

ORDINANCE NO. C34719

An ordinance relating to Unified Development Code administration and procedures; amending the title to chapter 17G.020; adopting new SMC sections 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, and 17G.020.080; adopting a new chapter 17G.025 to title 17G; and amending SMC sections 17G.020.010, 17G.040.030, 17G.060.050, 17G.060.120, 17G.070.200, 17G.070.210, 17G.080.030, 17G.080.040, and 17G.080.060.

The City of Spokane does ordain:

Section 1. That the title to chapter 17G.020 of the Spokane Municipal Code is amended to read as follows:

Chapter 17G.020
Comprehensive Plan ~~((and Development Standard))~~ Amendment Procedure

Section 2. That SMC 17G.020.010 is amended to read as follows:

**17G.020.010 Comprehensive Plan ~~((and Development Standard))~~
 Amendment ~~((Process))~~ Purpose**

- A. ~~((Legislative Actions.))~~
This chapter provides the process for amending the comprehensive plan. All actions taken during the annual amendment process are legislative actions. These actions ~~((may))~~ include amendments to the land use plan map or text of the comprehensive plan ~~((, text of the Spokane Municipal Code, site-specific or area-wide rezoning, establishment of overlay zones, and annexations)).~~
- B. ~~((Guiding Principles.))~~
The guiding principles of the annual process for comprehensive plan amendments are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.

4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. The proposed changes must result in a net benefit to the general public.

~~((C. Amendments: Timing, Criteria.~~

~~Starting in 2003, and thereafter no more often than once each year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan or land use code, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.~~

~~1. GMA.~~

~~The change must be consistent with the goals and purposes of the state Growth Management Act.~~

~~2. Consistency.~~

~~Unless the proposal is consistent with and implements the current version of the comprehensive plan and its supporting documents, adoption of the proposal must also include any other changes needed to regain overall compliance with GMA's requirement for internal and regional consistency.~~

~~3. Cumulative Effect.~~

~~All amendments must be considered concurrently in order to evaluate their cumulative effects.~~

~~4. SEPA.~~

~~SEPA review must be completed on all amendment proposals.~~

~~5. Adequate Public Facilities.~~

~~The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services.~~

~~6. Public Benefit.~~

~~The proposed changes must result in a net benefit to the general public.~~

~~7. No Adverse Effect.~~

~~The proposed changes must not have a significant adverse effect on the public.~~

~~C. Review Guidelines.~~

~~The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, and by the plan commission and city council in determining whether a criterion for approval has been met.~~

~~1. Regulatory Changes.~~

~~Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.~~

~~2. Financing.~~

~~In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant Six-year Capital Improvement Plan(s) approved in the same budget cycle.~~

~~3. Funding Shortfall.~~

~~If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.~~

~~4. Internal Consistency.~~

~~The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the Parks Plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.~~

~~5. Regional Consistency.~~

~~All changes to the comprehensive plan must be consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional Transportation Improvement Plan, and official population growth forecasts.~~

~~6. Consistent Amendments.~~

~~a. Policy Adjustments.~~

~~Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:~~

- ~~i. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~ii. the capacity to provide adequate services is diminished or increased;~~
- ~~iii. land availability to meet demand is reduced;~~
- ~~iv. population or employment growth is significantly different than the plan's assumptions;~~
- ~~v. plan objectives are not being met as specified;~~
- ~~vi. the effect of the plan on land values and affordable housing is contrary to plan goals;~~
- ~~vii. transportation and/or other capital improvements are not being made as expected;~~
- ~~viii. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the Countywide Planning Policies, or development regulations.~~

~~b. Map Changes.~~

~~Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:~~

- ~~i. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);~~

- ~~ii. The map amendment or site is suitable for the proposed designation;~~
- ~~iii. The map amendment implements applicable comprehensive plan policies better than the current map designation.~~

~~7. Inconsistent Amendments.~~

~~a. Review Cycle.~~

~~Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.~~

~~b. Adequate Documentation of Need for Change.~~

~~The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:~~

- ~~i. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~ii. the capacity to provide adequate services is diminished or increased;~~
- ~~iii. land availability to meet demand is reduced;~~
- ~~iv. population or employment growth is significantly different than the plan's assumptions;~~
- ~~v. transportation and/or other capital improvements are not being made as expected;~~
- ~~vi. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~vii. assumptions upon which the plan is based are found to be invalid; or~~

~~viii. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~e. Overall Consistency.~~

~~If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.~~

~~8. Cumulative Effect.~~

~~All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.~~

~~a. Land Use Impacts.~~

~~In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.~~

~~b. Grouping.~~

~~Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.~~

~~9. SEPA.~~

~~SEPA review must be completed on all amendment proposals.~~

~~a. Grouping.~~

~~When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.~~

~~b. DS.~~

~~If a Determination of Significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required Environmental Impact Statement (EIS).~~

~~10. Adequate Public Facilities.~~

~~The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) Citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.~~

~~11. UGA.~~

~~Privately initiated comprehensive plan amendment applications proposing changes to the urban growth area (UGA) will only be accepted during those years when the board of county commissioners (BoCC) reviews all UGAs countywide. Urban growth boundaries will be revised at least once every five years, per CWPP 1.19. Since the BoCC is the sole agency authorized to change the UGA, the city council's role is merely to review those suggested changes and make recommendations to the BoCC. A review of densities and population growth trends must indicate that such a change is needed, and the review shall conform to the requirements and guidelines contained in chapter 36.70A RCW and the relevant countywide planning policies.~~

~~D. Amendment Exceptions.~~

~~The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.~~

~~1. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. Also, future annexations will require an amendment to the land use plan map.~~

~~2. Adoption or amendment of a shoreline master program.~~

~~3. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.~~

~~4. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community wide significance, and not a personal emergency on the part of a particular applicant or property owner.~~

~~Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.~~

- ~~5. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.~~
- ~~6. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.~~
- ~~7. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.~~
- ~~8. Technical corrections that would remove typographical errors or resolve a mapping error.~~

~~E. Rezones, Land Use Plan Map Amendment.~~

- ~~1. A proposal for an area wide or site specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) may be considered at any time, subject to the application requirements of SMC 17G.060.070.~~
- ~~2. Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.~~

~~F. Amendment Applications.~~

- ~~1. Scope of Amendments.
A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:
 - ~~a. comprehensive plan maps, goals and policies in the various elements, including the Capital Facilities Program and other supporting documents;~~~~

- ~~b. regulations that implement the comprehensive plan, including the land use code or zoning map, the Shoreline Master Program and critical areas regulations;~~
- ~~c. administrative and regulatory procedures that implement the comprehensive plan; or~~
- ~~d. the comprehensive plan or its implementation measures, as necessitated by annexation actions.~~

~~2. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment.~~

~~3. Pre-application.~~

~~Prior to submitting an amendment proposal, a private applicant is required to schedule a pre-application conference by submitting the following:~~

- ~~a. Pre-application form, including a general summary of the nature of the desired change.~~
- ~~b. The pre-application fee as specified in chapter 8.02 SMC.~~

~~4. Application Components.~~

~~A private applicant for a comprehensive plan amendment must submit the following documents and fees:~~

- ~~a. A general application.~~
- ~~b. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:
 - ~~i. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent or inconsistent with the current comprehensive plan, and any specific suggested changes to the plan or related documents. The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.~~
 - ~~ii. Statement of how the plan or zone change request is consistent with all of the decision criteria.~~~~

- c. ~~A completed SEPA checklist. A supplement is required since all comprehensive plan amendments are considered non-project proposals.~~
- d. ~~A notification district map.~~
- e. ~~Full application fee (as specified in chapter 8.02 SMC) with credit given for the pre-application fee that has already been paid.~~
 - i. ~~Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.~~
 - ii. ~~SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.~~

~~G. Process for Application, Review and Decision.~~

- 1. ~~Pre-application Form.~~
~~Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.~~
- 2. ~~Pre-application Conference.~~
~~A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's desired change. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their concern. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).~~
- 3. ~~Deadline for Consideration.~~
~~Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference. An application will not move ahead for further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In~~

addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal.

~~4. Application Certification, Docketing.~~

~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a “complete application” or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.)~~

~~5. Full Review, SEPA.~~

~~Full SEPA review and in-depth staff analysis begins December 1st for those proposals certified complete by November 30th. Priority of proposal review is based on the applicant’s timely compliance with notice requirements and provision of requested studies. Related proposals are reviewed in groups according to subsections (D)(8)(b) and (D)(9)(a) of this section. Based on findings from the SEPA review and staff analysis, the plan commission may require the applicant to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, consideration of those applications will be postponed until the next applicable amendment cycle.~~

~~6. Notice of Application/SEPA.~~

~~By mid-December, staff sends the notice of application to the applicant. Applicants must complete all notice requirements (subsection (I)(4) or (I)(5) of this section) by January 10th. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.~~

~~7. Public Comment Period.~~

~~The public comment period initiated by the Notice of Application may last up to sixty days, depending on the complexity and number of applications. During this time period (usually mid-January to mid-March), each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a~~

~~database for later use in notifying interested parties regarding specific stages of the process.~~

~~8. Plan Commission Consideration.~~

~~Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence and hold public open houses during this time.~~

~~9. SEPA Determination.~~

~~Within ten days of the end of the public comment period, staff will complete the SEPA threshold determination, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).~~

~~10. Notice of SEPA and Hearing.~~

~~The combined notice of SEPA determination and notice of plan commission hearing must be published by early April or within seventeen days of the end of the public comment period, and fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.~~

~~11. Staff Report.~~

~~Once the SEPA appeal period ends, the staff prepares its final report, which addresses both SEPA and the merits of the amendment proposal. Copies of the report are mailed to the applicant as well as the plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state office of community, trade and economic development and other state agencies for their sixty day review, per RCW 36.70A106, WAC 365-195-620, and subsection (1)(9) of this section.~~

~~12. Plan Commission Hearing.~~

~~The plan commission's public hearing takes place after the SEPA appeal period has expired. The hearing will usually occur around the middle of April, or within thirty-one days of the end of the public comment period.~~

~~13. Plan Commission Recommendation:~~

~~The plan commission bases its recommendation on the review guidelines and required decision criteria, public input, conclusions from any required studies, the staff report, and findings from the SEPA analysis. The plan commission's findings and conclusions regarding its recommendation are forwarded to the city council within thirty days of their hearing or by the middle of May. The plan commission's recommendation may take the form of one of the following:~~

~~a. Approval based on support for the proposal and recognition that it is either consistent with the comprehensive plan and/or that enough evidence was presented to justify the need for the change.~~

~~i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.~~

~~b. Denial for the following reason(s):~~

~~i. The proposal does not comply with the review guidelines or decision criteria.~~

~~ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).~~

~~iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.~~

~~14. City Council.~~

~~The city council considers the amendment proposals, staff report, and plan commission's amendment recommendations within the context of its~~

~~budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, approve with conditions, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council may hold an additional hearing on the modified version. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearing are official amendments to the comprehensive plan.~~

~~Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.~~

~~15. Changes Made.~~

~~As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.~~

~~H. Notification.~~

~~1. Application Deadline.~~

~~As a courtesy, the city will publish a reminder notice once in early January and again in early September regarding each year's amendment application deadlines.~~

~~2. Private Applicant.~~

~~A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.~~

~~3. Text Changes.~~

~~Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper and notice in the *Official Gazette*. Publication of notice of application shall occur between January 2nd and January 10th. After the notice is performed, affidavits of~~

~~publishing/posting/ mailing are provided to the planning department by the applicant.~~

~~4. Map Changes.~~

~~Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper and notice in the *Official Gazette*. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. Publication and individual notice of the notice of application shall occur between January 2nd and January 10th. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.~~

~~5. City Council Hearing.~~

~~Notice of city council hearings must be published in the *Official Gazette*, and should also be published as a legal notice in the newspaper.~~

~~6. City Council Decisions.~~

~~City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to [SMC 17G.060.190](#).~~

~~7. Duration, Content of Notice.~~

~~Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request.~~

~~8. Transmittal to State, Notice of Intent to Adopt.~~

~~At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state office of community, trade and economic development (CTED) as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions, for their review and comment. In addition, copies of adopted~~

~~amendments must be transmitted to CTED within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).~~

~~9. Supplemental Notice.~~

~~In order to make all efforts to notify related parties, supplemental notification methods should be utilized, as appropriate, such as:~~

- ~~a. notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;~~
- ~~b. placing notices in appropriate regional, neighborhood, foreign language or trade journals; and~~
- ~~c. publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.~~

~~10. Who to Notify.~~

~~Depending on the nature of particular applications, the plan commission may decide to require additional notice procedures that are reasonably calculated to provide notice of proposed amendments to comprehensive plans and development regulations to any of the following groups:~~

- ~~a. Property owners, residents and building occupants.~~
- ~~b. Other affected and interested individuals.~~
- ~~c. Tribes.~~
- ~~d. Government agencies.~~
- ~~e. Businesses.~~
- ~~f. School districts; and~~
- ~~g. Organizations.~~

~~I. Public Participation Program.~~

~~1. Roles.~~

~~All complete applications for amendment to the comprehensive plan are considered and reviewed by the plan commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.~~

~~2. Goals.~~

~~Various public meetings, forums, presentations and outreach may be conducted in order to ensure:~~

- ~~a. broad dissemination of proposals and alternatives;~~
- ~~b. opportunity for written comments;~~
- ~~c. public meetings after effective notice;~~
- ~~d. provision for open discussion;~~
- ~~e. communication programs;~~
- ~~f. information services; and~~
- ~~g. consideration of and response to public comments.~~

~~3. Strategies and Methods.~~

~~In addition to plan commission and city council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:~~

- ~~a. efforts to involve the broadest cross-section of the community;~~
- ~~b. a series of public meetings or workshops should be held at various locations;~~
- ~~c. opportunity to make written comment;~~
- ~~d. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;~~
- ~~e. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;~~
- ~~f. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;~~
- ~~g. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.~~

~~4. Neighborhood Meetings.~~

~~Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).~~

~~5. Consideration of and Response to Public Comments.~~

~~All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.~~

~~6. SEPA.~~

~~Every effort should be made to incorporate public involvement efforts into the SEPA process.~~

~~7. Emergencies.~~

~~Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.)~~

Section 3. That there is adopted a new section 17G.020.020 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.020 Comprehensive Plan Amendments: Timing

- A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.
- B. A proposal for an area-wide or site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) may be considered at any time, subject to the application requirements of SMC 17G.060.070.

Section 4. That there is adopted a new section 17G.020.030 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.030 Comprehensive Plan Amendments: Review Criteria.

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, and by the plan commission and city council in determining whether a criterion for approval has been met.

- A. Regulatory Changes.
Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- B. GMA.
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. Financing.
In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant Six-year Capital Improvement Plan(s) approved in the same budget cycle.
- D. Funding Shortfall.
If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.
- E. Internal Consistency.
The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the Parks Plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.
- G. Regional Consistency.
All changes to the comprehensive plan must be consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions,

applicable capital facilities or special district plans, the regional Transportation Improvement Plan, and official population growth forecasts.

H. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

1. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

2. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

I. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a Determination of Significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required Environmental Impact Statement (EIS).

J. Adequate Public Facilities

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) Citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

K. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the County Wide Planning Policies for Spokane County.

L. Consistent Amendments.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the Countywide Planning Policies, or development regulations.

2. Map Changes.

Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
- b. The map amendment or site is suitable for the proposed designation;

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.
3. Rezones, Land Use Plan Map Amendment
Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

M. Inconsistent Amendments.

1. Review Cycle.
Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.
2. Adequate Documentation of Need for Change.
The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
 - a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - b. the capacity to provide adequate services is diminished or increased;
 - c. land availability to meet demand is reduced;
 - d. population or employment growth is significantly different than the plan's assumptions;
 - e. transportation and/or other capital improvements are not being made as expected;

- f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
 - g. assumptions upon which the plan is based are found to be invalid;
or
 - h. sufficient change or lack of change in circumstances dictates the need for such consideration.
3. Overall Consistency.
If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

Section 5. That there is adopted a new section 17G.020.040 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.040 Comprehensive Plan Amendments: Amendment Exceptions.

The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. Also, future annexations will require an amendment to the land use plan map.
- B. Adoption or amendment of a shoreline master program.
- C. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
- D. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent

danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

- E. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.
- F. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- G. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.
- H. Technical corrections that would remove typographical errors or resolve a mapping error.

Section 6. That there is adopted a new section 17G.020.050 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.050 Comprehensive Plan Amendments: Amendment Applications.

- A. Scope of Amendments.
A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:
 - 1. comprehensive plan maps, goals and policies in the various elements, including the Capital Facilities Program and other supporting documents;
 - 2. regulations that implement the comprehensive plan, including the land use code or zoning map, the Shoreline Master Program and critical areas regulations;
 - 3. administrative and regulatory procedures that implement the comprehensive plan; or
 - 4. the comprehensive plan or its implementation measures, as necessitated by annexation action.
- B. Applicant.
Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.
- C. Pre-application.

Prior to submitting an amendment proposal, a private applicant is required to schedule a pre-application conference by submitting the following:

1. Pre-application form, including a general summary of the nature of the desired change.
2. The pre-application fee as specified in chapter 8.02 SMC.

D. Application Components.

A private applicant for a comprehensive plan amendment must submit the following documents and fees:

1. A general application.
2. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:
 - a. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent or inconsistent with the current comprehensive plan, and any specific suggested changes to the plan or related documents. The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.
 - b. Statement of how the amendment request is consistent with all of the decision criteria.
3. A completed SEPA checklist. A supplement is required since all comprehensive plan amendments are considered non-project proposals.
4. A notification district map.
5. Full application fee (as specified in chapter 8.02 SMC) with credit given for the pre-application fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 7. That there is adopted a new section 17G.020.060 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.060 Comprehensive Plan Amendments: Process for Application, Review and Decision.

- A. Pre-application Form.
Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.
- B. Pre-application Conference.
A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's desired change. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their concern. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).
- C. Deadline for Consideration.
Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference. An application will not move ahead for further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal.
- D. Application Certification, Docketing.
Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.)
- E. Full Review, SEPA.
Full SEPA review and in-depth staff analysis begins December 1st for those proposals certified complete by November 30th. Priority of proposal review is based on the applicant's timely compliance with notice requirements and

provision of requested studies. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, consideration of those applications will be postponed until the next applicable amendment cycle.

F. Notice of Application/SEPA.

Within fourteen days of the completion of the review required in subsection E above, staff sends the notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within sixty days of the date the notice of application is sent by staff to the applicant. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

G. Public Comment Period.

The public comment period initiated by the Notice of Application may last up to sixty days and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

H. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence and hold public open houses during this time.

I. SEPA Determination.

Within ten days of the end of the public comment period, staff will complete the SEPA threshold determination, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

- J. Notice of SEPA and Hearing.
The combined notice of SEPA determination and notice of plan commission hearing must be published within seventeen days of the end of the public comment period, and fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.
- K. Staff Report.
Once the SEPA appeal period ends, the staff prepares its final report, which addresses both SEPA and the merits of the amendment proposal. Copies of the report are mailed to the applicant as well as the plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state office of community, trade and economic development and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620, and subsection (I)(9) of this section.
- L. Plan Commission Hearing.
The plan commission's public hearing takes place after the SEPA appeal period has expired. The hearing will usually occur within thirty days of the end of the public comment period.
- M. Plan Commission Recommendation.
The plan commission bases its recommendation on the review guidelines and required decision criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings and conclusions regarding its recommendation are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:
1. Approval based on support for the proposal and recognition that it is either consistent with the comprehensive plan and/or that enough evidence was presented to justify the need for the change.
 - a. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.
 2. Denial for the following reason(s):

- a. The proposal does not comply with the review guidelines or decision criteria.
- b. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
- c. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.

N. City Council.

The city council considers the amendment proposals, staff report, and plan commission's amendment recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council may hold an additional hearing on the modified version. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.

O. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 8. That there is adopted a new section 17G.020.070 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.070 Comprehensive Plan Amendments: Notification.

- A. Application Deadline.
As a courtesy, the city will publish a reminder notice once in early January and again in early September regarding each year's amendment application deadlines.
- B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper and notice in the Official Gazette. After the notice is performed, affidavits of publishing/posting/mailing are provided to the planning department by the applicant.
- D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper and notice in the Official Gazette. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.
- E. City Council Hearing.
Notice of city council hearings must be published in the Official Gazette, and should also be published as a legal notice in the newspaper.
- F. City Council Decisions.
City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the Official Gazette. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

- G. Duration, Content of Notice.
Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request.
- H. Transmittal to State, Notice of Intent to Adopt.
At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state office of community, trade and economic development (CTED) as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions, for their review and comment. In addition, copies of adopted amendments must be transmitted to CTED within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

Section 9. That there is adopted a new section 17G.020.080 to chapter 17G.020 of the Municipal Code to read as follows:

17G.020.080 Public Participation Program.

- A. Roles
All complete applications for amendment to the comprehensive plan are considered and reviewed by the plan commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.
- B. Goals.
Various public meetings, forums, presentations and outreach may be conducted in order to ensure:
1. broad dissemination of proposals and alternatives;
 2. opportunity for written comments;
 3. public meetings after effective notice;
 4. provision for open discussion;
 5. communication programs;
 6. information services; and

7. consideration of and response to public comments.

C. Strategies and Methods.

In addition to plan commission and city council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:

1. efforts to involve the broadest cross-section of the community;
2. a series of public meetings or workshops should be held at various locations;
3. opportunity to make written comment;
4. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;
5. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;
6. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;
7. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.

D. Neighborhood Meetings.

Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).

E. Consideration of and Response to Public Comments.

All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

F. SEPA.

Every effort should be made to incorporate public involvement efforts into the SEPA process.

- G. Emergencies.
Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

Section 10. That SMC 17G.040.030 is amended to read as follows:

17G.040.030 Projects Exempt from Design Review

- A. Public Projects Exempt from Design Review.
 - 1. City Parks.
 - a. Maintenance or repair work.
 - b. Development or construction that does not increase the size of the park, or substantially change the physical or visual aspect of the park or park structures; and
 - c. Playground and recreational use structures that have been reviewed by neighbors through a public process.
 - 2. Streets.
 - a. Projects that occur between, and do not change, existing curb lines and do not have a visual or physical impact beyond the existing curb lines.
 - b. Projects that have been designed through a multi-departmental process (including review by staff from engineering, urban design, planning, the urban forester, and other applicable advisory or regulatory departments), clearly meet all adopted City policies, and are not requesting a deviation; and
 - c. City street projects that deviate from one or more adopted City policies, regulations, or standards but for which mitigation to address the deviation has been agreed to by engineering services, planning services, and any other affected departments through a decision making process based on prioritized criteria and that results in a memorandum of understanding between the affected departments.
 - 3. Utilities.

- a. Underground utilities with no visual or physical impact, and
 - b. Small utility structures of minimal impact that have been reviewed by neighbors through a public process.
4. ~~((A federal, state, or county project that is located within a campus and is either:~~
- ~~c. more than five hundred feet from a shoreline,~~
 - ~~d. more than one hundred fifty feet from a public right-of-way, or~~
 - ~~e. not visible from a public right-of-way or a shoreline due to an existing permanent structure.))~~

A federal, state or county project located on a campus that meets one of the following criteria:

- a. more than five hundred feet from a shoreline,
- b. more than one hundred fifty feet from a public right-of-way, or
- c. not visible from a public right-of-way or a shoreline due to an existing permanent structure.

Section 11. That SMC 17G.060.050 is amended as follows:

17G.060.050 Community Meeting

All Type III applications in Table 17G.060-3 are required to proceed through a community meeting. The applicant or their representative shall conduct a community meeting regarding the proposed application no more than one hundred twenty days prior to application and before the application is accepted by the City. Notice for the community meeting shall be posted fourteen days prior to the meeting. When a traffic study is required as a part of an application, the scoping meeting for a traffic study may be combined with the community meeting. Public notice of a community meeting shall be provided as required in SMC 17G.060.110 through 17G.060.120.

Section 12. That SMC 17G.060.120 is amended as follows:

17G.060.120 Public Notice – Types of Notice

- A. Individual notice is given in writing by regular U.S. mail or by personal service.
 - 1. Notice is given to:
 - a. all owners and taxpayers of record, as shown by the most recent Spokane County assessor’s record, and occupants of addresses of

property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;

- b. any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
- c. any agency with jurisdiction identified by the director.

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

- a. Type I, II, and III project permit applications:
 - i. Location of the property sufficient to clearly locate the site.
 - ii. Description of the proposed action and required permits.
 - iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.
 - iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
 - vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and
 - x. Date of the application and date of the notice of complete application.

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

B. Sign

Posted notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

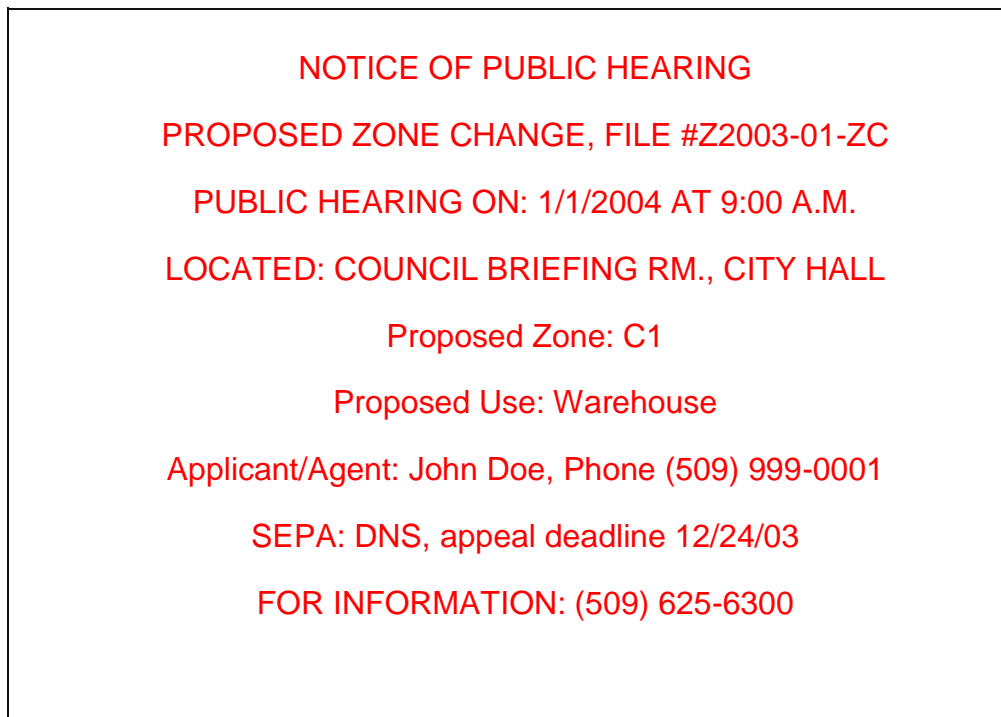
- 1. The posted notice sign must meet the following specifications:
 - a. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
 - b. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - c. It is white with red lettering.
- 2. Posted notices must contain the following information:
 - a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
 - b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.
 - c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."
 - d. The remaining lines of text, in three-inch letters, read as follows depending on the proposal:

TABLE 17G.060-2 CONTENT OF PUBLIC NOTICE

Application	Proposed Use	Proposed Zone	Proposed Standard	Project Name	Acreage	# of Lots
Type I	X					
Type II	X			X	X ¹	X ¹
Type III	X	X ²	X ³	X	X ¹	X ¹
¹ Preliminary Plat, BSP, PUD, short plat ² Rezone ³ For applications which modify a development standard						

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

Example "A"



Example "B"

NOTICE OF SEPA/APPLICATION
BUILDING PERMIT, FILE #B0300001
PUBLIC COMMENT DUE: 1/1/2004 AT 9:00 A.M.
Proposed Use: Commercial
Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300

- C. Posting.
Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at “official public notice posting locations,” including:
1. the main City public library and the branch library within or nearest to the area subject to the pending action;
 2. the space in City Hall officially designated for posting notices; and
 3. any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.
- D. Newspaper notices(~~(, including a map that clearly shows the location of the proposal,)~~) is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (A)(2) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.
- E. Other Notification.
The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

**TABLE 17G.060-3
COMMUNITY MEETING, PUBLIC NOTICE, REVIEW OFFICIAL, AND
EXPIRATION FOR LAND USE PERMITS**

Permit	Type	Community Meeting	Notice of Application	Notice of Public Hearing	Review Official	Hearing Required	City Council Review	Expiration of Permit ¹
Building and Code Enforcement								
Building Permit	I	No	Legal/Individual	No	Building Official	No	No	180 days
Grading Permit	I	No	Legal/Individual	No	Building Official	No	No	180 days
Demolition Permit	I	No	Legal/Individual	No	Building Official	No ²	No	180 days
Planning Services – Current								
Binding Site Plan	II	No	Posted / Individual	No	Planning Director	No	No	5 years
Certificate of Compliance (CC)	III	Posted/Individual	Posted / Individual	Posted/Individual	Hearing Examiner	Yes	No	None
CC	II	No	Posted / Individual	No	Planning Director	No	No	None
Condi	III	Posted/	Posted	Posted/	Heari	Yes	No	3

onal Use Permit (CUP)		Individual	/ Individual	Individual	ng Examiner			years
CUP	II	No	Posted / Individual	No	Planning Director	No	No	3 years
Floodplain with SEPA	I	No	Posted / Individual	No	Planning Director	No	No	180 days
Floodplain Variance	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years
Long Plat	III	Posted/ Individual	Posted / Individual	Newspaper/ Posted/ Individual	Hearing Examiner	Yes	No	5 years
Plans-in-lieu	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years
Plans-in-lieu	II	No	Posted / Individual	No	Planning Director	No	No	3 years
PUD	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	Yes	((3)) 5 years ²
Rezone	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	Yes	3 years

Shoreline SDP	II	No	Posted / Individual	No	Planning Director	No	No	Must comply with WAC 173-27-090
Shoreline CUP	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	No	Must comply with WAC 173-27-090
Shoreline Variance	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	No	Must comply with WAC 173-27-090
Short Plat	II	No	Posted / Individual	No	Planning Director	No	No	5 years
Skywalk	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	Yes	2 years
Variance	III	Posted/ Individual	Posted / Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years

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

² NOTE: Public Hearing is required if the structure is on the National Historic Register.

³NOTE: If a Planned Unit Development is approved together with a Preliminary Plat, the expiration date for the Planned Unit Development shall be the same as the expiration date of the Preliminary Plat.



Section 13. That SMC 17G.070.200 is amended to read as follows:

17G.070.200 Application Process

- A. Predevelopment Meeting.
A predevelopment meeting is recommended for planned unit development proposals. 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 affect the proposal.

- B. Community Meeting and Public Notice.
Prior to submittal of the application, the applicant shall conduct a community meeting. The applicant shall hold the community meeting no more than one hundred twenty days prior to the submission of the application. All public notice and format of the meeting shall be given in accordance with the procedures set forth in chapter 17G.060 SMC for a Type III application.

- C. Design Review.
The application is required to be reviewed by the design review board. The application may proceed through the design review process prior to submittal to the director. The evaluation of the application by design review shall be complete prior to the end of the public comment period initiated by the notice of application. The application to design review shall contain the information specified in chapter 17C.040 SMC and SMC 17G.070.200(D). The design review board makes recommendations to the hearing examiner on the conformance of the planned unit development with the applicable goals, policies and design standards. The report of the design review board is made available to the hearing examiner by the close of the public comment period.

- D. Application Requirements for Preliminary Planned Unit Development.
An application for a concept plan for a planned unit development shall contain the information required under SMC 17G.060.070(A) and (B)(5). In addition, the application materials shall contain information related to existing conditions on the site, presented in narrative, tabular, and/or graphic formats.
 - 1. Vicinity map that identifies the type, design and characteristics surrounding uses within four hundred feet of the site boundary, including zoning designations.

 - 2. Site description includes the following information provided in narrative, tabular, and/or graphic formats:

- a. Topography and natural resources including one hundred year flood plain; drainage patterns and courses; wetlands, rivers, springs and other water bodies; significant stands of trees or individual trees with a caliper greater than six inches; designated fish and wildlife habitat, and natural hazards such as steep slopes greater than sixteen percent, and unstable, impermeable, or weak soils. Exhibits must include a site plan with no greater than five foot contours.
 - b. Open space inventory including all natural and landscaped areas.
 - c. Inventory of cultural, historic and/or archaeological resources on the site, if any.
 - d. Existing buildings, if any, including use, location, size, and date of construction.
 - e. Existing on-site pedestrian, bicycle and vehicular circulation system, if any.
 - f. Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities, if any.
 - g. Location and size of all public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.
 - h. Location of all public and private easements.
3. Detailed description of the transportation system within and adjacent to the site including:
 - a. street classification of all internal and adjacent streets;
 - b. transit service availability;
 - c. baseline traffic impact study prepared by a licensed engineer to include information as required by the city's traffic engineer.
 4. Analysis of existing infrastructure capacity on and in the vicinity of the site.
 5. Planning History.
Summary of all previous known land use cases affecting the applicant' s property and a list of all outstanding conditions of approval that either have

not been addressed in the past and/or that remain in force at the time of the application.

6. Proposed Development Plan.
Description of all proposed development within the planned unit development, presented in narrative, tabular and graphic formats.
 - a. Descriptions of the mix of uses, including number of units, and/or total gross square feet devoted to each, and approximate building envelopes.
 - b. All other site improvements including the approximate size and location of walls, barriers, and fences; surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, transit, and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.
 - c. The conceptual location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, stormwater management facilities; and electrical, telephone and data transmission lines. This includes wireless telecommunications facilities.
7. Summary of transportation facilities including:
 - a. traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at full build-out of the project, and a plan for accommodating this traffic in compliance with chapter 17D.010 SMC, Concurrency Certification. The City's traffic engineer shall determine the specific content of the traffic impact study.
 - b. Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.
 - c. Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian impacts, if any, and appropriated measures to mitigate these impacts.
 - d. A circulation plan showing existing and proposed pedestrian and vehicular patterns.
8. Plan for protecting designated environmental, historic/cultural and open space resources.

9. Design standards that will govern the orientation and design of buildings and other improvements include but are not limited to the following:
 - a. A statement of the projects overall design concept and intent.
 - b. Schematic building floor plans, when germane to achieving a design objective.
 - c. Conceptual building elevations, architectural detail including fencing, signs and other structures.
 - d. Cross-sections of the site showing spatial relationships between all major elements (buildings, landscaping, light standards, etc.).
 - e. A conceptual landscape plan sufficient in detail necessary to convey the concept plan (landscape areas, hardscape, lighting, and streetscape elements).
 - f. Lighting and signage plan for the entire site, which indicates locations, illumination, design, and spatial relationship to other site amenities including buildings; and
 - g. Graphic depiction of each type of sign.

E. Review of the Preliminary Planned Unit Development.

1. The application shall be reviewed in accordance with the procedures set forth in chapter 17G.060 SMC for a Type III application.
2. Adjustments.
Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in SMC 17G.060.170(C), SMC 17G.060.170(D)(3), and SMC 17G.070.200(F)(2)(a-c) in lieu of requirements for variances contained in SMC 17G.060.170(E)(1). The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent rezone request per chapter 17G.060 SMC, for a Type III project permit application.
3. Concurrent Reviews.
An applicant may file two or more related requests concurrently. These concurrent reviews will be reviewed by the procedure type of the highest level, that is, if one review is subject to a Type III process and the other a Type II process, both will be subject to a Type III review process.
4. Conditions of Approval.

The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

5. The decision on the PUD by the hearing examiner shall be forwarded to the city council. The approval of the PUD by the city council shall be by an ordinance that adopts the planned unit development, any conditions and amends the official zoning map to reflect the location of the planned unit development with a 'PUD' symbol on the map.
6. Modification of an Approved Concept Plan.
There are three ways in which a concept plan may be modified:
 - a. Minor Modification.
The director shall be the review authority on modifications to an approved concept plan, if the modification complies with the following requirements:
 - i. Modification of the location of an approved building, providing the modification complies with the applicable base zone development and design standards, as modified in the concept plan approval, and all relevant conditions of approval.
 - ii. Removal of building approved in the concept plan approval.
 - iii. A new building of any size in any location that replaces a building approved but not constructed, provided there is no net increase in total building coverage and there is compliance with the applicable base zone design and development standards, as modified in the concept plan approval, and all relevant conditions of approval.
 - iv. Change in residential density by five percent or less, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to SMC 17G.070.030(B)(5), in which case the modified density shall not exceed the total bonus density.
 - v. Relocation of open space of up to twenty-five percent of required total as long as the total amount is not reduced.
 - vi. Reduction or increase of parking by five percent or less.
 - b. Moderate Modification.

The following shall be reviewed by means of a Type II project permit application, using procedures contained in chapter 17G.060 SMC:

- i. New building or building addition up to five thousand gsf, not contained in the concept plan approval, provided the modification complies with the applicable base zone use, design and development standards, as modified in the concept plan approval.
 - ii. Change in residential density by more than five percent but less than ten percent, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to SMC 17G.070.030(B)(5), in which case the modified density shall not exceed the total bonus density.
 - iii. Reduction or increase of parking by at least five percent but no more than ten percent.
- c. Major Modification.
The following shall be reviewed by means of a Type III project permit application review using procedures contained in chapter 17G.060 SMC:
- i. New building or building additions greater than of five thousand gsf, not anticipated and not contained in the concept plan approval.
 - ii. Change in residential density by more than ten percent, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to SMC 17G.070.030(B)(5), in which case the modified density shall not exceed the total bonus density.
 - iii. Reduction or increase of parking by more than ten percent.
 - iv. Decrease in the amount of open space approved in the concept plan.
 - v. New uses not included in the concept plan approval.

F. Preliminary Planned Unit Development Approval Criteria.

1. To receive approval for a planned unit development concept plan, the applicant shall demonstrate compliance with all of the decision criteria of SMC 17G.060.170(C) and (D)(3).
2. Adjustments to numerical development standards of the base zone may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:
 - a. The adjustment(s) is warranted given site conditions and/or characteristics of the design.
 - b. The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.
 - c. Any impacts resulting from the adjustment are mitigated to the extent practical.

G. Phasing.

A planned unit development may be developed in phases. A master-phasing plan should be submitted with the concept plan for approval by the hearing examiner; however, a preliminary planned unit development that has received approval may be subsequently modified to be developed in phases, subject to approval of the director. The master phasing plan for a planned unit development may be approved by the hearing examiner or the director provided:

1. in no case shall the total time period for construction of all phases exceed five years, except as provided in SMC 17G.070.210(B), as measured from the date of approval of the original concept development plan until the date that building permit(s) for the last phase is(are) obtained;
2. the phasing plan includes all land identified within the boundary of the planned unit development;
3. the sequence of the phased development is identified on the plan;
4. each phase has reasonable public or private infrastructure to support the uses contained in that phase;
5. each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire planned unit development; and
6. the director of engineering services approves the necessary documents so that all road improvement requirements are assured for that phase.

H. Final Planned Unit Development Review Process.

1. Development Plan Review Submission Requirements.
At the time of construction of a project or phase of development that was approved as part of the concept development plan, the applicant shall submit the following documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval by means of a site plan review. An application submitted for a detailed development shall include the following:
 - a. Detailed site plan.
 - b. Elevations of all buildings.
 - c. Landscape plan.
 - d. Erosion control plan.
 - e. Stormwater management plan.
 - f. Narrative documenting the following:
 - i. Compliance with all development and design standards in the base zone, as modified in the initial concept plan approval.
 - ii. Compliance with all relevant conditions of approval.
 - iii. Consistency with traffic, parking and infrastructure plans contained in the initial concept plan approval.
2. Final Approval Process.
 - a. The detailed site plan, and phases thereof, shall be reviewed by the director, for conformance of the detailed site plan with the approval criteria of SMC 17G.060.170 and the conditions of the hearing examiner. When a planned unit development is combined with a subdivision, the requirements of chapter 17G.080 SMC, Subdivisions, for a final plat, short plat or binding site plan shall be met.
 - b. The detailed site plan, and phases thereof, shall be recorded with the Spokane County auditor's office.
 - c. Modification of a Detailed Development Plan.

- i. Minor modification of a detailed development plan, as defined in SMC 17G.070.200(E)(6)(a) shall be processed as an administrative review.
- ii. Moderate modification of a detailed development plan, as defined in SMC 17G.070.200(E)(6)(b) shall be processed as a Type II review, per chapter 17G.060 SMC.
- iii. Major modification of a detailed development plan, as defined in SMC 17G.070.200(c) shall trigger the need for a review of a new concept plan as a Type III project permit application, per chapter 17G.060 SMC.

I. Filing.

Once the final detailed development plan of the planned unit development has been reviewed, approved and signed by the applicable departments and owners, the applicant shall file the ~~((final development plan))~~ hearing examiner's Conditions with the county auditor within ten days of approval. No permits shall be issued for the planned unit development until conformed copies have been submitted to the planning services department.

Section 14. That SMC 17G.070.210 is amended to read as follows:

17G.070.210 Time Limits

A. Time Limit on Filing of Detailed Development Plans.

Within five years after the date that the conceptual development plan is approved, the applicant shall prepare and file with the director detailed development plans of all phases, to be reviewed pursuant to SMC 17G.070.220, except as provided under subsection (B) below. If a planned unit development is approved together with a preliminary plat, the expiration date for the planned unit development shall be the same as the expiration date of the preliminary plat.

B. Extensions of Time.

- 1. No less than thirty days before the expiration of the five-year approval period, the applicant may request from the director a one time extension of up to one year by means of a Type I project permit application process, using procedures contained in chapter 17G.060 SMC. The applicant shall comply with all of the following:
 - a. No changes have been made on the original conceptual development plan as approved by the hearing examiner.

- b. The applicant must have finalized at least one phase.
- c. The applicant 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. The project shall have a valid concurrency certification.

Section 15. That SMC 17G.080.030 is amended to read as follows:

17G.080.030 Boundary Line Adjustment

- A. Boundary Line Adjustment Procedure.
A request to adjust boundary lines shall be submitted to the director for approval with all of the following:
 - 1. An application for boundary line adjustment, including the names, addresses and signatures of all owners.
 - 2. A copy of an assessor's map of the property to illustrate the property location and size.
 - 3. Assessor's parcel numbers of all property involved.
 - 4. Legal description of each lot before boundary line adjustment.
 - 5. Legal description of each lot after boundary line adjustment.
 - 6. An accurate drawing of the subject property including property dimensions and existing structures showing clearly the proposed boundary line adjustment.
 - 7. A survey, if deemed necessary by the director; and
 - 8. The application fee set forth in chapter 8.02 SMC.
- B. Setbacks, Lot Area Width and Access Requirements.

Each lot included in the boundary line adjustment application shall meet the minimum setbacks, lot area, lot width, access and frontage requirements for a building site as provided in this chapter and chapter ((14.19)) 17C SMC.

C. Decision.

Approval or denial of a boundary line request is by letter to the applicant. The applicant shall record the letter of approval with the Spokane county auditor's office and complete a segregation application with the Spokane county assessor's office. The letter of approval is required to be recorded, a segregation completed and a copy of the complete segregation application returned to the planning services department within one year of the issue date or the boundary line adjustment becomes null and void. No permits shall be issued until a copy of the completed segregation application has been returned to the planning services department.

D. Exceptions.

Prior to 1986 boundary line adjustments were not reviewed by the City of Spokane. Boundary line adjustments prior to 1986 that were not submitted to the Spokane County assessor's office, but meet minimum width and area requirements are authorized to be processed as parcel line adjustments without further planning services department review.

1. Owners of property that are unable to clear the title due to incomplete boundary line adjustments made prior to 1986 may apply directly at the Spokane County assessor's office for a segregation.

2. If the assessor's office determines that the boundary line adjustment falls within this category, the owners will not be required to obtain a letter from the City planning services department authorizing the boundary line adjustment, provided that it meets the City and State definition for boundary line adjustment and does not create either an additional lot nor a non-buildable lot.

Section 16. That SMC 17G.080.040 is amended to read as follows:

17G.080.040 Short Subdivisions

A. Predevelopment Meeting.

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

minimum submission requirements and other plans or regulations, which may impact the proposal.

B. Preliminary Short Plat Application and Map Requirements.

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

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address and phone number.
- d. Legal description.
- e. Section, township and range.
- f. Vicinity map.
- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots and proposed density.
- 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 (~~SMC 11.19.250~~) chapters 17E.030, (~~11.19.2560~~) 17E.020, (~~11.19.3010~~) 17E.070 and (~~chapter~~) 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 silverslick 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 L.I.D. 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 (~~local improvement assessments~~) outstanding fees or assessments. Examined and approved this ____ 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. Electronic Submittal.

An electronic copy of the final short plat shall be submitted as required under SMC 17G.080.020(I).

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

Section 17. That SMC 17G.080.060 is amended to read as follows:

17G.080.060 Binding Site Plans

- 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 Binding Site Plan Application and Map Requirements.
 - 1. A binding site plan may only be used for divisions of land in commercial or industrial zones. Applications for approval of a preliminary binding site plan shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall be same in form and contents as a short plat as provided in SMC 17G.080.040(B)(1).
 - 2. Contents of Preliminary Binding Site Plan.
The preliminary binding site plan shall be prepared by a land surveyor and shall be the same in form and content as a short plat as provided in SMC 17G.080.040(B)(2) with the following additions:
 - a. Proposed building footprints;
 - b. Proposed street accesses;

- c. Proposed parking and internal vehicle circulation;
- d. Proposed pedestrian pathways;
- e. Proposed landscaped areas; and
- f. Proposed stormwater facilities.

Section 19. That there is adopted a new chapter 17G.025 to title 17G of the Spokane Municipal Code to read as follows:

Chapter 17G.025

Unified Development Code Amendment Procedure

Sections:

17G.025.010 Text amendments to the Unified Development Code

17G.025.010 Text Amendments to the Unified Development Code.

A. Initiation. Text amendments to this code may be initiated by any of the following:

- 1. Property owner(s) or their representatives;
- 2. Any citizen, agency, neighborhood council, or other party; or
- 3. A City department, plan commission, or city council.

B. Applications. Applications shall be made on forms provided by the City.

C. Application Submittal.

- 1. After submittal of an applicant-initiated application, the application shall be subject to a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC.
- 2. After submittal, the application shall be placed on the next available plan commission agenda.

D. Notice of Public Hearing.

Amendments to this code require a public hearing before the plan commission.

- 1. Contents of Notice.
A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - b. A statement of how the proposal would change the affected provision;
 - c. The date, time, and place of the public hearing;
 - d. A statement of the availability of the official file; and
 - e. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.
2. Distribution of Notice.
The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120 Public Notice – Types of Notice.
- E. Plan Commission Recommendation – Procedure.
Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:
1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption;
 2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
 3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.
- F. Approval Criteria.
The City may approve amendments to this code if it finds that:
1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and

2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

G. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the Official Gazette. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. By a majority vote, the city council shall:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a public hearing on the modified proposal; or
4. Refer the proposal back to the plan commission for further consideration.

H. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington State Department of Community, Trade and Economic Development (CTED) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to CTED.

PASSED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date