Ordinance which modifies the code sections relating to wireless communication facilities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPOKANE, WASHINGTON
DOES HEREBY ORDAIN AS FOLLOWS:**

Chapter 17C.355

Wireless Communication Facilities

[Will create Table of Contents when edits are completed.]

SECTION 1. Chapter 17C.355 of the Spokane Municipal Code is hereby repealed.

SECTION 2. Chapter 17C.355 of the Spokane Municipal Code is hereby amended to read as follows:

Section 17C.355.010 Purpose

The purpose of this Chapter is:

- A. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it

is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near residential zones;

- B. To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
- C. To minimize the impact of WCFs by establishing standards for siting design and screening;
- D. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs be located on buildings, existing towers or utility poles in public rights-of-way;
- E. To protect residential zones from excessive development of WCFs;
- F. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;
- G. To preserve the quality of living in residential areas which are in close proximity to WCFs;
- H. To preserve the opportunity for continued and growing service from the wireless industry;
- I. To preserve neighborhood harmony and scenic viewsheds and corridors;
- J. To accommodate the growing need and demand for wireless communication services;
- K. To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
- L. To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions; and
- M. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

Section 17C.355.020 Exempt Facilities.

The following are exempt from this Chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;

- C. A government-owned or temporary, commercial WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements. The WCF shall be exempt from the provisions of this Chapter for up to one week after the duration of the state of emergency; and
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this Chapter for up to one week before and after the duration of the special event.

Section 17C.355.030 Definitions

- A. “Antenna” means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
- B. “Antenna Array” means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- C. “Antenna Support Structure” means a freestanding structure or device specifically designed, constructed or erected to support WCF antennas and may include, but is not limited to, a monopole.
- D. “Base Station” means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this Chapter or any equipment associated with a tower.
 - 1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - 2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cell networks).
 - 3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under Washington or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - 4. The term does not include any structure that, at the time the relevant application is filed with Washington or the City under this section, does not support or house equipment described in this section.

- E. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- F. “Commission” means the Federal Communications Commission (“FCC”).
- G. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.
- H. “Macrocell” means antenna mounted on ground-based masts, rooftops and other structures, at a height that provides a clear view over the surrounding buildings and terrain.
- I. “Neutral Host” means deployments that can serve multiple wireless carriers/operators.
- J. “Non-Concealed” means a WCF that has not been treated, camouflaged, or disguised to blend with its surrounding and is readily identifiable.
- K. “Small Cells” mean compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells.
- L. “Tower” means any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
- M. “Transmission Equipment” means equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- N. “Utility Support Structure” means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures; traffic sign structures; or water towers.
- O. “Wireless Communication Facilities” or “WCF” means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, an antenna support structure or attachment support structure, transmission cables, and an equipment enclosure or cabinets.

17C.355.040 General Application and Permitting

- A. Non-Confidentiality of Submitted Documents. All documents submitted in support of an application shall not be considered “proprietary” or “confidential” and are subject to public disclosure.

B. Application Submission Requirements.

1. All WCF applications must be accompanied with contemporaneous payment of the applicable non-refundable review fees. An application lacking such payment will not be accepted. In addition to the application fee, the City, at its discretion, may require a technical review by a third party expert, the actual cost of which shall be borne by the applicant. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this Chapter. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid at the time the applicant submits an application. The applicant shall pay all consultant fees before the City may act on a permit application. In the event that such costs and/or fees do not exceed the deposit amount, the City shall refund any unused portion within sixty (60) days after the final permit is released or, if no final permit is released, within sixty (60) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued.
2. All WCF applications must receive an initial inspection to ensure that all required forms, documents, and other required materials have been included. This initial inspection shall either occur automatically via electronic, computerized process or manually using a checklist filled out by City personnel in the presence of the applicant. Any application failing this initial inspection shall be deemed incomplete.

C. Application Review and Comments.

1. The City shall provide a copy of all documents submitted by the applicant expeditiously to anyone who requests it. Documents provided in electronic format shall be available free of charge. Physical copies shall be provided for a nominal charge to cover the cost of the copies plus administrative fees. In lieu of providing documents to individual requesters, the City may post all such documents submitted by the applicant to a publicly-accessible web site operated by the City.
2. The City shall accept formal and informal comments throughout the entire application process as submitted by any person or entity. All comments are public records and shall be included in the official application file to which they pertain. 17C.355.050 Location Requirements

D. Collocation.

1. The City encourages deployments on existing towers and structures rather than entirely new towers in recognition that collocations almost always result in less impact or no impact.
2. Collocation on existing towers, structures and WCFs are subject to approval via administrative review only.

- E. Distributed Antenna Systems and Small Cells.
1. Distributed Antenna Systems (DAS) networks and other small cell systems use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility poles, buildings, and other existing structures. As such, these systems are encouraged in all land use zones.
 2. DAS and small cells are subject to approval via administrative review only.
 3. Multiple Site DAS and Small Cells.
 - a. A single administrative permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
 - b. A single administrative permit may be used for multiple small cells spaced to provide wireless coverage of a contiguous area.
- F. Preferred locations. To minimize aesthetic and visual impacts and to the maximum extent feasible, all new WCFs shall be located according to the following preferences, ordered from most-preferred (1) to least-preferred (11), whether subject to administrative review or requiring a conditional use permit:
1. collocation to existing facilities located in non-residential zones;
 2. City-owned or operated property and facilities;
 3. utility support structures;
 4. public right-of-way (camouflaged design) not in residential zones;
 5. public right-of-way (non-camouflaged design) not in residential zones;
 6. public and private utility installations (such as water tanks, existing communication towers that are not accessible to the public);
 7. industrial zones and business park zones;
 8. commercial zones;
 9. mixed use zones;
 10. community facilities in residential zones (such as places of worship, community centers, etc.);
 11. parcels of land in residential zones and public right-of-way within residential zones.
- G. Discouraged Locations Hierarchy. New macrocell WCFs shall not be located in any of the following zones or areas unless a professional engineer licensed in the State of Washington qualified in radio frequency engineering demonstrates by evidence the telecommunication provider's inability to provide adequate service and both of the following are true: (a) the proposed WCF is the least intrusive means visually to close the significant gap and (b) no feasible alternative exists to close the significant gap by the installation of one or more WCF sites in areas of the City not enumerated below.

1. Inside the boundary of a historic district, or within 500 feet of the boundary of a historic district or structure that is either listed or eligible for listing as a historic property, structure, or landmark
 2. All Residential zones
 3. Within 250 feet of the boundary of a Residential zoned area
 4. Within any nonresidential zone on a site that contains a legally established residential use
 5. Fish and Wildlife Habitat Conservation Areas as defined at SMC 17e.020.030(A).
- H. Structural preference for new WCFs. Locating WCFs shall be in accordance with the following structural preference, (1) being the highest priority and (6) being the lowest priority:
1. collocated antenna on existing WCFs;
 2. concealed antennas attached to existing structures and buildings;
 3. non-concealed antennas attached to existing structures and buildings;
 4. new concealed freestanding towers;
 5. new non-concealed freestanding towers;
 6. any lighted WCF or any WCF requiring air navigation lighting.
- I. Exception for facilities proposed based on proximity to residential uses. Notwithstanding the preferences listed in Section _____, a proposed facility that is not a stealth facility within five hundred (500) feet from a residential use measured from the nearest point of the proposed facility to the property line of the parcel inclusive of the residential use shall be defined as a least preferred location. Notwithstanding the preferences listed in Section _____, a proposed facility that is a stealth facility within three hundred (300) feet from a residential use measured from the nearest point of the proposed facility to the property line of the parcel inclusive of the residential use shall be defined as a least preferred location.
- J. Notwithstanding anything noted in the location or hierarchy sections, if the applicant demonstrates through engineering analysis certified by a professional engineer licensed in the State of Washington who specializes in RF engineering that strict adherence to the preferred location or structural hierarchy results in a significant gap in service coverage, then the preferred location or structure next on the hierarchy shall be preferred.

Section 17C.355.060 Wireless Communication Antennas – Permitted

New wireless communication antennas part of a WCF are permitted in all zones provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than fifteen feet above the structure. Installation requires the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC. For arrays on City-owned property, the execution of necessary agreements is also required. However, if any support structure must be constructed to achieve the needed

elevation, the provisions of SMC 17C.355.____ apply. Any equipment shelter or cabinet and other ancillary equipment is subject to the site development standards of SMC 17C.355.____.

Section 17C.355.070 Regulations for Facilities Subject to a Conditional Use Permit

A. Conditional use permit application materials.

1. *Site plans.* Complete and accurate construction-quality plans drawn to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.
2. *Visual analysis.* A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same or similar design and in roughly the same setting as the proposed WCF, or a statement that no such completed facility exists.
3. *Statement of Purpose.* A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; (3) the estimated number of users in the targeted service area; and (4) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.
4. *Design justification.* A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this Chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this Chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
5. *Alternative sites analysis.* A clear and complete written alternative site analysis that shows at least five (5) technically feasible and potentially available alternative sites considered, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate. A complete alternative sites analysis may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) technically feasible and potentially available alternative sites.
6. *Radio frequency emissions compliance report.* A written report, prepared, signed and sealed by a Washington-licensed professional engineer, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC using the Uncontrolled/General Population standard. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located

on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

7. *Structural analysis.* A structural analysis, prepared, signed and sealed by a Washington-licensed professional engineer, which assesses whether the proposed wireless communication facility demonstrates planned compliance with all applicable building codes.
8. *Noise study.* A noise study, prepared, signed and sealed by a Washington-licensed engineer, for the proposed WCF and all associated equipment, which shall include without limitation all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators. The noise study shall include without limitation the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
9. *Collocation consent.* A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
10. *Other published materials.* All other information and/or materials that the City may, from time to time, make publically available and designate as part of the application requirements.

If the proposed location is not the highest priority listed above, then a detailed explanation justifying why a site of higher priority was not selected must be submitted with the WCF application. Any application seeking approval to locate a WCF in a lower-ranked location may be denied unless the applicant demonstrates to the satisfaction of the City by technically sufficient proof that (a) a significant gap in the provider's service exists, and (b) that the proposed WCF is the least intrusive means visually to close the significant gap, and (c) no feasible alternative exists to close the significant gap by the installation of one or more other WCFs.

- B. Applicable criteria for conditional use permit approval. In addition to all the guidelines and standards contained in this section, the Hearing Examiner may specifically consider the following factors in determining whether to issue a conditional use permit, although the Hearing Examiner may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Hearing Examiner concludes that the goals of this chapter are better served by the waiver:

1. Height above ground level of the proposed facility, taking into consideration the permitted maximum height in the applicable zone;
2. Proximity of the facility to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;

5. Surrounding tree coverage and foliage;
 6. Design of the facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress;
 8. Availability of existing facilities for collocation and other existing structures; and
 9. Alternative sites listed by the applicant.
- C. Allowed by Conditional Use Permit. The following wireless communication support towers require granting of a conditional use permit:
1. For residential, OR and NR zones, towers up to sixty feet that are within the right-of-way. Stealth design is required in these zones.
 2. For residential, OR and NR zones, towers up to sixty feet that are outside the right-of-way when they use stealth design.
 3. For downtown, GC, or industrial zones, towers that are within three hundred feet of a residential zone.
 4. The notification boundary shall be extended to all properties within five hundred feet of the subject parcel. The hearing examiner shall utilize the decision criteria prescribed in SMC 17G.060.170. Administrative review shall also be based on review criteria from this section. Towers are subject to the site development standards of SMC 17C.355.____.
 5. Macrocells. The installation of a new macrocell WCF in a residential zone will not be allowed unless the applicant first demonstrates that the use of either DAS or small cells will not close a significant gap in service coverage through engineering analysis certified by a professional engineer licensed in the State of Washington specializing in radio frequency engineering or that suitable locations for DAS or small cell deployment are not available.
 6. Use of cell tower sites within any residential zone is strongly disfavored in order to protect residential aesthetics. Cell tower siting within residential zones is allowed only if it is technically and economically proven that no alternate site or design in another zone can feasibly close a significant gap in the radio frequency coverage of the project applicant using the least intrusive means to close that gap from any other zone.
- D. Public Notice. Applicants of all conditional use permits for WCFs must provide prompt public notification upon submitting an application according to the following:
1. As part of the initial application, the applicant must include, with all other application documents, a list of all parcel numbers for all parcels located within 500 feet of the proposed WCF site. This list shall also include the addresses associated with the parcel's physical location and the address for the registered property owner.
 2. The City shall provide the applicant with a public notification letter at the time of application submission. The provider shall select the photograph and photo

simulation combination that depicts the largest visual impact of the WCF at the time of application. The provider may select more than one photograph and photo simulation combination to accurately depict the visual impact in the public notification.

3. Within 10 days of submitting an application, the applicant must provide public notification through mailing copies of the notification letter and selected color photograph and color photo simulation combination(s) to both residents and owners of all parcels within 500 feet of the proposed WCF site. Applicant must pay for all mailing costs, and include in the mailing a pre-addressed envelope and form that may be used for comments. This form is not required to be used by those submitting comments. A statement attesting that this requirement has been met must be submitted by the applicant no later than 15 days after submitting the application.
 4. While comments from both official agencies and the public shall be accepted throughout the entire application process, including all appeals, a minimum of 15 days shall be provided for comments from the date the public notification statement is submitted to the City. This 15-day comment period shall in no way prevent the City from reviewing the application during this time.
 5. If the City intends to approve the application and grant a permit to the applicant, notification must be mailed to every individual, entity, or agency who submitted a written comment. Notification must be mailed a minimum of 15 days prior to the issuance of a permit so that those who submitted comments may be provided adequate time to appeal any such decision.
- E. Construction Drawings. A complete set of construction documents including drawings and specifications for all aspects of work being performed shall be provided as part of all WCF conditional use applications. Each drawing shall be signed and sealed by a licensed professional engineer, architect and land surveyor as required in the State of Washington.
- F. Visual Impact Analysis. All WCF conditional use applications shall include sufficient documentation for the evaluation of the visual impact for the installation. The applicant shall include the following documentation in both paper and digital format:
1. Color photographs of the existing site from four different directions as will be visible from the closest public streets, alleys, or pedestrian walkways.
 2. A key map must be provided noting where each photograph was taken with an angle arrow pointing to the WCF site.
 3. Color photo simulations showing the proposed WCF in its completed state, including all visible components including, but not limited to, all wires, cables, cabinets and all other above-ground elements of the WCF, shall be provided from the same location and perspective as each color photograph.
 4. A site development plan shall be submitted showing at a minimum the location, size, screening and design of all WCF structures and enclosures, including fences, and the location, number, and species of all proposed landscaping.
 5. At the City's discretion, an on-site mock-up may be required for WCFs proposed in or adjacent to any residential zone, or in any sensitive areas to allow for adequate assessment of the WCF's visual impact.

- G. RF Justification. As part of a WCF conditional use permit review process, the applicant shall provide a RF technical analysis performed by a professional engineer licensed in the State of Washington specializing in RF engineering that states that the proposed WCF will be in compliance with FCC Uncontrolled/General Population guidelines and standards.

17C.355.080 General Requirements for WCFs

- A. Visual Impact. WCFs, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent possible, consistent with the proper functioning of the WCF. WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized.
- B. WCF construction shall be consistent with the design standards of the zoning district in which it is located.
- C. Stealth and concealment techniques. All new facilities and substantial changes to existing facilities shall include appropriate stealth and concealment techniques given the proposed location, design, visual environment and nearby uses and structures. All ground-mounted outdoor transmission equipment and associated enclosures or shelters shall be screened with concrete walls not less than six (6) feet above ground. All wires, cables and any other connections shall be completely concealed from public view to the maximum extent feasible. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind substantially different than the surrounding live trees.
- D. Landscaping. All facilities shall include a landscaped buffer at least four (4) feet wide outside the perimeter of the ground-mounted equipment. All landscaping shall be maintained in accordance with this chapter. The Plan Commission may increase, reduce or waive the required landscaping when it finds that a different requirement would better serve the public interest.
- E. Height Requirements. The height of a WCF or an attached WCF shall not exceed the greater of (1) the maximum building height allowed for the underlying zoning district or (2) the height of the structure to which it is attached or which it replaces; provided, that in no event shall the WCF add more than 15 feet of height to the existing structure.
- F. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceed the applicable limit(s) established in the Code.
- G. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.
- H. Code compliance. All facilities shall at all times comply with all applicable federal, State and local building codes, electrical codes, fire codes and any other code related to public health and safety.
- I. Aesthetics. WCFs shall use the smallest, least visually intrusive configuration, including, but not limited to, antennas, components and other necessary WCF-related equipment and enclosures. The applicant shall use all reasonable means to conceal or minimize the above-ground visual impacts of the WCF through integration or underground construction for the

base station. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.

J. Equipment and Installation Standards.

1. All equipment shall be located or placed underground to the maximum extent feasible.
2. When equipment enclosures cannot be located inside of existing buildings or underground, they shall be (a) designed to blend in with existing surroundings, using compatible or neutral colors and/or vegetative or other screening at least as tall as the enclosure; (b) consistent with relevant design standards for the underlying zoning district; and (c) located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.
3. The applicant shall submit installation standards for the visible equipment, including that which will be camouflaged. This will include at a minimum images and dimensions drawings of all transmission equipment, typical installation details and the types of structures to which equipment will be attached.

K. Guidelines and standards specific to base stations.

1. All transmission equipment shall be concealed within existing architectural features to the maximum extent feasible.
2. All new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
3. All transmission equipment shall be mounted at the lowest height and set back from all roof edges to maximum extent feasible.

L. Guidelines and standards specific to facilities in the public rights-of-way.

1. *Preferred locations.* Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a two hundred (200) foot setback from other facilities, except when collocated or on opposite sides of the same street.
2. *Pole-mounted or tower-mounted equipment.* All pole-mounted and tower-mounted transmission equipment shall be mounted as close as possible to the tower so as to reduce the overall visual profile to the maximum extent feasible. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, non-reflective colors that blend with the visual environment.

Section 17C.355.90 Maintenance

- A. All wireless communication facilities must comply with all standards and regulations of the FCC and any other State or federal government agency with the authority to regulate wireless communication facilities.

- B. The site and the wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
- C. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee within forty-eight (48) hours of notification by the public to the City.
- D. A wireless communication facility located in the public right-of-way may not unreasonably interfere with the use of any City property or the public right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic, and interference with any other City or public utilities.
- E. If any FCC, State or other required license or any other approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within ten (10) days of receiving notice of such revocation.

Section 17C.355.100 Ownership Transfers

Upon transfer of an approved wireless communication facility or any rights under the applicable permit or approval, the permittee of the facility must within thirty (30) days of such transfer provide written notification to the City of the date of the transfer and the identity of the transferee. The City may require submission of any supporting materials or documentation necessary to determine that the facility is in compliance with the existing permit or approval and all of its conditions including, but not limited to, statements, photographs, plans, drawings and analysis by a qualified engineer demonstrating compliance with all applicable regulations and standards of the City, FCC and State.

Section 17C.355.110 Exception from Standards

Notwithstanding the provisions of this Chapter, one or more specific exceptions to the standards contained within this Chapter may be granted if a denial would prohibit or have the effect of prohibiting the provision of wireless communications services by the applicant. As such, the City may grant special permission or exception, on such terms as the City may deem appropriate, in cases where the City determines that the grant of the special permission is necessary to comply with State and federal law or regulations and where the applicant shows that no other location or combination of locations in compliance with this Chapter can provide comparable communications. Prior to the issuance of an exception, the applicant shall be required to submit to the City a written explanation setting forth evidence that the location or locations and the design of the facility is necessary to close a significant gap in service coverage, that there is no feasible alternate location or locations, or design, that would close a significant gap or to reduce it to less than significant, and that the facility is the least intrusive means to close a significant gap or to reduce it to less than significant in service. Exceptions shall be subject to the review and approval of the Plan Commission. The burden is on the applicant to prove significant gaps and least intrusive means as required herein.

Section 17C.355.120 Wireless Communication Support Towers – Permitted

- A. By Type II Permit.
 - 1. Wireless communication support towers are allowed in downtown, GC, and industrial zones if the tower compound, or tower with a remote equipment station, is located at least five hundred feet from the nearest existing residential zone. Such towers are also allowed on City-owned property if the tower compound is located at least five

hundred feet from a residential zone. Installation requires only the granting of development permits prescribed by chapter 17G.010 SMC and chapter 17G.060 SMC, and if on City-owned property, the execution of necessary agreements. Towers are subject to the site development standards of SMC 17C.355.____. Any regulation of wireless communication facilities in the right-of-way shall involve review by the planning department as well as review by the city attorney's office.

2. Wireless communication support towers are allowed in the following zones by an administrative decision, provided that the tower employs stealth design or some other configuration that may become available in the future that renders the antenna array unobtrusive or generally unnoticeable:
 - a. O zones within the right-of-way of principal and minor arterials; provided, that the maximum height of the tower including the antenna is sixty feet in height or less.
 - b. NMU zones, provided that the maximum height of the tower including the antenna is sixty feet in height or less; and
 - c. CB and GC zones, provided that the maximum height of the tower including the antenna is seventy feet in height or less.
 3. Wireless communication support towers are also allowed in O zones outside of rights-of-way when they utilize stealth design, to a maximum height of sixty feet.
 4. Installation requires only the granting of development permits prescribed by chapter 17G.010 SMC and chapter 17G.060 SMC, and if on City owned property the execution of necessary agreements. Towers are subject to the site development standards of SMC 17C.355.____.
 5. The applicant shall inform all property owners or residents within five hundred feet of a proposed facility by letter that a structure is proposed at least fifteen days prior to the City of Spokane issuing a building permit. The notification shall be conducted as provided in SMC 17G.060.120 for a Type I permit and the applicant shall provide the City with a declaration of mailing prior to the issuance of a building permit.
- B. General Provisions for All Facilities. Wireless communication support towers may be approved provided that they meet the criteria in Table A.1 or Table A.2, and the following provisions:
1. Requirement for FCC Documentation. The applicant shall provide a copy of:
 - a. its documentation for FCC license submittal or registration, or
 - b. the applicant's FCC license or registration.
 2. Requirement for Municipal Master Permits for Right-of-way Facilities. For facilities to be located within the right-of-way, prior to submitting for individual applications, the applicant must have a valid municipal master permit, municipal franchise, or exemption otherwise granted by applicable law.
 3. Requirement for Documentation of Visual Simulation. The applicant shall have performed and provided documentation of a visual simulation of the site plan. The documentation shall include photographs of the site.

4. Site Design Flexibility. Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the antenna array and supporting equipment shall be installed so as to best camouflage, disguise or conceal them, to make the equipment compound more closely compatible with and blend into the setting and/or host structure.
5. Prohibition for Logos or Displays. No logo or display shall be located on any antenna array or support structure.
6. Requirement for Materials for Replacement Poles. In such instances where a new facility that is allowed by an administrative permit is to be achieved by changing out an existing pole, the replacement pole shall be of the same material, e.g., wood for wood, metal for metal. However, in order to achieve the lowest visual impact, the provisions of subsection () () of this section, Site Design Flexibility, should be applied.

Section 17C.355.130 Wireless Communication Facilities Site Development Standards

- A. Tower Sharing. New facilities must, to the maximum extent feasible, collocate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.
- B. Visibility.
 1. WCFs shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties and shall be maintained in accordance with the requirements of this Chapter.
 2. WCFs shall be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the urban, built environment, through matching and complimenting existing structures and specific design considerations such as architectural designs, height, scale, color and texture.
- C. Structural and Other Assessments. The owner of a proposed freestanding WCF tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Washington. The owner shall submit the structural assessment report required by this subsection, signed by the engineer who conducted the assessment to the Plan Department by February 1st every third year from the date of the issuance of the building permit. At the request of the City, the owner of a proposed freestanding WCF tower shall also have a grading, drainage and environmental review, power systems review and HVAC review performed by professional engineers licensed in the State of Washington.

D. Landscaping and Screening

1. Wireless communication support structure bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped following the provisions of this section. In all residential, O, OR, NR, NMU, CB and GC, and other commercial zones, landscaping shall consist of a six-foot wide strip of L2 landscaping, consisting of eighty percent evergreen trees and shrubs. At the time of planting, evergreen trees shall be a minimum of fourteen feet in height, deciduous trees shall be a minimum of three-inch caliper (measured at four feet above the root ball), and shrubs shall have a minimum spread of eighteen to twenty-four inches.
2. If fencing is installed, it shall consist of decorative masonry or wood fencing and is limited in height to six feet. Chain link, barbed wire, razor or concertina wire is not allowed in residential, O, OR, NR, NMU, CB, GC and other commercial zones. No electrified fences are permitted in any zone.
3. In industrial zones other than limited or design zones or on sites that do not adjoin a residential, O or OR zone, landscaping shall be provided as required for the zone in which located.

E. Design Compatibility and Lighting

1. Antenna arrays and supporting electrical and mechanical equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.
2. For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FCC-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are required in residential, O and OR zones or adjacent to residences.

F. Setback Requirements. See Table A.1 for setback requirements for towers and support structures. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. The minimum side setback from the lot line for a WCF support structure must be equal to the height of the proposed WCF structure. In all instances, a support tower shall set back a minimum of _____ feet from a residential structure.

G. Use of Stealth Design and the Collocation of Antenna and Arrays.

It is the policy of the City of Spokane to minimize the number of wireless communication support towers and to ensure that all reasonable efforts are made to obscure these support towers from view. As such, as a condition of the granting of the conditional use permit by the hearing examiner or as a part of the application for an administrative permit, the petitioner or applicant as the case may be, shall make an affirmative showing as to why they are not employing stealth design, and what efforts were made or negotiations undertaken to collocate the antenna arrays of more than one wireless communication service provider on a single support tower. In addition, the City will pursue all reasonable strategies to promote collocation and the use of stealth design and will act as facilitator to bring about collocation agreements between multiple wireless communication service providers.

17C.355.140 Discontinuation of Use

- A. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the planning director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
- B. If the facility is not removed within the six month period, the City may remove the facility at the permittee's, facility owner's or landowner's expense.
- C. If there are two (2) or more users of the permitted facility, this provision shall not become effective until all applicable permits have expired or have terminated or all users cease using the wireless tower.
- D. As a condition of approval for permit issuance, the applicant shall provide a separate demolition bond for the duration of the permit, and in the form and manner of surety as determined by the City and approved as to form by the City Attorney, with provision for inspection and City removal of the facility in the event of failure to perform by the responsible parties.
- E. Liability for Failure to Remove. In the event the City removes an abandoned or unused WCF, upon the failure of the operator or owner to do so in a timely manner, the operator and owner shall be jointly and severally liable for the payment of all costs and expenses the City incurs for the removal of the facilities, including legal fees and costs.

17C.355.150 Submittal

At the time of application for a permit, the applicant shall provide the City of Spokane with copies of the approved FCC permit application or license, a visual impact analysis, or other visual representation, and all supporting documents.

17C.355.160 Spacing of Antenna Support Structures

- A. In Residential, O, OR, NR and NMU Zones. Towers that are allowed in residential, O, OR, NR and NMU zones shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) in the immediate service area prohibit adequate service by the existing facilities.
- B. In All Other Zones. No new wireless communication support towers over sixty feet in height may be constructed within one-half mile of an existing support tower unless it can be demonstrated to the satisfaction of the City or hearing examiner that the existing support tower is not available for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

17C.355.170 As-Built Submittal and Final Permit Release

- A. All WCF permits require that the applicant submit as-built photographs in both paper and digital format of the WCF within 30 days of the completion of the WCF installation, visually detailing all of the installed equipment. Said photographs will be used in conjunction with physical site inspection to substantiate compliance with the approved plans and photo simulations. A permit will only be granted upon satisfactory evidence the WCF was installed in compliance with the approved plans and photo simulations.

- B. Complaints. If any complaints are received by the City either during construction or within 30 days of the completion of the WCF installation, the City shall fully and promptly investigate the complaint to ensure compliance with approved plans, photo simulations, equipment, and standards.
- C. Failure to Comply
 - 1. If it is found that the WCF installation does not comply with the approved plans, photo simulations, equipment, and standards, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.
 - 2. There shall be no waiver of approved plans or photo simulations under any approved permit. The applicant must choose one of two courses of action:
 - a. Apply for a new permit for the installation. Any new permit shall follow all of the requirements and process noted herein.
 - b. Completely remove the WCF installation and return the site to its original condition.

17C.355.180 Indemnification

Each permit issued shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damage, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF.

Table A.1 New Wireless Communication Support Structures Criteria Facilities Allowed by Ministerial (Administrative) Permit					
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines (does not apply within ROW)	Public Notification
NMU & O	Yes	60'	Optional	20'	Yes
	No	60'	Required	20'	Yes
CB & GC	Yes or No	70'	Optional	20'	Yes
All DT*	Yes or No (allowed only if less than or equal to 70')	150' Conflicting?	Optional	20'	No
Industrial*	Yes or No (allowed only if less than or equal to 70')	150' Conflicting?	Optional	20'	No
*Where located at least three hundred feet from a residential, O or OR zone.					

Table A.2 New Wireless Communication Support Structures Criteria Facilities Allowed by Discretionary Hearing Examiner Conditional Use Permit					
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines (does not apply within ROW)	Public Notification and Public Hearing
All R, NR & OR	Yes	60'	Required	Need to discuss	Yes/Yes
All R, NR & OR	No	60'	Required	Need to discuss	Yes/Yes
O	Yes or No	60'	Optional	20'	Yes/Yes
NMU	Yes or No	61' - 70'	Optional	20'	Yes/Yes
CB & GC	Yes or No	71' - 90'	Optional	20'	Yes/Yes

SECTION 3. Conflicts with Other Ordinances or Regulations. In the event that any City ordinance or regulation, in whole or in part, conflicts with any provisions in this Chapter, the provisions of this Chapter shall control.

SECTION 4. Severability. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Chapter unconstitutional, preempted or otherwise invalid, that portion shall be severed from this Chapter and shall not affect the validity of the remaining portions of this Chapter.

SECTION 5. This Ordinance shall become effective on the _____ (____) day after its passage.

CITY OF SPOKANE, WASHINGTON

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James Richman, Assistant City Attorney