



Agenda Sheet for City Council Meeting of:
03/22/2021

Date Rec'd	3/5/2021
Clerk's File #	ORD C36025
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING & ECONOMIC DEVELOPMENT
Contact Name/Phone	AMANDA BECK 625-6414
Contact E-Mail	ABECK@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0650 - SPOKANE MUNICIPAL CODE TITLE 17E AMENDMENT

Agenda Wording

An Ordinance to amend the Spokane Municipal Code, section 17E.050.080 Categorical Exemptions Applicability, Appendix B.

Summary (Background)

The proposed amendment is part of a series of five City-initiated minor amendments intended to respond to needed corrections, changing conditions, and improvements to the Spokane Municipal Code. The amendment to Appendix B updates whether an activity or case type is exempt from SEPA review. Collectively, the proposed changes to the SMC are categorically exempt under WAC 197-11-800 (19).

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Approvals		Council Notifications
Dept Head	MEULER, LOUIS	Study Session\Other PC-9/23/20 & 11/11/20, UE 1/11/21, CA 12/3/20
Division Director	BECKER, KRIS	Council Sponsor CM Kinnear
Finance	ORLOB, KIMBERLY	Distribution List
Legal	RICHMAN, JAMES	abeck@spokanecity.org
For the Mayor	ORMSBY, MICHAEL	lmeuler@spokanecity.org
Additional Approvals		tblack@spokanecity.org
Purchasing		jrichman@spokanecity.org
		sbishop@spokanecity.org

PASSED BY
SPOKANE CITY COUNCIL:

March 29, 2021
[Signature]

CITY CLERK

City Council Urban Experience Briefing Paper

Spokane Municipal Code Maintenance Project - Phase I

January 11, 2021

Division & Department:	Planning Services
Subject:	Code Maintenance - various chapters of Spokane Municipal Code
Date:	January 11, 2021
Contact (email & phone):	625-6087 mwittstruck@spokanecity.org
City Council Sponsor:	Councilmember Mumm
Executive Sponsor:	Tirrell Black
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input type="checkbox"/> Hearing <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Shaping Spokane Comprehensive Plan 2017 Chapter 3 Land Use policy 7.2 calls out a continuing review process; Strategic Plan.
Strategic Initiative:	Continuous Improvement and Innovation, Sustainable City, Customer Service.
Deadline:	Project Phase I complete March 2021
Outcome: (deliverables, delivery duties, milestones to meet)	Amend Phase I of Spokane Municipal Code (SMC) for Maintenance in legislative action. Internal review completed November 2020.

Background

The 2020 Unified Development Code (UDC) Maintenance Project is a list of proposals for changes to some Titles in the Spokane Municipal Code (SMC). These are most often proposed by city staff over time. The Maintenance project purpose is to respond to needed corrections, changing conditions, and the potential for improvements for all users.

- First overall maintenance effort undertaken and adopted since 2015.
- Various SMC Titles are included, but primarily Title 17.
- Periodic maintenance of the SMC is intended to aid the public in preparing applications for development and reviews by staff relying on code citations and the enforcement of same.
- This proposal is Phase I of a multi-phase effort for overall maintenance of the SMC. This is not proposing new code but is a general housekeeping for documented issues.
- Phase I consists of minor corrections.
- Phase I proposed amendments are categorically exempt from State Environmental Policy Act (SEPA) as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b).

Categorization of proposed Maintenance Amendments

Minor: These include corrections to cross references to repealed or renumbered sections in Titles; an example is the recent repeal of sections of chapter 11.19 that remain in Title 17 SMC. In some cases, redundant phrasing, or inaccurate word choice without changing meaning or substance are also categorized as minor.

Later phases anticipated in 2021 are the next two categories, CLARIFICATION and SUBSTANTIVE.

Clarification: These include changes such as fixing conflicting provisions within the code or fixing code provisions that were either oversights or mistakes when the code was adopted.

Substantive: These include changes such as adjusting permitted uses, adjusting a development standard, or improving the practical application of the code.

Executive Summary

This update is for Phase I of the Unified Development Code Cleanup. This code maintenance project was reviewed at the September 23 and November 11, 2020 Plan Commission workshops. A Plan Commission hearing is scheduled for January 13, 2021. The online project page can be viewed here: <https://my.spokanecity.org/projects/2020-2021-unified-development-code-maintenance/>

Budget Impact:

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

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

If new, specify funding source:

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

Operations Impact:

Consistent with current operations/policy? ☒ Yes ☐ No ☐ N/A

Requires change in current operations/policy? ☐ Yes ☒ No ☐ N/A

Specify changes required: Legislative repeal action.

Known challenges/barriers: None.

Attachments:

- Code Maintenance Table of Contents and Review Guide
- Draft Ordinance

Unified Development Code (SMC) Maintenance Project 2020
PHASE I - Review Guide
December 29, 2020

Introduction

The attached document represents a list of proposed amendments to the Spokane Municipal Code collected by City staff since 2015 and now proposed for amendments. SMC Maintenance will be phased; this is Phase I. To help understand the types of changes that are recommended, proposed maintenance amendments have historically been categorized under three types.

The three types are:

Minor: These include changes such as corrections to cross references to a repealed section of SMC. For example, repealed sections of chapter 11.19 found in Title 17. Other types of changes include striking redundant phrasing, obsolete code due to state changes, or providing more accurate process description without changing meaning or substance.

Clarification: These include changes such as fixing conflicting provisions within the code or fixing code provisions that were either oversights or mistakes when the code was adopted.

Substantive: These include changes such as adjusting permitted uses, adjusting a development standard, or improving the practical application of the code.

Phase I of the UDC Title 17 Maintenance Project consists of **Minor** changes and is scheduled for Plan Commission Hearing January 13, 2021, after previous review in September and November 2020.

Table of Contents

Phase I Code Maintenance - sections of code proposed for minor amendments

1. SMC 04.13.015(E) Administrative Agencies and Procedures; Design Review Board
2. SMC 17C.110.100(B) & (C) Residential Zones; Residential Zones Primary Uses; Limited Uses (L) and Conditional Uses (CU)
3. SMC 17C.124.110 (A)(7)(a) Downtown Zones; Limited Use Standards; Industrial Limitation
4. SMC 17C.220.060 Land Use Standards; Off-site Impacts; Noise
5. SMC 17E.050.080 SEPA; Article III Categorical Exemptions & Threshold Determinations; Categorical Exemptions-Applicability; Appendix B C33583

6. SMC 17F.010.050(A)(1) Notice of Hearing
7. SMC 17F.040.140(A) Awnings
8. SMC 17G.040.040(B) Administration and Procedures; Design Review Board
Administration and Procedures; Design Review Criteria
9. SMC 17G.060.020(A)(3) Administration and Procedures; Land Use Application
Procedures; Director of Planning Services
10. SMC 17G.060.070(B)(5)(c) Administration and Procedures; Land Use Applications;
Application Requirements; PUD
11. SMC 17G.070.220(A) Planned Unit Developments; Vesting
12. SMC 17G.080.070(C)(5) Administration and Procedures; Subdivisions; Subdivision
Design Standards; Design of Lots & Blocks

04.13.015 (E) Administrative Agencies and Procedures; Design Review Board

Strikethrough "development and amend with "design" in both locations in this clause (E).

[Section 04.13.015](#) Design Review Board

Purpose.

The design review board is hereby established to:

- A. improve communication and participation among developers, neighbors, and the City early in the design and siting of new development subject to design review under the Spokane Municipal Code;
 - B. ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan;
 - C. advocate for the aesthetic quality of Spokane's public realm;
 - D. encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit;
 - E. provide flexibility in the application of ((development)) design standards as allowed through ((development)) design standard departures; and
 - F. ensure that public facilities and projects within the City's right-of-way:
 1. wisely allocate the City's resources,
 2. serve as models of design quality.
- Type of code amendment: **Minor**

17C.110.100 (B) and (C) Residential Zones; Residential Zones Primary Uses; Limited Uses (L) and Conditional Uses (CU)

Amend "Design Criteria" to "Decision Criteria"

Section 17C.110.100 Residential Zone Primary Uses

A. Permitted Uses (P). Uses permitted in the residential zones are listed in [Table 17C.110-1](#) with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L). Uses permitted that are subject to limitations are listed in [Table 17C.110-1](#) with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in [SMC 17C.320.080](#), ((~~Design Criteria~~)) **Decision Criteria**, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.110-1](#).

C. Conditional Uses (CU). Uses that are allowed if approved through the conditional use review process are listed in [Table 17C.110-1](#) with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in [SMC 17C.320.080](#), ((~~Design Criteria~~)) **Decision Criteria**, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses

Discussion: Consistency: Chapter 17C.320 Conditional Uses, Section 17C.320.080 is titled "Decision Criteria"

- Type of code amendment: **Minor**

17C.124.110 (A) (7) (a) Downtown Zones; Limited Use Standards; Industrial Limitation
Strike one of the redundant phrases "Limited industrial uses are allowed." "Only limited industrial uses are allowed."

7. Industrial Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. **Limited industrial uses are allowed.** ((~~Only limited industrial uses are allowed.~~)) Industrial uses more intensive than the limited industrial definition are not allowed.

- Type of code amendment: **Minor**
-

17C.220.060 Land Use Standards; Off-site Impacts; Noise

Amend cross reference from SMC 10.08.020 Public Disturbance Noise (repealed) to SMC 10.08D.090, Public Disturbance Noise.

The City noise standards are stated in ((SMC 10.08.020)) **SMC 10.08D, Public Disturbance Noise**. In addition, the department of Ecology has standards that apply to environments within which maximum permissible noise levels are established.

- Type of code amendment: **Minor**

17E.050.080 SEPA; Article III Categorical Exemptions & Threshold Determinations; Categorical Exemptions-Applicability; Appendix B C33583

Replace the term "special use permit" with conditional use permit terminology in Appendix B.

APPENDIX "B"

**SMC 17E.050.080
SMC 17E.050.230
(ORD C33583)**

SEPA EXEMPTION LEVELS MATRIX (INFORMATIONAL ONLY)

The following matrix serves for informational purposes only and should not be interpreted as law. Departments may administratively update this matrix for information. See Washington Administrative Code (WAC) chapter 197-11, sections 197-11-010 through 197-11-030, for the provisions set forth in this ordinance for specific SEPA exemption rules and regulations.

ACTIVITY	EXEMPT	NON-EXEMPT
Rezone		X
Special Permit Use Permit When Project Meets Flexible Thresholds	X	

Discussion: Amend to conditional use code terminology/citation for consistency. This can be done administratively per the matrix heading paragraph.

Type of code amendment: **Minor**

17F.010.050 (A) (1) Notice of Hearing

Strikethrough cross reference to SMC section 11.11 and department of neighborhood services and code enforcement (repealed). Amend department title to current Developer Services Center.

Section 17F.010.050 Notice of Hearing

A. Existing Building and Conservation Code.

1. ((Pursuant to chapter 11.11 SMC, notice of hearing,)) **Notice of hearing** by the building official is given by ((the department of neighborhood services and code enforcement)) **the Developer Services Center** in the complaint which is:
 - a. served personally or by certified mail with return receipt, or if the whereabouts of a person to be served cannot be ascertained, by publication once a week for two consecutive weeks in a legal newspaper, upon all persons having a record interest in the subject property; and
 - b. posted on the subject property; and
 - c. filed in the manner of a lis pendens in the office of the Spokane County auditor.

2. Personal service, service by certified mail and filing in the auditor's office are between ten and thirty days before the hearing. Posting and first publication are between fifteen and thirty days before the hearing.
 3. Notice of the public hearing of the hearing examiner on an appeal from the order of the building official is given by the office of the hearing examiner by personally serving on, or mailing to, the appellant and all persons having a record interest who have not disclaimed all interest, notice at least ten days prior to the hearing.
- B. Effect of Notice.

The notice provisions of this chapter are not jurisdictional or exclusive. The failure of any person to receive notice under this section does not affect the validity of any hearing under this chapter. This section is subject to any specific notice provisions of state and federal law. This section does not prevent any City agency from adopting further provisions for notice by rule or preclude other methods of notice.

- Type of code amendment: **Minor**

17F.040.140 (A) Awnings

Delete 17F.040.140(A). IBC removed fixed awnings over a doorway to the building.

Chapter 17F.040 Building Code

Section 17F.040.140 Awnings

In addition to the requirements of IBC Section 3105, these provisions apply:

- A. ~~((A fixed awning not more than ten feet in length may be erected over a doorway to the building.))~~

Discussion: This clause is obsolete due to updates in the IBC. The rest of this section remains intact and is supported by the reference to the IBC.

- Type of code amendment: **Minor**

17G.040.040 (B) Administration and Procedures; Design Review Board Administration and Procedures; Design Review Criteria

Chapter 17G.040 Design Review Board Administration and Procedures

Section 17G.040.040 Design Review Criteria

Design Review Criteria.

The board shall base its review, report, and/or recommendation on the following criteria:

- A. The requirements, guidelines, and applicable provisions of Title 17 SMC that apply to the property in question including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made applicable by any conditional use or variance approval.
- B. ~~((A summary of the design guidelines adopted by the City is found in the))~~ The Design Review Application Handbook, outlining the design review process, with application forms and submission checklists, is on file in the planning department.
- C. Design guidelines adopted by the City are on file in the planning department.

- Type of code amendment: **Minor**

17G.060.020 (A) (3) Administration and Procedures; Land Use Application Procedures; Director of Planning Services

Strikethrough Division B, Division C. Amend to Title 17B, Title 17C. Strikethrough cross-reference to chapter 11.15 SMC, chapter 11.17 SMC, chapter 11.19 SMC (repealed).

Section 17G.060.020 Administration

A. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below:

1. The director of building services or his designee is responsible for [chapter 17E.050 SMC](#), Division F; [chapter 17G.010 SMC](#), Division I; and the development codes.
2. The director of engineering services or his designee is responsible for [chapter 17D.020 SMC](#), [chapter 17D.070 SMC](#), [chapter 17E.010 SMC](#), [chapter 17E.050 SMC](#), [chapter 17G.080 SMC](#), Division H and the development codes.
3. The director of planning services or his designee is responsible for SMC (([Division B, Division C](#)),) [Title 17B and Title 17C](#) and (([chapter 11.15 SMC](#), [chapter 11.17 SMC](#), [chapter 11.19 SMC](#)),) [chapter 17D.010 SMC](#), [chapter 17D.060 SMC](#), [chapter 17D.080 SMC](#), [chapter 17D.090 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), [chapter 17E.050 SMC](#), [chapter 17E.060 SMC](#), [chapter 17E.070 SMC](#), [chapter 17G.020 SMC](#), [chapter 17G.030 SMC](#), [chapter 17G.040 SMC](#), [chapter 17G.060 SMC](#), [chapter 17G.070 SMC](#) and [chapter 17G.080 SMC](#)

- Type of code amendment: **Minor**

17G.060.070(B)(5)(c) Administration and Procedures; Land Use Applications; Application Requirements; PUD

Strikethrough cross-reference to chapter 11.19 (repealed) Amend with cross-reference to chapter 17C.110 and 17G.070.

5. PUD.
 - a. Profiles of any structures more than one story, shown in relation to finished grade.
 - b. Location, dimension, and boundary of proposed open space.
 - c. Site plan demonstrating compliance with (([chapter 11.19 SMC](#))) [chapter 17C.110 and chapter 17G.070](#) including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.

- Type of code amendment: **Minor**

17G.070.220 (A) Administration and Procedures; Planned Unit Developments; Vesting

Strikethrough "Title 11 SMC and" (repealed)

Chapter 17G.070 Planned Unit Developments

Section 17G.070.220 Vesting

A. Applicability.

A planned unit development shall be reviewed under this chapter, the zoning,

development and other land use control ordinances contained in (([Title 11 SMC and](#))) [Title 17 SMC](#) of the Spokane Municipal Code, and any uncodified ordinances modifying the same, in effect on the date a concept plan application has been deemed fully complete by the City. For the purposes of this section, a vested concept plan application shall mean that the applicant is entitled to implement the planned unit development or any portion of it described in the application under the zoning, development and land use ordinances applied by the City in its review of the planned unit development application.

- Type of code amendment: **Minor**

17G.080.070 (C) (5) Administration and Procedures; Subdivisions; Subdivision Design Standards; Design of Lots & Blocks

Strikethrough SMC 11.19.366; amend with insertion of SMC 17G.070.

[Chapter 17G.080 Subdivisions](#)

[Section 17G.080.070 Subdivision Design Standards](#)

C. Design of Lots and Blocks.

1. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of the street traffic, provision for utilities and recognition of limitations and opportunities of topography.
2. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines or a combination of the two, unless an alley is desired, in which case a block may be comprised of two closed polygons separated by the adjoining alley.
3. Blocks shall ordinarily be sufficient to allow for two tiers of lots of depths sufficient to meet the underlying zone. Double-frontage lots should be avoided.
4. All plat lots shall begin with lot one block one and shall be numbered consecutively by lots and blocks, provided that for plats sequenced by phasing, and which adjoin a previously recorded phase of the approved preliminary plat, lots may continue with lot one and the next consecutively sequenced block number. Lots from one plat shall not cross plat boundaries into another plat.
5. Lot widths, lot areas and frontage upon a public street (or private street within a PUD or binding site plan) shall conform to the underlying zone. For PUDs the hearing examiner may adjust the standards of the underlying zone subject to the provisions of (([SMC 11.19.366](#))) ([SMC 17G.070](#)) and for binding site plans the director may adjust the standards of the underlying zone subject to provision of [SMC 17G.060.170\(D\)\(4\)](#). Corner lots shall be designed to ensure setbacks are met from both streets. Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines.
6. Lots shall not be divided by the boundary of any zoning designation or public right-of-way.

7. Where a lot is plotted into one acre or more in size, the director may require an arrangement of the lot such as to permit a subsequent redivision in conformity with plans adopted by the City.
- Type of code amendment: **Minor**

ORDINANCE NO. C36025

AN ORDINANCE relating to Environmental Standards, SEPA Categorical Exemptions and Threshold Determinations; amending Spokane Municipal Code (SMC) section 17E.050.080 Appendix B.

WHEREAS, the Planning Department and Plan Commission engage in ongoing review and amendments, as needed, to the City's Unified Development Code, which is codified at Title 17 of the Spokane Municipal Code (the "UDC"); and

WHEREAS, following a public hearing, the Plan Commission recently recommended approval of a number of minor amendments to the UDC, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, prior to the Plan Commission hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman Review on December 30, 2020, January 6, February 10, and February 17, 2021. The proposed UDC amendments were available for public review on the Planning and Development Services website on <https://my.spokanecity.org/projects/2020-2021-unified-development-code-maintenance/>; and

WHEREAS, the Plan Commission held several workshop sessions to study the proposed UDC amendments; and

WHEREAS, this action is categorically exempt from the State Environmental Policy Act (SEPA) RCW 43.21 as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b); and

WHEREAS, on November 5, 2020 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC; and

WHEREAS, the City Plan Commission held a public hearing on February 24, 2021 to obtain public comments on the proposed UDC amendments; and

WHEREAS, the Plan Commission reviewed all public testimony received during the public hearings and made appropriate changes to the draft UDC amendments during its deliberations; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found (i) that the proposed UDC amendments are consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) that the proposed UDC amendments bear a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations Regarding the Unified Development Code Maintenance Project – Phase 1, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That SMC section 17E.050.080 Appendix B is amended to read as follows:

**Article III. Categorical Exemptions and Threshold Determinations;
Section 17E.050.080 Categorical Exemptions – Applicability.**

- A. If a proposal fits within any of the provisions in SMC 17E.050.230 (Part Nine) and 17E.050.070, the proposal shall be categorically exempt from the threshold determination requirements (WAC 197-11-720), except when the proposal is a segment of a proposal that includes:
1. a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or
 2. a series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the department of ecology to resolve disputes (WAC 197-11-946).

For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, provided the requirements of WAC 197-11-070 are met. See Appendix B for an informational matrix of exempt and nonexempt activities.

- B. The lead agency is not required to document that a proposal is categorically exempt. The lead agency may note on an application that a proposal is categorically exempt or place such a determination in the agency's files.

APPENDIX "B"

SMC 17E.050.080
SMC 17E.050.230
(ORD C33583)

SEPA EXEMPTION LEVELS MATRIX (INFORMATIONAL ONLY)

The following matrix serves for informational purposes only and should not be interpreted as law. Departments may administratively update this matrix for their own information. See Washington Administrative Code (WAC) chapter 197-11, and the provisions set forth in this ordinance for specific SEPA exemption rules and regulations.

ACTIVITY	EXEMPT	NON-EXEMPT
Rezone		X
((Special Permit Use Permit)) Conditional Use Permit When Project Meets Flexible Thresholds	X	
Variances (Not including change in use or density)	X	
Short Plats or Short Subdivisions	X ¹	
Short Plat Within Land Previously Platted		X
License for Discharge to Water		X
Activities Critical Areas		X ²
Annexation Into A City	X	
License for Discharge to Air		X
< 20 Dwelling Units	X	
Agricultural Buildings <20,000 Square Foot	X	
Office, School, Commercial, Recreational, Service, Storage Buildings < 12,000 Square Feet And Up to 40 Parking Spaces	X	
Parking Lots < 40 Parking Spaces	X	
Landfills And Excavations < 500 Cubic Yards	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Transit Stops	X	
Signs And Signals	X	
Minor Road Repair Including Pedestrian and Bike Facilities	X	
Additions To Building Below the Flexible Thresholds	X	
Building Demolition Below Flexible Thresholds	X	
Demolition of Buildings of Historic Significance		X
Underground Tanks < 10,000 gallons	X	
Vacation of Streets And Roads	X	
Hydrological Measuring Devices	X	
Survey and Boundary Markers	X	
Repair, Remodeling, Maintenance or Existing Structures	X ¹	
Minor Repair or Replacement of Structures	X ¹	
Dredging		X
Reconstruction/Maintenance Shoreline Protection Measures		X
Replacement of Utilities/ Utility Lines	X ³	
Repair/Rebuilding Dams, Dikes or Reservoirs		X
Water Rights and Structures For <50 c/f/s of Surface Water for Irrigation	X	
Water Rights and Structures For 1 c/f/s or 2,250 g/p/m or Ground Water	X	
Sale, Transfer, Exchange or Lease of Land	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Closure of Schools (Plan)	X	
Open Burning	X	
Variances Under the Clean Air Act	X	
Issuance, Renewal, Revision of Air Operating Permit	X	
Water Quality Certifications	X	
Activities of Fire and Law Enforcement Exempt Construction	X	
Proposal Or Adoption of Rules, Regulations, Resolutions Ordinance or Plan Relating To Procedures and Contains No Standards	X	
Adoption of State Building Codes	X	
Adoption of Noise Ordinances	X	
Installation, Construction, Relocation Of Utilities Except The Following: 1. Communication Towers or Relay Stations 2. Stormwater, Water and Sewer with lines > 8 inches 3. Electrical Facilities and Lines > 55,000 Volts	X ¹	
Grants Of Franchise By Agencies To Utilities	X	
Class I, II, II Forest Practice Permits/Regulations	X	
Recreational Sites Development <12 Campsites	X	
Watershed Restoration Projects Pursuant To a Restoration Plan	X	
Microcell Attached To Structure– No Residence or School On-site	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Personal Wireless Service Antennas Attached To Structure– No Residence or School On-site And in a Commercial, Industrial, Forest or Agricultural Zone.	X	
Personal Wireless Service Tower <60 Feet In a Commercial, Industrial, Forest or Agricultural Zone.	X	

¹Applies to land not covered by water.

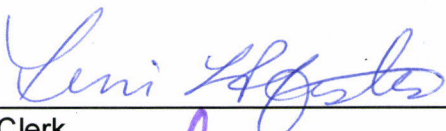
²Under section 197-11-305 WAC, each County/City may adopt provisions to exclude exemptions listed in 197-11-800 for those sites listed in Critical Areas.

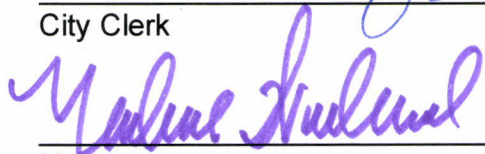
³Some utility replacements are non-exempt. See WAC for specifics (i.e. replacement of transmission line for natural gas is not exempt).

PASSED by the City Council on March 29, 2021.

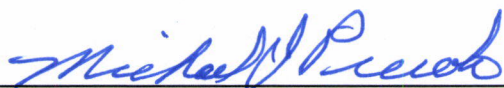

Council President

Attest:


City Clerk


Mayor

Approved as to form:


Assistant City Attorney

4/6/2021
Date

May 6, 2021
Effective Date



**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE UNIFIED DEVELOPMENT CODE MAINTENANCE PROJECT - PHASE I**

A recommendation of the City of Spokane Plan Commission to the City Council to approve the amendments to the Spokane Municipal Code proposed by the Unified Development Code (UDC) Maintenance Project Phase I. The UDC Maintenance Phase I proposed thirteen minor amendments to the following Titles, chapters, or sections of Spokane Municipal Code (SMC): relating to Design Review Board, Residential Zones Primary Uses, Downtown Zones Limited Use Standards, Off-site impacts Noise, SEPA Categorical Exemptions Applicability Appendix B, Construction Standards General Provisions Notice of Hearing, Building Code Awnings, Design Review Board Procedures, Design Review Board Criteria, Administration and procedures, Planned Unit Developments, Subdivision Design Standards, and Street Development Standards, amending Spokane Municipal Code (SMC) sections 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A), and 17G.080.070(C)(5).

FINDINGS OF FACT:

- A. The maintenance of the Unified Development Code (UDC) and in general the Spokane Municipal Code (SMC) has been a periodic, recurring project of Planning Services as well as other City departments over the course of the last two decades to maintain consistency and clarity as local policy documents needs or local, State and Federal regulations change.
- B. Planning Services has identified Phase I of multiple sections of SMC chapters require minor corrections, elimination of redundancy, or other non-substantive action.
- C. Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.1, Regulatory Structure, supports regulations that are predictable, reliable, and adaptable to changing living and working arrangements brought about by technological advancements and Land Use policy 7.2 calls out a continuing review process to periodically re-evaluate and direct city policies and regulations consistent with chapter 3 Vision and Values.
- D. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.
- E. The minor amendments included in Phase I are categorically exempt from review under the State Environmental Policy Act (SEPA) RCW 43.21 as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b).
- F. Plan Commission workshops were held in a virtual meeting format on September 23 and November 11, 2020. Further public notice was available by Notice of Intent to amend and adopt SMC multiple chapter sections including 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A),

17G.080.070(C)(5), as part of periodic maintenance of the SMC was published in the City Gazette November 25 and December 2 2020, updated on the city online project page <https://my.spokanecity.org/projects/2020-2021-unified-development-code-maintenance/>; the Community Assembly was provided briefing material on December 4, 2020.


- G. Plan Commission hearing notices were placed in the Spokesman-Review legal notices December 30, 2020, January 6, February 10, and February 17, 2021.
- H. The Plan Commission held a public hearing on February 24 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- A. The Plan Commission has reviewed all public testimony received during the public hearing.
- B. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the comprehensive plan and that the proposed amendments bear a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the Unified Development Code Maintenance Project - Phase I, by unanimous vote, the Plan Commission recommends to the City Council the approval of the proposed amendment to the Spokane Municipal Code, as part of periodic maintenance of the Unified Development Code.



Todd Beyreuther (Mar 9, 2021 10:22 PST)
Todd Beyreuther, President
Spokane Plan Commission
February 26, 2021

FinalPlan Commission Findings - UDC Maintenance Phase I.20210226

Final Audit Report

2021-03-09

Created:	2021-03-01
By:	Jackie Churchill (jchurchill@spokanecity.org)
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CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE UNIFIED DEVELOPMENT CODE MAINTENANCE PROJECT - PHASE I

A recommendation of the City of Spokane Plan Commission to the City Council to approve the amendments to the Spokane Municipal Code proposed by the Unified Development Code (UDC) Maintenance Project Phase I. The UDC Maintenance Phase I proposed thirteen minor amendments to the following Titles, chapters, or sections of Spokane Municipal Code (SMC): relating to Design Review Board, Residential Zones Primary Uses, Downtown Zones Limited Use Standards, Off-site impacts Noise, SEPA Categorical Exemptions Applicability Appendix B, Construction Standards General Provisions Notice of Hearing, Building Code Awnings, Design Review Board Procedures, Design Review Board Criteria, Administration and procedures, Planned Unit Developments, Subdivision Design Standards, and Street Development Standards, amending Spokane Municipal Code (SMC) sections 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A), and 17G.080.070(C)(5).

FINDINGS OF FACT:

- A. The maintenance of the Unified Development Code (UDC) and in general the Spokane Municipal Code (SMC) has been a periodic, recurring project of Planning Services as well as other City departments over the course of the last two decades to maintain consistency and clarity as local policy documents needs or local, State and Federal regulations change.
- B. Planning Services has identified Phase I of multiple sections of SMC chapters require minor corrections, elimination of redundancy, or other non-substantive action.
- C. Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.1, Regulatory Structure, supports regulations that are predictable, reliable, and adaptable to changing living and working arrangements brought about by technological advancements and Land Use policy 7.2 calls out a continuing review process to periodically re-evaluate and direct city policies and regulations consistent with chapter 3 Vision and Values.
- D. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.
- E. The minor amendments included in Phase I are categorically exempt from review under the State Environmental Policy Act (SEPA) RCW 43.21 as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b).
- F. Plan Commission workshops were held in a virtual meeting format on September 23 and November 11, 2020. Further public notice was available by Notice of Intent to amend and adopt SMC multiple chapter sections including 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A),

17G.080.070(C)(5), as part of periodic maintenance of the SMC was published in the City Gazette November 25 and December 2 2020, updated on the city online project page <https://my.spokanecity.org/projects/2020-2021-unified-development-code-maintenance/>; the Community Assembly was provided briefing material on December 4, 2020.


- G. Plan Commission hearing notices were placed in the Spokesman-Review legal notices December 30, 2020, January 6, February 10, and February 17, 2021.
- H. The Plan Commission held a public hearing on February 24 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- A. The Plan Commission has reviewed all public testimony received during the public hearing.
- B. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the comprehensive plan and that the proposed amendments bear a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the Unified Development Code Maintenance Project - Phase I, by unanimous vote, the Plan Commission recommends to the City Council the approval of the proposed amendment to the Spokane Municipal Code, as part of periodic maintenance of the Unified Development Code.


Todd Beyreuther (Mar 9, 2021 10:22 PST)

Todd Beyreuther, President
Spokane Plan Commission
February 26, 2021

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE SHORELINE MASTER PROGRAM PERIODIC REVIEW**

A recommendation of the City of Spokane Plan Commission to the City Council to approve the amendments to the Spokane Municipal Code proposed by the Shoreline Master Program Periodic Review (SMP PR). The SMP PR proposed amending Spokane Municipal Code (SMC) Title 17A Administration, Chapter 17A.020 Definitions, Sections 17A.020.040(R)(2) "D" Definitions, and Section 17A.020.060(S) "F" Definitions, Title 17E, Chapter 17E.060, Article II, Part II sections 17E.060.110 and 17E.060.150, Article IV 17E.060.290, 17E.060.300, 17E.060.340, Article VI Part II 17E.060.690, Article VII Part II 17E.060.770, 17E.060.790, Article VIII 17E.060.800, 17E.060.810, 17E.060.820, 17E.060.830, 17E.060.840, and Article V Part III 17E.060.380.

FINDINGS OF FACT:

- A. The Shoreline Master Program (SMP) Periodic Review (PR) is state mandated and led by the City of Spokane in close collaboration with Dept of Ecology. This project is narrowly focused to achieve City SMP compliance with changes to state legislation concerning Shorelines.
- B. Authority for the periodic review is based on Washington's Shoreline Management Act (Ch. 90.58 RCW) and related rules. These amendments were developed by the City to comply with WAC 173-26-090, which requires all local governments to review their SMPs on an eight-year schedule set in state law and revise it if necessary.
- C. The periodic review ensures the SMP keeps up with changes in state laws, changes in other local jurisdictions' plans and regulations, and other changed circumstances.
- D. Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.1, Regulatory Structure, supports regulations that are predictable, reliable, and adaptable to changing living and working arrangements brought about by technological advancements and Land Use policy 7.2 calls out a continuing review process to periodically re-evaluate and direct city policies and regulations consistent with chapter 3 Vision and Values.
- E. The City elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period occurs during the state review process, however additional city review and comment periods have been provided. Comments provided to the City of Spokane are reviewed by both the City and Ecology.
- F. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.

- G. A State Environmental Protection Act (SEPA) Determination of Non-Significance was issued by Planning Services on December 23, 2020 and a 14-day comment period commenced January 5 - January 19, 2021. No comments were received during the comment period.
- H. The City SMP was reviewed against Dept of Ecology Periodic Review checklist as required; analysis submitted to Ecology. Necessary amendments were identified, and the Draft Amendment Proposal prepared, shared with agencies for review, and uploaded online. An email database of interested parties is maintained for regular communications. Information on the Periodic Review was presented to the public, neighboring jurisdictions, and partner agencies in two virtual Open House sessions via Webex on December 1, 2020. The Community Assembly was briefed on December 3, 2020.
- I. A notice of Joint Public Comment Period with Ecology and City of Spokane was published in the Spokesman-Review December 23 and January 5; the comment period commenced January 5 - February 5, 2021 and all comments were recorded, responded to, and provided to Ecology. Ecology provided separate notification.
- J. Plan Commission hearing legal notices were published in the Spokesman-Review February 10, and February 17, 2021.
- K. The Plan Commission held a public hearing on February 24 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- A. The Plan Commission has reviewed all public testimony received during the public hearing.
- B. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the comprehensive plan and that the proposed amendments bear a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the amendments to the Spokane Municipal Code proposed by the Shoreline Master Program Periodic Review, by unanimous vote, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Spokane Municipal Code, as mandated by the State of Washington Shoreline Management Act RCW 90.58 eight year cycle of review.



Todd Beyreuther (Mar 2, 2021 16:48 PST)

Todd Beyreuther, President
Spokane Plan Commission
March 3, 2021

