

ORDINANCE NO \_\_\_\_\_

An ordinance relating to Administration and Procedures of the Unified Development Code; amending SMC sections 17G.010.070, 17G.010.160, 17G.025.010, 17G.050.310, 17G.060.075, 17G.060.210, 17G.060.240, 17G.080.020, 17G.080.040

The City of Spokane does ordain:

Section 1. That SMC section 17G.010.070 is amended to read:

Section 17G.010.070 Eligibility of Applicants – Permits Issued Pursuant to the Land Use Codes

- A. The laws of various jurisdictions impose requirements upon the persons doing some of the work and conducting some of the activities regulated by this title. Many of the acts regulated by this title affect real property interests. For these reasons applicants for the various permits, licenses, certificates, and other approvals are required to furnish varying data concerning their authority to make the application and perform the acts applied for. The City does not, however, assume responsibility for the accuracy of an applicant's representations concerning entitlement to the approval applied for. The issuance of a permit, license, certificate, or other approval to a person not otherwise authorized does not operate to confer such authority.
- B. Building Permits.

To be eligible to obtain any of the various categories of "building" permits, one must be:

- 1. A contractor with a City of Spokane business license and an active contractor's license from the State of Washington Department of Labor and Industries that is appropriate for the work to be performed; or
- 2. The property owner as identified by the Spokane County Assessor records on condition that:
  - a. the owner is able to claim exemption from the State of Washington contractor registration requirements; and
  - b. all work is being performed by the owner and others as allowed by law, or by persons duly licensed or certified where required for the nature of the work.
  - c. Exception: Mechanical and boiler permits for any work involving gas piping, equipment, or appliances that are natural gas, liquid

propane gas, or oil fueled can only be issued to appropriately licensed contractors unless the property owner is currently licensed by the City of Spokane to install such piping, equipment, or appliances.

1. ~~To be eligible for a building permit, a person must be either:~~
  - a. ~~a contractor currently holding a valid license or certificate of registration in the appropriate category; or~~
  - b. ~~able to claim under any exemption from the contractor registration act, other than that for occupants and owners of residential property, and be otherwise qualified; or~~
  - c. ~~the resident owner of a single-family residence.~~

2. ~~Exception.~~

~~Additionally, an electrical permit may be issued to the owner of a commercial or industrial building for:~~

- a. ~~the alteration, change, or extension of electrical wiring, apparatus, or fixtures in existing buildings; or~~
- b. ~~wiring of apparatus, special equipment, or fixtures;~~

~~on condition that all work, if not done by an electrical contractor, be done by a licensed electrician who is regularly employed full time in the maintenance of the electrical system of the premises.~~

3. ~~Exception.~~

~~The owner of an existing residential building, of combustible-type construction, not exceeding twelve dwelling units nor three stories in height, may for the purpose of occupancy by the owner or a tenant or lessee of the owner, but not for the purpose of sale when the property has been owner-occupied less than twelve months, obtain a permit to repair or remodel the building (including such work as framing, roofing, and sheetrock) and its electrical and plumbing systems, but not any work requiring a mechanical permit, on condition that all work be done by the owner-permittee and others as allowed by law, or persons duly licensed or certificated where required by law for the nature of the work.~~

C. Encroachments in Public Ways.

Applications for building projections, sidewalk openings, fences, or other encroachments under SMC 17G.010.140 must be made by or on behalf of all property owners as described in SMC 17G.010.070.

D. Certificates of Occupancy.

Applications for certificates of occupancy may be made by any owner, contractor, lessee, tenant, mortgagee, trust deed beneficiary, or representative having the right of possession or right-of-entry.

- E. Safety Certifications.  
Applications for safety or code compliance certifications may be made by any owner, contractor, lessee, tenant, mortgagee, trust deed beneficiary, or representative having the right of possession or right-of-entry.
- F. Contractor Licenses.  
The eligibility of licensees as contractors is set forth in SMC 17G.010.190.
- G. Workers Licenses.  
The eligibility of licensees as regulated workers is set forth in SMC 17G.010.200.
- H. Special Construction Activities.  
The eligibility of permittees for special construction activities is set forth in SMC 17G.010.210.

Section 2. That SMC section 17G.010.160 is amended to read:

**Section 17G.010.160 Application for Approval of Encroachment**

- A. When a structure or part thereof or appendage thereto, such as footings, balconies, marquees, awnings and architectural projections, is to project into, above, or below the right of way of any public way, the applicant shall conspicuously show the encroachment on the plans and specifications of the building permit application so as to demonstrate compliance with the requirements of chapter 32 (~~(UBC)~~) IBC.
- B. Any person who proposes to install any opening in a public sidewalk, such as an elevator or other structure with a door which opens vertically to the sidewalk, must make written application to the (~~(engineering services director)~~) City Engineer. The applicant shall furnish complete details of the construction and installation, including specifications for the door, hatch or other covering, and drawings showing the precise location of the opening with reference to the curblines, building line and existing utility lines and facilities.
- C. A property owner proposing to use such portion of the right-of-way of a public street or alley as is not used or needed presently or in the foreseeable future for public travel, for the purposes of constructing, installing or planting fences, hedges or similar improvements, shall make application to the (~~(department of building services)~~) Development Services Center in the form of an acknowledged agreement whereby the property owner covenants to remove the encroachment and restore the property to its former condition upon thirty days' notice by the City. (~~(The department of building services seeks the approval or disapproval of the application by the director of engineering services.)~~) Any department reviewing the application may require the

applicant to furnish a plot plan, plans and specifications, or other data required to properly evaluate the proposal.

Section 3. That SMC section 17G.060.240 is amended to read:

**Section 17G.060.240 Expiration of Permits**

- A. Table 17G.060-3 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision provided, that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.
- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M) ~~((and (N)))~~.

Section 4. That SMC section 17G.050.310 is amended to read as follows:

**Section 17G.050.310 Right of Appeal**

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

Section 5. That SMC section 17G.060.075 is amended to read as follows:

**Section 17G.060.075 Shoreline Substantial Development Permit Letter of Exemption Procedure**

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.3200 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.060.070 with these additional application materials:
  - 1. Written explanation of exemption type as defined in SMC 17E.060.3200 and WAC 173-27-040.
  - 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
  - 3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).

E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:

1. Letter of exemption.
2. Site plan.
3. What is being approved; and
4. Conditions of approval.

It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.3200 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).

F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

Section 6. That SMC section 17G.060.210 is amended to read as follows:

### **Section 17G.060.210 Appeals**

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes. ~~((The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.))~~
- B. Appeal ~~((or request for reconsideration))~~ of a director's decision on a ~~((Type I and Type II))~~ project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC and appeals related to the fire code shall be heard by the fire code advisory board pursuant to chapter 4.08 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of ~~((the))~~ a hearing examiner's decisions ~~((on a Type III project permit application are))~~ is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.

- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the “date of filing” or the date of actual receipt by the Department of Ecology (~~date the department of ecology receives the final decision~~); appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the “date of filing” or the date the decision of the Department of Ecology is transmitted to the City of Spokane (~~date of transmittal by the department of ecology of the final decision to the City~~). If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, ~~((A))~~ appeals or requests for reconsideration from decisions (~~or rulings~~) shall be ~~((made))~~ filed within fourteen calendar days of the date of the ~~((written order))~~ decision. ~~((or within seven days of the date of issuance of the decision on a request for reconsideration.))~~ If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is ~~((signed))~~ issued.
- G. An appeal or request for reconsideration ~~((of the director or hearing examiner))~~ shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner’s statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
- a. file number of the decision;
  - b. an indication of facts that establish the appellant’s right to ~~((appeal or request reconsideration))~~ the relief requested;
  - c. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
  - d. the requested relief from the decision being appealed or reconsidered;
  - e. any other information reasonably necessary to make a decision on the appeal or reconsideration;

- f. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.
- H. The appeal or request for reconsideration is rejected if:
- a. it is filed by a person without standing as specified in chapter 17A.020 SMC;
  - b. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
  - c. it is not timely filed;
  - d. the appeal fees have not been paid; or
  - e. it is not filed in accordance with the procedures of this chapter.
- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal (~~or other requests for relief~~), unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.  
 Notice of a hearing by the hearing examiner on an ~~an~~ request for reconsideration ~~or~~ appeal ~~((of a Type I or Type II project permit))~~ is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:
- a. Location of the property including a map sufficient to clearly locate the site.
  - b. Description of the proposed action.
  - c. Name of the applicant.
  - d. Application name and number.
  - e. Decision made on the application, including the environmental threshold determination.
  - f. Name of the appellant if other than the applicant.
  - g. Date, time, and place of hearing.
  - h. A statement of whether the appeal is on the record or if new information will be allowed; and
  - i. Name, address, and office telephone number of the City official from whom additional information may be obtained.

Section 7. That SMC section 17G.080.020 is amended to read as follows:



## Section 17G.080.020 General Provisions

### A. Authority and Administration.

This chapter is adopted pursuant to chapters 36.70A and 58.17 RCW. The director is assigned the duty to administer, interpret and enforce the requirements of this chapter. The director establishes administrative rules and requires the use of such forms as needed for the administration of subdivision under this chapter.

### B. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;
3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:
  - a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
  - b. Additional street right-of-way;
7. an adjustment of boundary lines in accordance with the provisions of this chapter.

### C. Expiration of Approval.

~~((Approval of a preliminary subdivision, short subdivision or binding site plan shall automatically expire five years after preliminary approval is granted, except that a time extension may be granted))~~ A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary ~~subdivision plat~~, preliminary short subdivision plat or preliminary binding site plan, as provided in subsection ~~((M))~~ (L) of this section.

### D. Alteration, Vacation and Redivision of Final Plat, Short Plat or Binding Site Plan.

#### 1. Alteration.

The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the

procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

- a. obtain approval from the director of engineering services prior to application for alteration;
- b. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the alteration by the hearing examiner.

2. Vacation.

- a. When the application is for the vacation of the City street/right-of-way, the procedures for street vacation set forth in chapter 35.79 RCW shall be utilized. The city council shall conduct the public hearing required under this statute.
- b. When the application is for the vacation of the plat together with the City streets/right-of-way the procedure for vacation set forth in RCW 58.17.212 shall be utilized. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute.

3. Redivision of Platted Lots.

- a. The division of a lot located in a recorded plat, binding site plan or short plat shall be processed as a new application in accordance with the provisions of this chapter. Lot lines within an existing subdivision may be adjusted in accordance with the procedures for SMC 17G.080.030, Boundary line adjustment, without redivision providing that no new or substandard lots are created.
- b. When the application is for a redivision which replaces private streets with City street/right-of-way, the applicant shall:
  - i. obtain approval from the director of engineering services prior to application for redivision;
  - ii. if the director of engineering services denies the request for private streets, the applicant may apply for a street vacation as set forth in chapter 35.79 RCW. The approval of the street vacation is required prior to a decision on the redivision by the hearing examiner.

E. Names of Plats, Short Plats and Binding Site Plans.

The name of a plat, short plat or binding site plan shall be approved by the director prior to the submittal of the final plat, short plat or binding site plan. A name that is similar to or the same as an existing recorded plat, short plat or binding site plan on file with the Spokane county auditor is not permitted. The following format shall be followed for naming plats, short plats and binding site plans:

1. Short plats: " \_\_\_\_\_ City Short Plat, File No. \_\_\_\_."
2. Plats:
  - a. City View Addition.
  - b. City View 1st Addition.
  - c. City View 2nd Addition.
  - d. City View 3rd Addition.
3. Binding site plans: " \_\_\_\_\_ BSP, File No. \_\_\_\_\_."

F. Street Names.

The names of all public and private streets shall be approved by the director of engineering services prior to recording of the plat, short plat or binding site plan and shall meet the requirements of chapter 17D.050 SMC.

G. Modification to a Preliminary Plat, Short Plat or Binding Site Plan.

A request to modify a preliminary plat, short plat or binding site plan that has received preliminary approval shall be submitted to the director.

1. Substantial Modifications.

Revisions that result in a substantial change, as determined by the director, shall be treated as a new application for purposes of vesting and concurrency and shall be reviewed and approved under the same process required for a preliminary subdivision, short subdivision or binding site plan. For the purpose of this section, substantial change includes:

- a. the creation of additional lots or the inclusion of additional area; or
- b. a significant change in the proposal, including changes in points of ingress or egress; or alteration of conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval;
- c. change of use.

2. Minor Modifications.

The following modifications are considered minor and may be approved administratively by the director:

- a. Engineering design that does not alter or eliminate features specifically required as a condition of preliminary subdivision approval;
- b. Changes in lot dimensions that are consistent with the underlying zone;
- c. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained; or
- d. Changes in phasing plans that do not significantly impact the plat and are acceptable to the director of engineering services and non-City service providers.

H. Monument/Survey Data Requirements for Plats, Short Plats and Binding Site Plans.

1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
2. Every final plat, short plat and binding site plan shall show the following:
  - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
  - b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
  - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
  - d. Ties to adjoining surveys of record.
3. Every final plat, short plat and binding site plan shall conform to the following standards:
  - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
  - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
  - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
  - d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
  - e. Lots along curves shall show arc length and include angle ( $\Delta$ ) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle ( $\Delta$ ), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

I. Fees.

All applications shall include the fees set forth in chapter 8.02 SMC.

J. Enforcement and Penalties.

Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter or chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

K. Appeals.

Appeals of this chapter shall be governed by chapters 17G.050 and 17G.060 SMC.

L. Extensions of Time.

An approved preliminary subdivision, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:
  - a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
  - b. The applicant must have finalized at least one phase.
  - c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
  - d. The project shall be consistent with the comprehensive plan.
  - e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
  - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
  - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
  - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
  - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter 17G.060 SMC.

M. Sunset Provision.

1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.
3. Extensions of the Sunset Provision.  
The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:
  - a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.
  - b. The preliminary subdivision has a minimum of one hundred lots or dwelling units remaining to be finalized as of the effective date of the ordinance codified in this chapter.
  - c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.
  - d. The application shall demonstrate compliance with all of the following:
    - i. The project is consistent with the comprehensive plan.
    - ii. The project is consistent with current development standards; and
    - iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.
  - e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.
  - f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.

Section 8. That SMC section 17G.080.040 is amended to read as follows:

## **Section 17G.080.040 Short Subdivisions**

### **A. Predevelopment Meeting**

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

### **B. Preliminary Short Plat Application and Map Requirements**

1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:
  - a. The general application.
  - b. The supplemental application.
  - c. The environmental checklist, if required under chapter 17E.050 SMC.
  - d. Title report no older than thirty days from issuance from the title company.
  - e. The filing fees as required under chapter 8.02 SMC.
  - f. The required number of documents, plans or maps drawn to a minimum scale of one inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.
  - g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
  - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
  - i. One copy of the predevelopment conference notes (if applicable); and
  - j. One copy of the notification district map.
2. Contents of Preliminary Short Plat Map

The preliminary short plat shall be prepared by a land surveyor and shall show the following:

  - a. Plat name and the name of any subdivision to be replatted.

- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address and phone number.
- d. Legal description.
- e. Section, township and range.
- f. Vicinity map.
- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots and proposed density.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.
- q. Proposed names of streets.
- r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
- u. Indicate any street grades in excess of eight percent.
- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.



- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

The application shall be reviewed in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application.

E. Preliminary Short Plat Approval Criteria

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.060 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and 17G.060 SMC.

F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:
  - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
  - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
  - c. Covenants, conditions and restrictions, if applicable; and
  - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.

- a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
  - i. A cover letter addressing the corrections, additions or modifications required.
  - ii. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
  - iii. The required number of copies of the corrected final short plat map.
  
- 3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of ((~~silverstick~~) mylar) and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

- 1. A final short plat shall contain all the information required of the preliminary plat, except the following:
  - a. Show existing buildings.
  - b. Show existing utility lines and underground structures.
  - c. Show the topographical elevations; or
  - d. Contain the names and addresses of adjoining landowners.
- 2. The final short plat shall include the following:
  - a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, \_\_\_\_\_ registered land surveyor, hereby certify the plat of \_\_\_\_\_, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed \_\_\_\_\_ (Seal)"

- b. A certification by the city treasurer, as applicable:
  - i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local

improvement assessments. Examined and approved, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Treasurer”

- ii. “I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Treasurer”

- iii. “A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner’s to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Treasurer”

- c. The certification by the planning director, as follows:  
“This plat has been reviewed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s/Planning Director’s approval of the preliminary plat # - -PP/SP.

\_\_\_\_\_  
City of Spokane Planning Director”

- d. The certification by the city engineer, as follows:  
“Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Engineer”

- e. The certification by the Spokane county treasurer, as follows:  
“I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Spokane County Treasurer”

- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.
- g. Signature of every owner certifying that:

- i. the plat is made with the free consent and in accordance with the desires of the owners of the land;
  - ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
  - iii. the owners adopt the plan of lots, blocks and streets shown;
  - iv. owner dedicates to the City and the City's permittees the easements shown for utilities and cable television purposes;
  - v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and
  - vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.
- h. The drawing shall:
- i. be a legibly drawn, printed or reproduced permanent map;
  - ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
  - iii. have margins that comply with the standards of the Spokane county auditor;
  - iv. show in dashed lines the existing plat being replatted, if applicable;
  - v. show monuments in accordance with SMC 17G.080.020(H)(1);
  - vi. include any other information required by the conditions of approval; and
  - vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.

#### H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date