

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

**Clerk's File #**

ORD C36554

**Cross Ref #****Project #****Bid #****Requisition #****Council Meeting Date:** 07/22/2024**Submitting Dept**

PLANNING &amp; ECONOMIC

**Contact Name/Phone**

KAYCEE X6194

**Contact E-Mail**

KDOWNEY@SPOKANECITY.ORG

**Agenda Item Type**

First Reading Ordinance

**Council Sponsor(s)**

ZZAPPONE KKLITZKE JBINGLE

**Agenda Item Name**

0650 - PLANNED ACTION ORDINANCE ASSOCIATED WITH S. LOGAN TOD

**Agenda Wording**

Adoption of the South Logan TOD Planned Action Ordinance as Chapter 17C.420 to streamline development within the South Logan Subarea.

**Summary (Background)**

The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. The proposed South Logan TOD Planned Action will adopt Chapter 17C.420 to the SMC, which aligns with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan. Projects that meet the threshold criteria found within the

Lease? NO Grant related? NO Public Works? NO

**Fiscal Impact**

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

**Narrative**

The S. Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the TOD Implementation grant program via the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources

**Amount****Budget Account**

Neutral \$ FIRST READING OF THE ABOVE #

Select \$ ORDINANCE HELD ON #

Select \$ 7/22/2024 #

Select \$ AND FURTHER ACTION WAS DEFERRED #

Select \$ *[Signature]* #

Select \$ CITY CLERK #

Select \$ #

PASSED BY  
SPOKANE CITY COUNCIL:

8/12/2024  
*[Signature]*  
CITY CLERK



# Continuation of Wording, Summary, Approvals, and Distribution

## Agenda Wording

## Summary (Background)

Planned Action Ordinance and comply with any required mitigation as identified in the South Logan Final Environmental Impact Statement are exempt from additional State Environmental Policy Act (SEPA) application and review. For the full code amendments please visit:

<https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

### **Approvals**

|                                  |                     |
|----------------------------------|---------------------|
| <b><u>Dept Head</u></b>          | GARDNER, SPENCER    |
| <b><u>Division Director</u></b>  | MACDONALD, STEVEN   |
| <b><u>Accounting Manager</u></b> | ALBIN-MOORE, ANGELA |
| <b><u>Legal</u></b>              | RICHMAN, JAMES      |
| <b><u>For the Mayor</u></b>      | JONES, GARRETT      |

### **Additional Approvals**

|  |  |
|--|--|
|  |  |
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|  |  |

### **Distribution List**

|                            |                         |
|----------------------------|-------------------------|
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## Committee Agenda Sheet

### Urban Experience Committee

|   |   |
|---|---|
| <b>Committee Date</b>   | July 8, 2024  |
| <b>Submitting Department</b>  | Planning & Economic Development   |
| <b>Contact Name</b>   | KayCee Downey   |
| <b>Contact Email &amp; Phone</b>  | <a href="mailto:kdowney@spokanecity.org">kdowney@spokanecity.org</a> , x6194  |
| <b>Council Sponsor(s)</b>   | <u>CM Zappone, CM Klitzke and CM Bingle</u>   |
| <b>Select Agenda Item Type</b>  | <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion    Time Requested: 5 minutes  |
| <b>Agenda Item Name</b>   | Planned Action Ordinance Associated with South Logan TOD Implementation   |
| <b>Proposed Council Action</b>  | <input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only   |
| <b>Summary (Background)</b><br><br>*use the Fiscal Impact box below for relevant financial information  | <p>The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan.</p> <p>The proposed South Logan TOD Planned Action will adopt Chapter 17C.420 to the SMC, which aligns with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan.</p> <p>Projects that meet the threshold criteria found within the Planned Action Ordinance and comply with any required mitigation as identified in the South Logan Final Environmental Impact Statement are exempt from additional State Environmental Policy Act (SEPA) application and review.</p> <p>For the full code amendments please visit:<br/><a href="https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/">https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/</a></p> |
| <b>Fiscal Impact</b>  |   |
| <b>Approved in current year budget?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  |   |
| Total Cost: <a href="#">Click or tap here to enter text.</a>  |   |
| <b>Narrative:</b> The South Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources. |   |
| <b>Funding Source</b> <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A  |   |
| Specify funding source: Select Funding Source*  |   |
| Is this funding source sustainable for future years, months, etc? <a href="#">Click or tap here to enter text.</a>  |   |
| <b>Expense Occurrence</b> <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A  |   |
| Other budget impacts: (revenue generating, match requirements, etc.)  |   |
| <b>Operations Impacts (If N/A, please give a brief description as to why)</b>   |   |
| <i>What impacts would the proposal have on historically excluded communities?</i>   |   |
| The proposed text amendments are intended to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area and throughout  |   |

Center and Corridor and higher intensity residential areas throughout Spokane. By focusing on development along transit lines and removing identified barriers to successful projects, the proposals are intended to support a diversity of uses and housing options near existing multimodal transportation options.

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

The South Logan TOD Plan reviewed and analyzed environmental and social impacts of planned development and development alternatives as part of the process, following the guidance of the HEAL Act. An analysis of existing conditions established a baseline to inform the project with data on demographics, socioeconomics, housing and market conditions, land use and zoning, and infrastructure needs. The proposals are implementing the adopted Plan with no additional data collection.

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

The South Logan TOD Plan was developed after a 20-month community engagement process that sought input from residents, businesses, institutions, agency partners, and other subject matter experts. The proposals are implementing the recommendations of the adopted Plan. Additional community outreach and engagement occurred after draft ordinances were available to verify effectiveness of the implementation.

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

The South Logan TOD Project is aligned with many City policies to better connect land use and transportation, expand and increase the housing supply including middle housing and affordable housing, and promote anti-displacement and equitable outcomes. This includes the Comprehensive Plan (Housing Chapter), Housing Action Plan, Sustainability Action Plan, and Transit-Oriented Development Framework Study, and Logan Neighborhood Identity Plan. The proposals are implementing the South Logan TOD Plan, which was adopted by resolution on January 29, 2024 after being determined to meet all relevant policies and plans.

## ORDINANCE NO. C36554

AN ORDINANCE relating to streamlining and expediting the land use review and approval process by relying on the Final Environmental Impact Statement (FEIS) for the South Logan Transit-Oriented Development (TOD) Plan by adopting a Planned Action; implementing the intent of the recently adopted by resolution South Logan TOD Plan; adopting Spokane Municipal Code (SMC) Chapter 17C.420; and amending Spokane Municipal Code (SMC) Chapter 17A.020.

WHEREAS, in 2021, the Washington State Legislature appropriated \$2.5 million for cities to facilitate transit-oriented development in areas with light rail or fixed rail systems, bus rapid transit, high-frequency bus service or park and ride lots; and

WHEREAS, the City of Spokane was one of 11 communities that received the Transit-Oriented Development Implementation (TODI) grant for \$250,000 from the Washington Department of Commerce in 2021 to facilitate transit-oriented development and increase residential capacity in areas of high-capacity transit; and

WHEREAS, the City of Spokane prepared the Transit-Oriented Development (TOD) Framework Action Plan, adopted by resolution in May 2022 under RES 2022-0039, that identifies strategies best suited to Spokane for supporting TOD along new High-Performance Transit lines, including a focus on South Logan; and

WHEREAS, the City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; and

WHEREAS, the *Final South Logan TOD Plan and Final Environmental Impact Statement (FEIS)* was published on November 30, 2023 for final consideration; and

WHEREAS, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition, including the anticipated adoption of the Planned Action Ordinance at a future date; and

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of Planned Actions by jurisdictions planning under the Growth Management Act (GMA), including the City of Spokane (City); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW) and Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a Planned Action designation under SEPA; and

WHEREAS, a subarea of the city consisting of the approximately 361-acre South Logan TOD project area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, as is specifically illustrated in Figure 17C.420.015-A of this Ordinance, has been identified as a Planned Action area for future redevelopment; and

WHEREAS, the designation of a Planned Action expedites the permitting process for projects of which the impacts have been previously addressed in a Final Environmental Impact Statement (FEIS); and

WHEREAS, the mitigation measures identified in the South Logan TOD FEIS, and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area; and

WHEREAS, the South Logan TOD Plan and FEIS identify the location, type, and amount of development that is contemplated by the Planned Action; and

WHEREAS, future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, the City Council of the City of Spokane finds that adopting the recitals set forth herein is in the public interest and will advance the public health, safety, and welfare.

NOW, THEREFORE, the City of Spokane does ordain as follows:

Section 1. Findings. The findings of the City of Spokane do ordain as follows:

- A. The procedural and substantive requirements of SEPA RCW 43.21C, have been complied with.
- B. The procedural requirements of GMA RCW 36.70A, have been complied with.
- C. The proposed action is consistent with the City's Comprehensive Plan as amended.
- D. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.
- E. The Spokane City Council finds and determines that regulation of land use and development is subject to the authority and general police power of the City, and the City reserves its powers and authority to appropriately amend, modify, and revise such land use controls in accordance with applicable law.
- F. The Planned Action FEIS adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.
- G. The mitigation measures identified in the Planned Action FEIS, attached to this Ordinance as Exhibit A, and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
- H. The South Logan TOD Plan and Planned Action FEIS identify the location, type, and amount of development that is contemplated by the Planned Action.
- I. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.
- J. The City provided multiple opportunities for meaningful public involvement and review in the South Logan Subarea Plan and Planned Action FEIS processes, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

- K. Essential public facilities, as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as planned action projects unless they are accessory to or part of a project that otherwise qualifies as a planned action project.
- L. The designated Planned Action Area is located entirely within an Urban Growth Area and is smaller than the overall City boundaries.
- M. Implementation of the mitigation measures identified in the Planned Action FEIS will provide for adequate public services and facilities to serve the proposed Planned Action Area.

Section 2. That there is adopted Chapter 17C.420 SMC to read as follows:

**Chapter 17C.420 South Logan TOD Planned Action**  
**17C.420.010 Purpose**

The purposes of this chapter are to:

- A. Designate the South Logan TOD Subarea shown in Figure 17C.420.015-A of this Chapter as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action projects pursuant to RCW.43.21C.440;
- B. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the South Logan TOD Final Environmental Impact Statement (FEIS) to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;
- C. Confirm that the South Logan TOD FEIS meets the requirements of a Planned Action FEIS pursuant to SEPA;
- D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as Planned Action projects consistent with RCW 43.21C.440;
- E. Provide clear definition as to what constitutes a Planned Action project within the Planned Action Area, identify the criteria for Planned Action project approval, and determine how development project applications that qualify as Planned Action projects will be processed by the City;
- F. Streamline and expediate the land use permit review process by relying on the South Logan TOD FEIS; and
- G. Apply the mitigation framework contained in this Ordinance for the processing of Planned Action project applications and incorporate the applicable mitigation



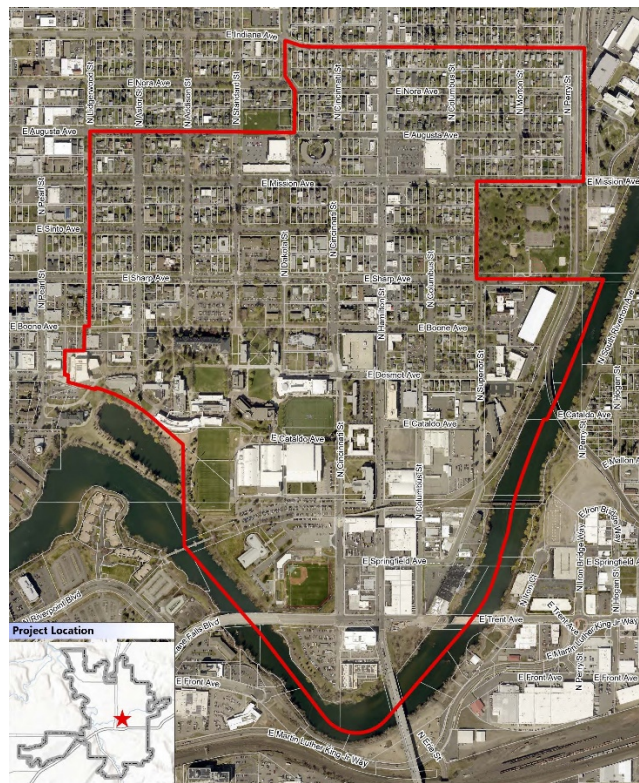
measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

### **17C.420.015 Procedures and Criteria for Evaluating and Determining Projects as Planned Actions**

To qualify for a Planned Action designation, a project application shall comply with the following procedures and criteria for evaluation.

#### **A. Planned Action Area.**

The Planned Action designation shall apply to the approximately 342-acre South Logan TOD area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, and that is specifically shown in Figure 17C.420.015-A, "Planned Action Area."



**Figure 17C.420.015-A: Map of Planned Action Area**

#### **B. Environmental Document.**

A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the South

Logan TOD Final EIS adopted by the City on January 29, 2024 (RES 2024-0015), which adequately identified and addressed environmental impacts of the Planned Action. The mitigation measures contained in the FEIS, [Exhibit A](#), are based upon the findings of the South Logan TOD EIS and shall, along with adopted City regulations, provide the framework that the City will use to review and to impose appropriate conditions on qualifying Planned Action projects.

C. Planned Action Projects Designation.

Land uses and activities described in the South Logan TOD FEIS, subject to the thresholds described in subsection D of this section and the mitigation measures contained in [Exhibit A](#), are designated Planned Actions or Planned Action projects pursuant to [RCW 43.21C.440](#) and [WAC 197-11-172](#) (“Planned Action Project”). A development application for a site-specific Planned Action project located within the South Logan TOD Planned Action area that meets the criteria set forth in subsection D of this section and applicable laws, codes, development regulations and standards, may be designated a Planned Action Project pursuant to the process in SMC Section 17C.420.020.

D. Planned Action Qualifications.

The following thresholds shall be used to determine if a site-specific development proposed within the South Logan TOD Planned Action area qualifies as a Planned Action Project and has had its environmental impacts evaluated in the South Logan TOD FEIS:

1. Qualifying Uses.

a. Planned Action Categories.

The primary land uses and levels of development as envisioned in the South Logan TOD Preferred Alternative and as reviewed in the South Logan TOD FEIS, along with conditional and accessory uses permitted in the associated zones, are considered Planned Actions. The primary uses include residential, commercial, and mixed-use development.

2. Planned Action Project Primary Uses.

A Planned Action Project may be a single Planned Action use, or a combination of Planned Action uses within a mixed-use development. A land use can qualify as a Planned Action Project when:

- a. It is within the Planned Action Area; and
  - b. It complies with the land use plan map designation of the property identified in the South Logan TOD Preferred Alternative or has a lower intensity designation; and
  - c. Is within one or more of the primary uses described in Subsection D.1 above; or
  - d. It is a permitted accessory use or appurtenant to a permitted use.
3. Public Services.

The following public services, infrastructure, and utilities may also qualify as Planned Action Projects: streets and non-motorized improvements, utilities, parks, trails, civic, cultural, governmental, and similar facilities developed consistent with the South Logan TOD FEIS mitigation measures, City design standards, critical area regulations, and the Spokane Municipal Code.

4. Development Thresholds.

- a. The following amount of increase in housing is contemplated by the Planned Action:

|  |       |
|--|-------|
| Increase in New Housing Units <sup>1</sup> | 2,954 |
| Associated Population Increase             | 6,735 |

<sup>1</sup> Includes equivalent housing added in college dormitories.

- b. If future development proposals in the South Logan TOD Planned Action area exceed the development thresholds specified in this chapter, further environmental review may be required pursuant to [WAC 197-11-172](#). Further, if the proposed development would alter the assumptions and analysis in the South Logan TOD FEIS, further environmental review may be required.

5. Building Heights.

Building heights shall not exceed the maximums identified and reviewed in the South Logan TOD Final FEIS and South Logan TOD Plan.

6. Transportation.

a. The Preferred Alternative is anticipated to generate approximately 928 new PM peak-hour vehicle trips. This equates to approximately 9 percent higher traffic volumes in the area compared to the 2045 No Action alternative.

b. Trip Threshold.

Uses or activities that would exceed the forecasted trips shown above would not qualify as Planned Actions and would require additional transportation review.

c. City Engineer Discretion.

The City Engineer or their designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City Engineer, for each project permit application proposed under this planned action.

d. Transportation Improvements and Mitigation.

i. On-Site and Off-Site Improvements.

The Planned Action may require on-site and off-site transportation improvements to mitigate significant adverse impacts as development occurs. These transportation improvements are identified in the South Logan TOD FEIS and South Logan TOD Plan. The City shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action projects based on their identified impacts.

ii. Hamilton and Trent.

The intersection of N Hamilton Street/E Trent Avenue is forecasted to operate at LOS E during the 2045 No Action and LOS F with full development of Planned Action projects. Any development must implement measures to restore the LOS and delay to its pre-development level of LOS E.

7. Elements of the Environment and Degree of Impacts.

A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the South Logan TOD FEIS, EIS addendum, and/or supplemental EIS, would not qualify as a Planned Action.

8. Changed Conditions.

Should environmental conditions change significantly from those analyzed in the FEIS, the City's PAO Responsible Official may determine that the Planned Action designation is no longer applicable until a supplemental environmental review is conducted.

9. Additional Mitigation Fees.

The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the Planned Action area and to accommodate planned growth. Such fees, if adopted, shall be in addition to any fees required in subsection (D)(6)(d) of this section, and shall apply only to required improvements that are not addressed in this subsection.

10. Inadvertent Discovery Plan.

An Inadvertent Discovery Plan (IDP) should be implemented into the scope of work for all projects within the Planned Action area. The IDP should outline procedures to perform in the event of a discovery of archaeological materials or human remains. The IDP should always be kept at the project site during all project activities. If any artifacts or human remains are found upon excavation, the Tribal Historic Preservation Office (THPO), Washington State Department of Archaeology and Historic Preservation (DAHP), and Spokane Historic Preservation Office shall be immediately notified and the work in the immediate area cease.

11. Historic Preservation Design Review.

Properties individually placed on the Spokane Register of Historic Places or located within one of Spokane's designated historic districts must meet all requirements of the Spokane Historic Preservation Office, including obtaining a Certificate of Appropriateness from the Spokane Historic Landmarks Commission or the Historic Preservation Officer for proposed changes or additions to historic structures when necessary.

12. Demolitions.

Buildings fifty years of age or greater at time of demolition permit submittal shall provide a Level 2 Site Inventory Form unless determined by the Historic Preservation Officer and Planning Director to not be of historic significance.

13. Shoreline Master Program.

Areas within the Planned Action area subject to the Shoreline Master Program are not exempt from permitting or SEPA review through the FEIS and must comply with Chapter 17E.060 SMC Shoreline Regulations.

14. Uses.

Drive-thru facilities, including accessory drive-thru features, are not exempt from SEPA review and do not qualify as Planned Action Projects.

E. Planned Action Review Criteria.

1. The City's PAO Responsible Official may designate as "Planned Actions," pursuant to RCW 43.21C.030, applications that meet all of the following conditions:
  - a. The proposal is located within the Planned Action Area identified in SMC 17C.420.015, or is an off-site improvement directly related to the proposed development within the Planned Action Area; and
  - b. The proposed uses and activities are consistent with those described in the FEIS and subsection D of this section; and
  - c. The proposal is within the Planned Action thresholds and other criteria of subsection D of this section; and
  - d. The proposal is consistent with the City of Spokane Comprehensive Plan and the South Logan TOD Plan; and
  - e. The proposal's significant adverse environmental impacts have been identified in the South Logan TOD FEIS; and
  - f. The proposal's significant impacts have been mitigated by the application of measures identified in Exhibit A, and other applicable City regulations, together with any modifications or variances or special permits that may be required; and



- B. After the City receives a complete application, the PAO Responsible Official shall determine whether the project qualifies as a Planned Action Project under this chapter.
- C. Once a project is determined to qualify as a Planned Action Project under this chapter, the City shall:
  - 1. Notify the applicant and the project shall proceed in accordance with the applicable permit review procedures; and
  - 2. Notify Spokane Tribe of Indians, Spokane Historic Preservation Office, internal City Departments, utility providers, and other partner agencies as deemed appropriate by the assigned project manager of the pending development under South Logan TOD FEIS. The notice required by this section may be combined with the public notice required or provided with the underlying permit and may take the form of the environmental checklist or other project review form. Notice provided shall not be less than 14 days.
- D. If a project does not qualify as a Planned Action under this chapter, the City shall notify the applicant. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.
  - 1. Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the South Logan TOD Plan and FEIS to meet SEPA requirements. The City may limit the scope of the SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action.

### **17C.420.025 Monitoring and Review**

- A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this chapter and the South Logan TOD FEIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action Area.
- B. This Planned Action Ordinance shall be reviewed no later than five (5) years from its effective date to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the South Logan TOD FEIS.

Section 3. That SMC Section 17A.20.160 is amended to read as follows:



## 17A.20.160 “P” Definitions

A. Painted Wall Highlights.

[See SMC 17C.240.015.](#)

B. Painted Wall Sign.

[See SMC 17C.240.015.](#)

C. PAO Responsible Official.

The Planning Director, serving in the capacity of administrative official of the lead agency.

D. Parcel.

See “Lot” ([SMC 17A.020.120](#)).

E. Parkway.

A thoroughfare designated as a collector or arterial, with a median reflecting the park-like character implied in the name - [SMC 17D.050A.040.U](#).

F. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

G. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy-impact uses.

2. Graveled areas are not paved areas.

H. Pedestrian Buffer Strips (PBS).

A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

I. Pedestrian Path.

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in [Section 17C.123.040](#) of the FBC.

J. Pedestrian-Scaled Fixtures (lighting).

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

K. Pedestrian-Scaled Signs.

[See SMC 17C.240.015.](#)

L. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

M. Performance Guarantee.

A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.

N. Performance/Warranty Retainer.

A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.

O. Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

P. Permanent Sign.

[See SMC 17C.240.015.](#)

Q. Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

R. Permeable Sediment.

Sediment permitting the flow of water.

S. Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

T. Pier.

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.

U. Planned Action.

A Planned Action means one or more types of project action that:

1. Are designated Planned Actions by an ordinance or resolution; and
2. In conjunction with, or to implement, an adopted comprehensive plan or subarea plan that have had the significant impacts adequately addressed in an Environmental Impact Statement under the requirements of WAC 197-11-64; and
3. Is exempt from additional SEPA review for all elements covered under the Environmental Impact Statement of the adopted comprehensive plan or subarea plan.
4. Is defined in WAC 197-11-164.

V. Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

W. Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
  - a. increased public transportation service,
  - b. ride sharing programs,
  - c. demand management, and
  - d. other transportation systems management strategies.
2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

X. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

Y. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Z. Planting Zone.

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

AA. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications

and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

BB. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

CC. Plaza.

Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.

Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

DD. Plinth.

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

EE. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

FF. Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

GG. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning and economic development services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

HH. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

II. Predevelopment Meetings.

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.

JJ. Principal Buildings.

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.

KK. Primary Building Entry.

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

LL. Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

MM. Primary Container.

The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

NN. Primary Drainage Basin.

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

OO. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

PP. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

QQ. Principal Arterials.

A street serving major activity centers, providing a high degree of mobility and serving the longest trip demands within the urban area.

RR. Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.
3. Important wildlife breeding habitat.

4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

SS. Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

TT. Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

UU. Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and 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 identified under RCW 36.70B.140.

VV. Projecting Sign.

[See SMC 17C.240.015.](#)

WW. Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

XX. Proximity.

That two or more properties are either adjacent or separated by a street or alley.

YY. Public Access.



The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.

ZZ. Public Facilities.

Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

AAA. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

BBB. Public Way.

1. A dedicated "public way" is a tract of land:
  - a. conveyed or reserved by deed,
  - b. dedicated by plat, or
  - c. acquired by decree of court,

- d. which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
- 2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

**PASSED** by the City Council on August 12, 2024.

Betsy J. Wilkerson  
Council President

Attest:

Verid Hoffsta  
City Clerk

Approved as to form:

Michael J. Kenob  
Assistant City Attorney

Diso Brun  
Mayor

8/16/24  
Date



Sept. 15, 2024  
Effective Date

**CITY OF SPOKANE PLAN COMMISSION  
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS  
REGARDING THE SOUTH LOGAN TOD PLANNED ACTION ORDINANCE**

A recommendation of the City of Spokane Plan Commission to the City Council to approve a new Chapter to the Spokane Municipal Code titled South Logan TOD Planned Action. The proposal adopts the Unified Development Code (UDC) Chapter 17C.420 and amends Chapter 17A.020 to implement the adopted South Logan Transit-Oriented Development Plan.

**FINDINGS OF FACT:**

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA) as set forth in RCW 36.70A.
- B. In 2021, the Washington State Legislature appropriated \$2.5 million for cities to facilitate transit-oriented development planning in areas with light rail or fixed rail systems, bus rapid transit, high frequency bus service or park and ride lots.
- C. The City of Spokane prepared the Transit-Oriented Development (TOD) Framework Action Plan, adopted by resolution in May 2022 under RES 2022-0039, that identifies strategies best suited to Spokane for supporting TOD along new High-Performance Transit lines, including a focus on South Logan.
- D. The City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- E. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023 for final consideration.
- F. On January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition, including the anticipated adoption of the Planned Action Ordinance at a future date.
- G. The State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of Planned Actions by jurisdictions planning under the Growth Management Act (GMA), including the City of Spokane (City).
- H. Section 43.21C.440 of the Revised Code of Washington (RCW) and Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a Planned Action designation under SEPA.
- I. A subarea of the city consisting of the approximately 361-acre South Logan TOD project area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the

north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, has been identified as a Planned Action area for future redevelopment.

- J. The designation of a Planned Action expedites the permitting process for projects identified and which of the impacts have been previously addressed in a FEIS, with the mitigation measures identified in the South Logan TOD FEIS, together with adopted City development regulations, are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
- K. The draft amendments relied on the 20-month planning process and extensive public engagement that occurred as part of the development of the South Logan TOD Plan. Outreach and public communication specifically about South Logan TOD Implementation began in February 2024 and included the following among others:
  - 1. Logan Neighborhood Council meeting presentation on February 13, 2024;
  - 2. Plan Commission Workshops on March 13, April 10, April 24, May 8, May 22, and June 12, 2024;
  - 3. Various community tabling events on March 19, April 9, and May 18, 2024;
  - 4. A virtual information session on April 30, 2024;
  - 5. Coffee Chat pop-up events on May 4, May 23, and June 1, 2024;
  - 6. Regular South Logan TOD newsletter and webpage updates, as well as City of Spokane newsletter and social media posts.
- L. Public comment, as well as agency and department comments, received prior to the June 26, 2024, Plan Commission public hearing were included in the staff report.
- M. On March 13, April 10, April 24, May 8, May 22, and June 12, 2024, the Spokane Plan Commission held workshops to discuss draft language, receive updates on public feedback as well as city department and agency comments, and review and evaluate with city staff alternatives to proposed text changes.
- N. On April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations pursuant to RCW 36.70A.106.
- O. On April 29, 2024, a Notice of Intent to Adopt and Request for SEPA agency comments was issued for the draft code pertaining to the proposed South Logan TOD Implementation text amendments. The comment period ended on May 13, 2024. No comments were received.

## Findings of Fact, Conclusion, and Recommendation

- P. The SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024. The comment period ended on June 26, 2024. No comments were received.
- Q. Prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and
- R. The proposed text amendments were drafted and reviewed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- S. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.
- T. On June 26, 2024, the Spokane Plan Commission held a public hearing on the proposed text amendments, including the taking of verbal testimony, and closed the public record on that date.
- U. Public comment, as well as agency and department comments, received prior to the June 26, 2024 Plan Commission public hearing were included in the staff report.
- V. During deliberations held on June 26, 2024, the Plan Commission discussed the concerns expressed in public comments and testimony about public safety within the South Logan Subarea.
- W. Except as otherwise indicated in the above findings, the Spokane Plan Commission adopts the findings and analysis set forth in the staff report prepared for the proposal.
- X. The Spokane Plan Commission finds that the proposed text amendments meet the decision criteria established in SMC 17G.025.010(G).

### **CONCLUSIONS:**

Based upon the draft text amendments, staff report and analysis (which is hereby incorporated into these findings, conclusions, and recommendations), SEPA review, agency and public comments received, and public testimony presented, the Spokane Plan Commission makes the following conclusions with respect to the text amendments to the Hamilton Form-Based Code:

1. The Plan Commission finds that the proposed amendments bear a substantial relation to the public health, safety, welfare, and protection of the environment pursuant to the requirements outlined in SMC 17G.025.010(G).
2. The proposed text amendments will implement the goals and policies of the Comprehensive Plan.
3. The proposed text amendments will implement the adopted South Logan Transit-Oriented Development Plan.

## Findings of Fact, Conclusion, and Recommendation

4. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
5. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the planned action has mitigation measures for each element of the environment. The Planned Action (RCW 43.21C.440), is used to facilitate future growth by streamlining the environmental review for projects that are consistent with the Subarea Plan.
6. Plan Commission concludes that the intent of the including neighborhood councils to the list of entities that receive notice of applications was to give neighborhood councils standing and the ability to advocate for their neighborhood residents. As entities of standing, neighborhood councils should assume the responsibility of proactively communicated with their residents about pertinent all-city or neighborhood-specific development applications.
7. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
  - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
  - b. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use
  - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors
  - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers
  - e. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation
  - f. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.6 Transit-Supported Development
  - g. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment
  - h. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
  - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
  - j. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

## Findings of Fact, Conclusion, and Recommendation

- k. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation
  - l. Chapter 8: Urban Design and Historic Presentation – Goal DP 1 – Price and Identity, Policy DP 1.2 New Development in Established Neighborhoods
  - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2 Design Guidelines and Regulations
  - n. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design
  - o. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines
  - p. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development
  - q. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design
  - r. Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design
8. The Plan Commission recognizes the concerns expressed by community members about public safety within the South Logan Subarea. While the Plan Commission urges continued community collaboration with public safety and code enforcement officials, the body recognizes the positive impact that transit-oriented and pedestrian-oriented development can have on public safety within the built environment. Increased density and mix of uses made possible with amendments to the Center and Corridor zones, higher intensity residential zones, and height allowances, as well as street activation as called for in the Hamilton Form-Based Code, encourage more eyes on the street and have been found to have a positive effect on safety and walkability.

### **RECOMMENDATION:**

In the matter of the ordinance pertaining to the Hamilton Form-Based Code, amending the Unified Development Code of the City of Spokane:

1. By a vote of seven to zero, the City of Spokane Plan Commission recommends to the Spokane City Council the **APPROVAL** of the proposed adoption of Chapter 17C.420 and amendments to Chapter 17A.020 amendments.
2. The City of Spokane Plan Commission authorizes the Plan Commission President to prepare and sign on the Commission's behalf a written decision setting forth the Plan Commission's findings, conclusions, and recommendations on the proposed amendments.

Greg Francis  
Greg Francis (Jun 27, 2024 17:44 PDT)

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**Greg Francis, President**  
**Spokane Plan Commission**

Jun 27, 2024  
Click or tap to enter a date.



# PC Findings and Conclusions\_ Planned Action Ordinance

Final Audit Report

2024-06-28

|                 |  |
|-----------------|--|
| Created:        | 2024-06-27                                   |
| By:             | AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)        |
| Status:         | Signed                                       |
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## "PC Findings and Conclusions\_ Planned Action Ordinance" History

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