

CITY OF SPOKANE



NOTICE

REGARDING CITY COUNCIL MEETINGS

Notice is hereby given that, pursuant to Governor Jay Inslee's **Revised Proclamation 20-28.15**, dated **January 19, 2021**, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and that the in-person attendance requirement in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first. Proclamations 20-28, et seq, were amended by the Washington State Legislature to recognize the extension of statutory waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.

While all public meetings must continue to be held remotely, an option for an additional in-person meeting component is permitted in Phase 3 regions consistent with the business meetings requirements contained in the Miscellaneous Venues guidance incorporated into Proclamation 20-25, et seq. At this time, the City Council has decided to continue its meetings with remote access only and to not include an in-person attendance component.

Temporarily and until further notice, the public's ability to attend City Council meetings is by remote access only. In-person attendance is not permitted at this time. The public is encouraged to tune in to the meeting as noted below.

Public comment will be taken virtually on legislative items during the 6:00 p.m. Legislative Session on **October 18, 2021**.

The regularly scheduled Spokane City Council 3:30 p.m. Briefing Session and 6:00 p.m. Legislative Session will be held virtually and streamed live online and airing on City Cable 5. Some members of the City Council and City staff will be attending virtually. The public is encouraged to tune in to the meeting live on Channel 5, at <https://my.spokanecity.org/citycable5/live>, or by calling **1-408-418-9388** and entering the access code **146 396 3105** for the 3:30 p.m. Briefing Session or **146 311 4455** for the 6:00 p.m. Legislative Session when prompted; meeting password is **0320**.

To participate in virtual public comment:

Sign up to give testimony at <https://forms.gle/RtciKb2tju6322BB7>. You must sign up in order to be called on to testify. The form will be **open at 5:00 p.m. on Monday, October 18, 2021, and will close at 6:00 p.m.** At 6:00 p.m., you will call in to the meeting using the information above. When it is your turn to testify, Council President will call your name and direct you to hit *3 on your phone to ask to be unmuted. The system will alert you when you have been unmuted and you can begin giving your testimony. When you are done, you will need to hit *3 again.

To participate in Open Forum:

Open Forum will take place at the end of the City Council Legislative Session unless the meeting lasts past 9:30 p.m., which may be extended by motion. Each speaker is limited to no more than three minutes. In order to participate in Open Forum, you must sign up here: <https://forms.gle/WtfGZ3HqQuXCipcX9>. The form will **open at 5:00 p.m. on Monday, October 18, and will close at 6:00 p.m.** Instructions for participating are available on the form. The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Three-minute time limit for comments made during open forum and public testimony on legislative items!**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- A. At each meeting, after the conclusion of the legislative agenda, the Council shall hold an open public comment period until 9:30 pm, which may be extended by motion.
- B. At the beginning of the open forum session, staff will collect the sign-up sheet(s) and deliver them to the Chair. The order of the speakers and the appropriate time limits for the speakers will be determined at the discretion of the Chair. Each speaker shall be limited to no more than three minutes.
- C. No action, other than a statement of Councilmembers' intent to address the matter in the future, points of order, or points of information will be taken by Council members during an open forum.
- D. The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items not currently included on that week's current agenda or the next week's advance Council agendas. No person shall be permitted to speak in open forum regarding items on the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- A. For purposes of these Rules, only dogs that are individually trained to do work or perform tasks for a person with a disability are recognized as service animals. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under these Rules. Service animals are permitted to accompany people with disabilities in City Council meetings, as well as all areas where members of the public are allowed to go.
- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Rule 2.15 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

- A. Members of the public may address the Council regarding the following items on the Council's legislative agenda: first and final readings of regular and special budget ordinances, emergency ordinances, special consideration items, hearing items, and other items before the City Council requiring Council action, except those that are adjudicatory or solely administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- B. No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. Council members must be recognized by the Chair for the purpose of obtaining the floor.
- C. Each person speaking in a public Council meeting shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded, and documents submitted for the record are identified and marked by the Clerk.
- E. In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.

- G. When addressing the Council, members of the public shall direct all remarks to the Council President, shall refrain from remarks directed personally to any Council Member, and shall confine remarks to the matters that are specifically before the Council at that time.
- H. When any person, including members of the public, City staff, and others, are addressing the Council, Council members shall observe the same decorum and process, as the rules require among the members *inter se*. That is, a Council member shall not engage the person addressing the Council in colloquy but shall speak only when granted the floor by the Council President. All persons and/or Council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order, newly revised*, shall extend to all speakers before the City Council. The City Council's Policy Director and/or City Attorney shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. The City Council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.16(A), with those exceptions stated in Rule 2.17(B). Public testimony shall be limited to the final Council action, except that public testimony shall be allowed at the first reading of ordinances. Public testimony shall be limited to three (3) minutes per speaker, unless, at their discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will be needed for each speaker in order to accommodate all speakers. The Chair may allow additional time if the speaker is asked to respond to questions from the Council.
- B. No public testimony shall be taken on items on the Council's consent agenda, amendments to legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council, including amendments to these Rules.
- C. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented at the discretion of the Council President:
 - 1. Following an assessment by the Chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes may be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to speak on behalf of the proponent's position.
 - d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.
 - e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
 - f. Up to ten (10) minutes of rebuttal time may be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
 - 2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the Chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
 - 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.
- D. The time taken for staff or Council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, OCTOBER 18, 2021

MISSION STATEMENT

**TO DELIVER EFFICIENT AND EFFECTIVE SERVICES
THAT FACILITATE ECONOMIC OPPORTUNITY
AND ENHANCE QUALITY OF LIFE.**

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBER KATE BURKE

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER BETSY WILKERSON

**CITY COUNCIL CHAMBERS
CITY HALL**

**808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201**

LAND ACKNOWLEDGEMENT

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and all the original peoples Since Time Immemorial.

As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit.

We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives.

We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

Adopted by Spokane City Council on the 22nd day of March, 2021
via Resolution 2021-0019

CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON THURSDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. There will be an opportunity for the expression of public views during the Open Forum at the beginning and the conclusion of the Legislative Agenda on any issue not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election.

ADDRESSING THE COUNCIL

- No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition.
- Each person speaking at the public microphone shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language or personal insults will be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

SPEAKING TIME LIMITS: Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings from the Office of the City Clerk during regular business hours (8 a.m. - 5 p.m.). The Agenda may also be accessed on the City website at www.spokanecity.org. Agenda items are available for public review in the Office of the City Clerk during regular business hours.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

If you have questions, please call the Agenda Hotline at 625-6350.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Roll Call of Council

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | | |
|----|---|-------------------------------------|------------------------------|
| 1. | Setting a hearing for the Citywide Capital Improvement Program 2022-2027 on November 8, 2021. (Council Sponsor: Council President Beggs)
Paul Ingiosi | Set Hrg.
11-8-2021 | OPR 2021-0665 |
| 2. | Setting the hearings for review of the 2022 Proposed Budget beginning November 8, 2021, and continuing thereafter at the regular Council meetings through December 6, 2021. (Council Sponsor: Council President Beggs)
Paul Ingiosi | Set Hrgs.
Beginning
11-8-2021 | OPR 2021-0666 |
| 3. | Setting a public hearing on possible revenue sources for the 2022 Budget on October 25, 2021. (Council Sponsor: Council President Beggs)
Paul Ingiosi | Set Hrg.
10-25-2021 | OPR 2021-0667 |
| 4. | Purchases from: | Approve
All | |
| | a. AAA Concrete, Inc. (Spokane) and Specialty Mobile Mix (Spokane Valley) of concrete mix on an as-needed basis to use for various concrete repair projects—up to \$70,000. | | OPR 2021-0661
RFQ 5492-21 |

- | | | |
|---|---|--------------------------------------|
| <p>b. Salt Distributors, Inc. (Spokane Valley) of Road Salt on an as-needed basis—not to exceed \$135,000 annually.</p> | | <p>OPR 2019-0217
RFQ 743-18</p> |
| <p>c. Salt Distributors, Inc. (Spokane Valley) of Ice Kicker utilizing State Contract #02714—not to exceed \$100,000 annually.</p> | | <p>OPR 2021-0662</p> |
| <p>(Council Sponsor: Council President Beggs)</p> | | |
| <p>Clint Harris</p> | | |
| <p>5. Contract with TransMap to perform pavement inspection work for the Street Department—not to exceed \$138,000. (Council Sponsor: Council President Beggs)</p> | <p>Approve</p> | <p>OPR 2021-0663</p> |
| <p>Clint Harris</p> | | |
| <p>6. Contract with Property Registration Champions, LLC, d/b/a ProChamps, (Melbourne, FL) to establish and maintain an electronic foreclosure registry funded by annual per property registration fees—\$150,000 revenue. (Council Sponsor: Council Member Kinnear)</p> | <p>Approve</p> | <p>OPR 2021-0664
RFP 5425-21</p> |
| <p>Jason Ruffing</p> | | |
| <p>7. Contract Renewal No. 2 of 4 with Racom Corporation (Spokane Valley) for Installation of Radio and Electrical Equipment for Fleet Services from October 1, 2021 through September 30, 2022 using IRFP #5153-20—\$150,000. (Council Sponsor: Council Member Kinnear)</p> | <p>Approve</p> | <p>OPR 2019-0885</p> |
| <p>Richard Giddings</p> | | |
| <p>8. Contract Renewal No. 1 of 2 with Clean Energy (Newport Beach, CA) for the Maintenance and Operation of the Compressed Natural Gas Fueling Facility—\$250,000 (incl. tax). (Council Sponsor: Council Member Kinnear)</p> | <p>Approve</p> | <p>OPR 2020-0756</p> |
| <p>Richard Giddings</p> | | |
| <p>9. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2021, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____.</p> | <p>Approve &
Authorize
Payments</p> | <p>CPR 2021-0002</p> |
| <p>10. City Council Meeting Minutes: _____, 2021.</p> | <p>Approve
All</p> | <p>CPR 2021-0013</p> |

EXECUTIVE SESSION

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

CITY COUNCIL SESSION

(May be held or reconvened following the 3:30 p.m. Administrative Session)
(Council Briefing Center)

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

LEGISLATIVE SESSION

(6:00 P.M.)
(Council Reconvenes in Council Chamber)

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

APPOINTMENTS

RECOMMENDATION

Spokane Human Rights Commission: One Reappointment	Approve	CPR 1991-0068
Hotel Advisory Commission: One Appointment and Two Reappointments	Approve	CPR 2004-0017

ADMINISTRATIVE REPORT

COUNCIL COMMITTEE REPORTS

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances amending Ordinance No. C35971 passed by the City Council December 14, 2020, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2021, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2021, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

ORD C36112 **Section 1. Asset Management Fund**
(1) Increase appropriation by \$128,512.
(A) \$128,512 of the increased appropriation is transferred from the Asset Management Capital Fund to the Asset Management Fire Capital Fund.

and

Section 2. Asset Management Fire Capital Fund
(1) Increase revenue appropriation by \$128,512.
(A) Of the increased appropriation \$128,512 is a transfer from Asset Management Capital fund.
(2) Increase appropriation by \$128,512
(B) Of the increased appropriation \$128,512 is provided solely for capital expenditures related to Fire.

(This action allows for capital expenditures in the Asset Management Fire Capital Fund.) (Council Sponsor: Council Member Kinneer)

Michelle Murray

ORD C36113 **General Fund**
(1) Decrease the appropriation level for the Court Clerk I position by \$14,000.
(A) Increase the appropriation level for Supplies by \$14,000.
(2) There is no change to the appropriation level in the General Fund.

(This action allows for supplementing the office supplies budget to allow the Court to effectively operate until the end of the year.)

(Council Sponsor: Council Member Kinneer)

Howard Delaney

EMERGENCY ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

ORD C36064 **Clarifying the requirements for the adaptive re-use of historic properties; amending sections 17C.335.010 and 17C.335.110 of the Spokane Municipal Code; declaring an emergency; and providing for an immediate effective date. (Deferred from October 4, 2021, Agenda)**
(Council Sponsor: Council Member Wilkerson)

Brian McClatchey

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2021-0069** Of the City Council of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services (CHHS) Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center for the period of July 1, 2021 through June 30, 2026 and other matters relating thereto. (Deferred from October 4, 2021, Agenda) (Council Sponsor: Council Member Wilkerson)
Michael Ormsby
- RES 2021-0084** Requesting and encouraging that the Mayor engage an outside consultant or loaned executive for assistance in meeting federal funding application deadlines. (Council Sponsor: Council Member Kinnear)
Lori Kinnear
- RES 2021-0085** Declaring Enviro-Clean Equipment, Inc. a sole source provider and authorizing the purchase of replacement vacuum assemblies for the Vac-Con X-Cavator Cleaner Trucks for the Fleet Services Department for a period of five years for up to \$150,000.00 without public bidding. (Council Sponsor: Council Member Kinnear)
Adam Russell
- ORD C36114** Relating to the adjustment of the City of Spokane’s Business Registration Fee and amending SMC 08.02.0206. (Council Sponsor: Council Member Wilkerson)
Tonya Wallace

FIRST READING ORDINANCES

- ORD C36116** Relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date. (Council Sponsor: Council President Beggs)
Trey George
- ORD C36117** Relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190. (Council Sponsor: Council Member Kinnear)
Amanda Beck
- ORD C36118** Relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. (Council Sponsor: Council Member Kinnear)
Amanda Beck

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

Motion to Approve Advance Agenda for October 18, 2021
(per Council Rule 2.1.2)

OPEN FORUM

At each meeting after the conclusion of the legislative agenda, the Council shall hold an open public comment period until 9:30 p.m., which may be extended by motion. Each speaker is limited to no more than three minutes. In order to participate in Open Forum, you must sign up here: <https://forms.gle/WtfGZ3HqQuXCipcX9>. The form will open at 5:00 p.m. on Monday, October 18, and will close at 6:00 p.m. Instructions for participating are available on the form. The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

ADJOURNMENT

The October 18, 2021, Regular Legislative Session of the City Council is adjourned to October 25, 2021.



Agenda Sheet for City Council Meeting of:

10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2021-0665
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FINANCE, TREASURY & ADMIN
Contact Name/Phone	PAUL INGIOSI 509-625-6061
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG
Agenda Item Type	Hearings
Agenda Item Name	0410 - SET HEARING FOR CITYWIDE CAPITAL IMPROVEMENT PROGRAM 2022-2027

Agenda Wording

Set hearing for November 8, 2021, for the Citywide Capital Improvement Program 2022-2027.

Summary (Background)

In accordance with the State Growth Management Act and the City of Spokane's Spokane Municipal Code Chapter 07.17, the City must adopt and annually update a Citywide Six-Year Capital Improvement Program. The Program must be updated annually as part of the budget process. With the approval of the 2022 budget, the first year of the Capital Improvement Program reflects the 2022 budget.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Select	\$	#

Budget Account

Approvals

Dept Head	INGIOSI, PAUL
Division Director	MURRAY, MICHELLE
Finance	MURRAY, MICHELLE
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	Finance & Administration Committee - 10/18/21
Council Sponsor	Council President Beggs
Distribution List	twallace@spokanecity.org
	jstratton@spokanecity.org
	jmiller@spokanecity.org

Additional Approvals

Purchasing	



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2021-0666
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FINANCE, TREASURY & ADMIN
Contact Name/Phone	PAUL INGIOSI 509-625-6061
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG
Agenda Item Type	Hearings
Agenda Item Name	0410 - SET BUDGET HEARINGS

Agenda Wording

Setting the hearings for review of the 2022 Proposed Budget beginning Monday, November 8, 2021 and continuing thereafter at the regular Council meetings through December 6, 2021.

Summary (Background)

As part of the annual budget process, the City Council will hold public hearings on the 2022 Proposed Budget for the City of Spokane. Public testimony is welcome on all sections of the budget at each hearing. The first hearing will be held on November 8, 2021, and are currently scheduled to continue each Monday through December 6, 2021. The City Council may continue the hearing day-to-day up to the 25th day prior to the beginning of the next fiscal year.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Select \$		#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	INGIOSI, PAUL	<u>Study Session\Other</u>	Finance & Administration Committee - 10/18/21
<u>Division Director</u>	MURRAY, MICHELLE	<u>Council Sponsor</u>	Council President Beggs
<u>Finance</u>	MURRAY, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	twallace@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	jstratton@spokanecity.org	
<u>Additional Approvals</u>		jmiller@spokanecity.org	
<u>Purchasing</u>			



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2021-0667
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	FINANCE, TREASURY & ADMIN
Contact Name/Phone	PAUL INGIOSI 509-625-6061
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG
Agenda Item Type	Hearings
Agenda Item Name	0410 - SET REVENUE HEARING

Agenda Wording

Setting public hearing on possible revenue sources for the 2022 Budget on October 25, 2021.

Summary (Background)

A city such as Spokane that collects a regular property tax levy must hold a public hearing on possible revenue sources for the 2022 current expense budget, including consideration of possible increases in property tax revenues (RCW 84.55.120). This hearing must be held before the meeting at which the City Council considers levy adoption. The property tax ordinance will be on the Council's November 8, 2021, agenda.

Lease? NO Grant related? NO Public Works? NO
Fiscal Impact **Budget Account**

Select	\$	#

Approvals		Council Notifications	
Dept Head	INGIOSI, PAUL	Study Session\Other	Finance & Administration Committee - 10/18/21
Division Director	MURRAY, MICHELLE	Council Sponsor	Council President Beggs
Finance	MURRAY, MICHELLE	Distribution List	
Legal	PICCOLO, MIKE	twallace@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	jstratton@spokanecity.org	
Additional Approvals		jmiller@spokanecity.org	
Purchasing			



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	9/30/2021
Clerk's File #	OPR 2021-0661
Renews #	
Cross Ref #	
Project #	
Bid #	RFQ 5492-21
Requisition #	

Submitting Dept	STREETS
Contact Name/Phone	CLINT HARRIS 625-7744
Contact E-Mail	CEHARRIS@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	1100-STREET DEPARTMENT CONCRETE MIX

Agenda Wording

The Street Department is seeking approval for the purchase of up to \$70,000 of concrete mix, on an as needed basis to use for various concrete repair projects.

Summary (Background)

This purchasing agreement, awarded in tandem to AAA Concrete and Specialty Mobile Mix via a bid process, will allow for concrete purchasing needed to facilitate maintenance and repair of roadways, curbs, and bridges. These purchases will be made utilizing a value blanket.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Expense \$ 70,000.00

Select \$

Select \$

Select \$

Budget Account

1100-21900-42500-53210-99999

#

#

#

Approvals

Dept Head	HARRIS, CLINT E.
Division Director	FEIST, MARLENE
Finance	ORLOB, KIMBERLY
Legal	ODLE, MARI
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PIES 9/27/21
Council Sponsor	CP Beggs

Additional Approvals

Purchasing	tprince@spokanecity.org
	rob.e@aaaconcrete.us
	specialtymobilemix@gmail.com
	tbrazington@spokanecity.org
	jlargent@spokanecity.org

Briefing Paper (PIES)

Division & Department:	Street
Subject:	Concrete Mix for Street Department
Date:	09/01/2021
Contact (email & phone):	Clint Harris / 625-7744
City Council Sponsor:	CP Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History:	
<i>Used for a variety of maintenance and repair activities including roadways, curbs, and bridges, concrete product was put out for bid and is being awarded in tandem to AAA concrete and Specialty Mobile Mix.</i>	
Executive Summary:	
<i>Impact</i>	
<ul style="list-style-type: none"> • The total cost to the City is not to exceed \$70,000 annually. 	
<i>Action</i>	
<ul style="list-style-type: none"> • Approval of the bid-awarded contracts 	
<i>Funding</i>	
<ul style="list-style-type: none"> • Funding for this is included in the 2021/2022 Street Operation and Maintenance Budget. 	
Budget Impact:	
Approved in current year budget?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Annual/Reoccurring expenditure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If new, specify funding source:	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Requires change in current operations/policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Specify changes required:	
Known challenges/barriers:	



City of Spokane Purchasing
Phone (509) 625 6527

RFQ 5491-21 Various Concrete Mix Designs, As Needed - Delivered To Job Sites

Specialty Mobile Mix

AAA Concrete, Inc

Bidder shall list all the variety of concrete mix designs it is able supply	Concrete Mix Design	Unit Price Per Cubic Yard Inclusive Of Delivery To Job Site	Is there is a minimum load quantity for delivery. Specify what the minimum load is:	If less than a minimum load is ordered for delivery, is there a fee? If so, what is the that:	Concrete Mix Design	Unit Price Per Cubic Yard Inclusive Of Delivery To Job Site	Is there is a minimum load quantity for delivery. Specify what the minimum load is:	If less than a minimum load is ordered for delivery, is there a fee? If so, what is the that:
Enter Concrete Mix Design Here:	3000 PSI	\$130	3 cubic yards	\$125	Class 3000	\$122	5 cubic yards*	\$150 *We will mix and deliver less than 5 cy (as low as but not less than 2 cy for mix consistency), but loads under 5 cy will be subject to our \$150 short load fee).
Enter Concrete Mix Design Here:	3500 PSI	\$135	3 cubic yards	\$125				
Enter Concrete Mix Design Here:	4000 PSI	\$135	3 cubic yards	\$125	Class 4000	\$126	5 cubic yards*	\$150 *We will mix and deliver less than 5 cy (as low as but not less than 2 cy for mix consistency), but loads under 5 cy will be subject to our \$150 short load fee).
Enter Concrete Mix Design Here:	LEAN CONCRETE 3 SACK CDF	\$110	3 cubic yards	\$125				
Should additional Concrete Mix Designs be needed that are not listed, but Supplier would be able to provide, Supplier shall provide percentage off list cost, to arrive at a unit price per cubic yard delivered to job site. Enter Percentage Off List Cost to be provided. Discount percentages offered will remain unchanged throughout the life of the contract.					I think you are using the term "cost" incorrectly, should use "price" instead. We can deliver any mix you require - your retail sales price will be calculated to align with the cost of materials in the mix, our delivery costs, and our normal margin. Our pricing includes No/Zero Discount for Additional mixes.			
Provide Percentage Markup Above Supplier's Cost, should Supplier "not provide percentage off list cost", for additional Concrete Mix Designs that are needed but not listed, but Supplier would be able to provide. Enter Percentage Markup Above Supplier's Cost. Percentage Markup will remain unchanged throughout the life of the contract.					Mixes other than the two listed above can/will be delivered at pricing aligned with the required concrete strength and other design requirements specified in project plans and specifications. Generally, adjustments to the mix design occurs in half-sack of cement increments. We price at \$4 per half-sack increment, which generally sustains our margin at its current rate. Your price will vary (either up or down) based on the mix/cement content, will include delivery, and be subject to our same short load fees (\$150 flat fee for loads under 5 cubic yards).			

Bid Response Summary

Bid Number RFQ 5492-21
Bid Title Various Concrete Mix Designs, As Needed - Delivered To Job Sites
Due Date Thursday, August 19, 2021 9:00:00 AM [(UTC-08:00) Pacific Time (US & Canada)]
Bid Status Open for Bidding
Company rob.e@aaaconcrete.us
Submitted By Rob Estey - Monday, August 16, 2021 1:15:44 PM [(UTC-08:00) Pacific Time (US & Canada)]
 rob.e@aaaconcrete.us 509.315.1105

Comments**Question Responses**

Group	Reference Number	Question	Response
Default Item Group			
	#1	ADDENDA. Indicated how many Addenda bidder acknowledges receipt of.	0
BACKGROUND			
	#1	The City of Spokane Street Department, is initiating this request for quotes to solicit Bids from Suppliers who have a proven ability to provide a variety of concrete mix designs to include providing delivery, as-needed, and to various job sites.	I agree and I acknowledge
	#1.1	Various Concrete Mix Designs: Will provide the Street Department the flexibility to order concrete that can be used for a variety of jobs using the same supplier.	I agree and I acknowledge
	#2	The Street Department concrete repair crew was started recently to complete small concrete projects and concrete repair work in the City. It has been determined that the current contract for concrete is not meeting the needs of the Street Department for several reasons.	I agree and I acknowledge
	#2.1	Short load charges being incurred	I agree and I acknowledge
	#2.2	Limitations on mix designs	I agree and I acknowledge
	#2.3	Flexibility to use various suppliers in obtaining various mix designs required	I agree and I acknowledge
SUBMISSION OF BIDS			
	#1	Bid Responses shall be submitted electronically through the City of Spokane's bidding portal: https://spokane.procureware.com on or before the Due Date and time mentioned above. Hard, e-mailed or faxed copies and/or late bids shall not be accepted.	I agree and I acknowledge
	#2	The City of Spokane is not responsible for bids electronically submitted late. It is the responsibility of the Bidder to be sure the bids are electronically submitted sufficiently ahead of time to be received no later than 9:00 a.m. Pacific Local Time, on the bid opening date.	I agree and I acknowledge

#3	All communication between the Bidder and the City upon receipt of this bid shall be via the "Clarification Tab" within ProcureWare. Any other communication will be considered unofficial and non-binding on the City of Spokane.	I agree and I acknowledge
INTERPRETATION		
#1	INTERPRETATION If the Bidder discovers any errors, discrepancies or omissions in the Quote specifications, or has any questions about the specifications, the Bidder must notify Purchasing in writing. Any corrections issued by the Purchaser will be incorporated into the contract or purchase order.	I agree and I acknowledge
WITHDRAWAL OF QUOTES		
#1	WITHDRAWAL OF QUOTES Bidders may withdraw Quote prior to the scheduled Quote due date and time. Unless otherwise specified, no Quotes may be withdrawn for a minimum of sixty (60) calendar days after the due date.	I agree and I acknowledge
EVALUATION OF QUOTES		
#1	EVALUATION OF QUOTES Evaluation of Quotes shall be based upon the following criteria, where applicable.	I agree and I acknowledge
#2	The price, including sales tax and the effect of discounts. Price may be determined by life cycle costing or total cost quoting, when advantageous to the Purchaser.	I agree and I acknowledge
#3	The quality of the items quoted, their conformity to specifications and the purpose for which they are required.	I agree and I acknowledge
#4	The Bidder's ability to provide prompt and efficient service and/or delivery.	I agree and I acknowledge
#5	The character, integrity, reputation, judgment, experience and efficiency of the Bidder.	I agree and I acknowledge
#6	The quality of performance of previous contracts or services.	I agree and I acknowledge
#7	The previous and existing compliance by the Bidder with the laws relating to the contract or services.	I agree and I acknowledge
#8	Uniformity or interchangeability.	I agree and I acknowledge
#9	The energy efficiency of the product throughout its life.	I agree and I acknowledge
#10	Any other information having a bearing on the decision to award the contract.	I agree and I acknowledge
QUOTING ERRORS		

#1	QUOTING ERRORS. When, after the opening and tabulation of Quotes, a Bidder claims error, and requests to be relieved of award, Bidder will be required to promptly present certified work sheets. The Purchaser will review the work sheets and if the Purchaser is convinced, by clear and convincing evidence, that an honest, mathematically excusable error or critical omission of costs has been made, the Bidder may be relieved of his Quote.	I agree and I acknowledge
REJECTION OF QUOTES		
#1	REJECTION OF QUOTES The Purchaser reserves the right to reject any or all Quotes; to waive minor deviations from the specifications, to waive any informality in Quotes received, whenever it is in the Purchaser's best interest, and to accept or reject all or part of this Quote at prices shown.	I agree and I acknowledge
AWARD OF CONTRACT		
#1	AWARD OF CONTRACT Award of contract or purchase, when made, will be to the Bidder whose Quote is the most favorable to the Purchaser, taking into consideration price and the other evaluation factors. INTERLOCAL AND STATE CONTRACTS WHERE APPLICABLE WILL BE CONSIDERED AS A QUOTE. Any order resulting from award will be submitted by Purchasing. Unsuccessful Bidders will not automatically be notified of Quote results.	I agree and I acknowledge
PAYMENT TERMS		
#1	Supplier acknowledges that unless agreeing to payment by credit card with no additional fee, payment shall be made via direct deposit/ACH (except as provided by state law) after receipt of the goods/services ordered. A completed ACH application is required before a City order will be issued. If the City objects to all or any portion of an invoice, it shall notify the supplier and reserve the right to pay only that portion of the invoice not in dispute. In that event, all parties shall immediately make every effort to settle the disputed amount.	I agree and I acknowledge
#2	Supplier agrees to accept payment by Credit Card with no additional charges/fees	No
BIDDER INFORMATION		
#1	Company Name	AAA Concrete, Inc.
#2	Please provide Name, Telephone Number & e-mail address of person who is preparing the response to this Invitation to Bid.	Robert G. Estey, 509.389.0527, rob.e@aaaconcrete.us
#3	Person acknowledges Vendor will confirm compliance with all instructions, terms, and conditions of this RFQ, to furnish items at the prices stated.	I agree and I acknowledge
#3.1	Bidder accepts has read and acknowledges compliance with Terms and Conditions. If answer is "I don't agree and I don't acknowledge", include requested exception in proposal submittal on separate page and title as "Exception to Terms and Conditions". The City will consider and determine if exception will be accepted.	I agree and I acknowledge
ORGANIZATION		
#1	Organization: Bidder Should Enter If Proposal Is of an Individual, Partnership, Corporation, and Existing Under The Laws of What US State. Enter Information Here	Corporation, WA

CITY OF SPOKANE BUSINESS REGISTRATION REQUIREMENT		
#1	Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Bidder shall be responsible for contacting the State of Washington Business License Services at http://bls.dor.wa.gov or 1-800-451-7985 to obtain a business registration.	I agree and I acknowledge
#2	City of Spokane Business Registration Number	604237424
PROPRIETARY INFORMATION/PUBLIC DISCLOSURE		
#1	All materials submitted to the City in response to this competitive procurement shall become the property of the City.	I agree and I acknowledge
#2	All materials received by the City are public records and are subject to being released pursuant to a valid public records request. Washington state law mandates that all documents used, received or produced by a governmental entity are presumptively public records, and there are few exemptions. RCW Ch. 41.56.	I agree and I acknowledge
#3	When responding to this competitive procurement, please consider that what you submit will be a public record. If you believe that some part of your response constitutes legally protected proprietary information, you MUST submit those portions of your response as a separate part of your response, and you MUST label it as "PROPRIETARY INFORMATION." If a valid public records request is then received by the City for this information, you will be given notice and a 10-day opportunity to go to court to obtain an injunction to prevent the City from releasing this part of your response. If no injunction is obtained, the City is legally required to release the records.	I agree and I acknowledge
#4	The City will neither look for nor honor any claims of "proprietary information" that are not within the separate part of your response.	I agree and I acknowledge
ADDITIONAL ITEMS		
#1	The City of Spokane reserves the right to purchase additional items at the quoted price. Supplier agrees to sell at the same price, terms and conditions.	Yes
ORIGINAL PRODUCT/EQUIPMENT MANUFACTURER		
#1	State name(s) and address(es) of Original Equipment Manufacturer (OEM) and distributors (if applicable) to be used in the production and delivery of your product.	AAA Concrete, Inc., 110 N. Hayford Rd., Spokane, WA 99224
MINORITY BUSINESS ENTERPRISE		

#1	Vendor (is ____, is not ____) a Minority Business Enterprise. A Minority Business Enterprise is defined as a "business, privately or publicly owned, at least 51% of which is owned by minority group members." For purpose of this definition, minority group members are Blacks, Hispanics, Asian Americans, American Indian or Alaskan Natives, or Women.	Is Not
SMALL BUSINESS		
#1	Vendor (is ____, is not ____) a small business concern. (A small business concern for the purpose of government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operations in which it is bidding on government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria as prescribed by the Small Business Administration).	Is Not
NON-COLLUSION		
#1	The Bidder certifies that his/her firm has not entered into any agreement of any nature whatsoever to fix, maintain, increase or reduce the prices or competition regarding the items covered by this RFQ	I Certify No Agreement Was Entered
INTERLOCAL PURCHASE AGREEMENTS		
#1	The City of Spokane has entered into Interlocal Purchase Agreements with other public Agencies pursuant to chapter 39.34 RCW. In submitting a response, the Proposer agrees to provide its services to other public Agencies at the same contracted price, terms and conditions it is providing to the City of Spokane, contingent upon the Firm's review and approval at the time of a requested contract. The Firm's right to refuse to enter into a contract with another public Agency at the time of request shall be absolute.	Yes
DEFINITIONS		
#1	Bidder - one who submits a bid.	I agree and I acknowledge
#2	Supplier - Bidder to whom contract or purchase order is awarded.	I agree and I acknowledge
#3	Purchaser - City of Spokane and other government agencies (Pursuant to RCW 39.34).	I agree and I acknowledge
#4	Destination-Delivery - Delivery to Purchaser's building location and includes uncrating and installation.	I agree and I acknowledge
#5	Until Further Notice - Any time in excess of sixty (60) days from bid due date.	I agree and I acknowledge
ACCEPTANCE PERIOD		
#1	Bidders must provide a minimum of sixty (60) Calendar Days for acceptance by the City from the due date for receipt of Bids.	I agree and I acknowledge
CONTRACT PERIOD		

#1	The contract shall be for a five (5) year period beginning on August 19, 2021 and terminating on August 18, 2026. The total contract period not to exceed five (5) years.	I agree and I acknowledge
DISCOUNT PERCENTAGES		
#1	Discount percentages offered will remain unchanged throughout the life of the contract.	I agree and I acknowledge
PCB CERTIFICATION		
#1	In accordance with SMC 7.06.172(A), the Bidder certifies that the products bid and to be supplied (to include product packaging) do not contain polychlorinated biphenyls (PCB's). Moreover and consistent with SMC 7.06.172(B), the City of Spokane, at its sole discretion, may require (at no cost to the City) the apparent successful bidder to provide testing data (prior to contract execution or issue of purchase order) from an accredited laboratory or testing facility documenting the proposed products and or product packaging polychlorinated biphenyl levels.	No
#2	As far as you know has this type product been tested for PCBs by a WA State accredited lab using EPA Method 1668c (or equivalent as updated)?	No
#3	If so were PCBs found at a measurable level?	No
#4	As far as you know has this actual product been tested for PCBs by a WA State accredited lab using EPA Method 1668 (or equivalent as updated)?	Don't Know
#5	If so attach the results or note from whom the results can be obtained.	
#6	Do you have reason to believe the product contains measurable levels of PCBs?	No
#7	Do you have reason to believe the product packaging contains measurable levels of PCBs?	No
SPECIFICATIONS - GENERAL INSTRUCTIONS		
#1	These specifications will establish minimum acceptable requirements attempting to take advantage of latest developments.	Yes
#2	The items to be furnished by the Vendor on this bid must be of the latest possible design and production.	I agree and I acknowledge
#3	Bidders shall have an account representative that will call on the City of Spokane on a regular basis, will track the orders placed by the City of Spokane and be available to the City of Spokane at all times. Please list the name, address, telephone number and e-mail address of the person who would be the account representative for the City of Spokane.	Robert G. Estey, 509.389.0527, rob.e@aaaconcrete.us
#4	Bidder should be aware that Bids may be rejected if all questions are not completely and correctly answered.	I agree and I acknowledge
SPECIFICATIONS - SPECIAL INSTRUCTIONS		
#1	It shall be the Vendor's responsibility to conform to all Federal Standards for certification.	I agree and I acknowledge

#2	The following specifications are the minimum acceptable specifications and failure to comply may be used as a basis for rejection of the bid.	Yes
#3	The City of Spokane reserves the right to accept or reject any variance from the published specifications and to award the Bid in a manner that is most advantageous to the continued efficient operation of the City. The City may choose more than one Supplier.	I agree and I acknowledge
#3.1	Any contract awarded shall not be exclusive to the winning bidder. The City reserves the right to purchase items from another Supplier if doing so is advantageous to the City.	I agree and I acknowledge
#4	Quantities shown are estimates only and are not guaranteed. Actual usage may be more or less. Orders will be placed as needed throughout contract term with a blanket order process. Payment would only be made for actual orders placed, delivered, and accepted.	I agree and I acknowledge
#4.1	Annual Estimated quantity is 150 Cubic Yards, more or less, per year.	I agree and I acknowledge
#5	Supplier will deliver to specific job sites as needed. FOB Delivery Point: Job Site.	I agree and I acknowledge
#5.1	Job Site will be provided to Supplier each time an order is placed.	I agree and I acknowledge
#6.2	Time is of the essence in the performance of this contract after a delivery schedule is established. Delivery time shall be a consideration of awarding this contract.	I agree and I acknowledge
#6.3	State lead time in Business Days for delivery at "Job Site", upon receipt of order. Enter number of Business Days here:	3
#6.3.1	Supplier must be prepared to have adequate stock available for delivery.	I agree and I acknowledge
SPECIFICATIONS - TECHNICAL		
#1	Bidder shall list on Attachment A, Pricing Page the variety of concrete mix designs it is able supply.	I agree and I acknowledge
#2	Bidder shall upload specifications for "each" variety of concrete mix design that is had listed on pricing page. Upload all specifications for each variety of concrete mix design here, or the City may deem you non-responsive.	20210816 Change 1 City of Spokane RFQ 5492 21 5 Year Price Quote with Annual Adjustment Options Ready Mixed Concrete Supply from AAA Concrete.pdf
#3	In addition to the specifications Bidder has uploaded, the awarded Supplier must be able to meet below specifications:	Yes
#3.1	Coarse aggregate shall conform to Section 9-03.1(4).	I agree and I acknowledge
#3.2	The nominal maximum aggregate shall be no less than 3/4-inch and no more than 1-1/2 inches.	I agree and I acknowledge

#3.3	Commercial concrete placed above ground shall be air entrained and have an air content from 4.5 to 7.5	I agree and I acknowledge
#3.4	Non-vibrated commercial concrete shall have a maximum slump of 7-inches.	I agree and I acknowledge
#3.5	Commercial concrete shall have a minimum 28-day compressive strength of 3,000 PSI.	I agree and I acknowledge
#3.6	If you took exception to #3.1 through #3.5 above, explain in detail.	None
PRICING		
#1	SALES TAX: The City will apply applicable tax to Bidder's response when tabulating bids. Vendor acknowledges the City of Spokane is not a tax exempt entity and is therefore obligated to pay sales tax under Washington State law. Therefore, all submissions will be tabulated with the applicable sales tax rate whether that tax shall be charged through the supplier or paid by the City as use tax	I agree and I acknowledge
#1.1	UNIT PRICE: Should not include tax.	I agree and I acknowledge
#2	FREIGHT: All freight expenses shall be the responsibility of the winning Supplier.	I agree and I acknowledge
#2.1	All prices quoted shall be F.O.B. Destination.	I agree and I acknowledge
#3	PRICING - FIRM PRICE: Pricing submitted shall be firm throughout the first year of the contract period, 8/19/2021 – 8/18/2022, during this period no increase in contract prices shall be allowed. Price increases can be requested at the anniversary date of the contract. Any proposed price increases must be fully-documented and justified by the Supplier. Adjustments to pricing shall be the result of increases at the manufacturer's level, shall not produce a higher profit margin than that on the original contract, clearly identify the items impacted by the increase, and be accompanied by documentation acceptable to Spokane City sufficient to justify the requested increase. The City of Spokane reserves the right to cancel the contract if the escalation of price is not advantageous to the City.	I agree and I acknowledge
#3.1	Bidder must state its Profit Margin that is included in unit pricing. The stated profit margin will remain unchanged throughout the life of the contract. Enter Profit Margin.	20%...however, for the record, our margin is not the city's business.
#4	PRICE DECREASES: During the contract period, price decreases at manufacturer's and wholesaler's levels shall be reflected in a contract price reduction to the Purchaser retroactive to the Supplier's effective date.	I agree and I acknowledge
#5	ATTACHMNET A, RFQ 5492-21. Download Addendum A, Complete, and , Upload Here	Attachment A - PRICING PAGE RFQ 5492-21 (3) AAA Concrete.xlsx

ADDITIONAL
DOCUMENTS BIDDER
WOULD LIKE TO
UPLOAD

#1

Should Bidder Want To Upload Any Additional Document(s) Please Do So Here. ***Please Note: Should Bidder Want To Add More Than One Document, ensure all documents are combined into a single document prior to uploading as bidder would only be able to upload one document here.

ATTACHMENT A, RFQ 5491-21. PRICING PAGE

NAME OF BIDDING SUPPLIER		AAA Concrete			
Bidder shall list all the variety of concrete mix designs it is able supply	Concrete Mix Design	Unit Price Per Cubic Yard Inclusive Of Delivery To Job Site	Is there is a minimum load quantity for delivery. Specify what the minimum load is:	If less than a minimum load is ordered for delivery, is there a fee? If so, what is the that:	Enter Yes, Stating applicable Mix Design Specifications Were Uploaded
Enter Concrete Mix Design Here:	Class 3000	\$122	5 cubic yards*	\$150	Yes
Enter Concrete Mix Design Here:	Class 4000	\$126	5 cubic yards*	\$150	Yes
			*We will mix and deliver less than 5 cy (as low as but not less than 2 cy for mix consistency), but loads under 5 cy will be subject to our \$150 short load fee).		
Should additional Concrete Mix Designs be needed that are not listed, but Supplier would be able to provide, Supplier shall provide percentage off list cost, to arrive at a unit price per cubic yard delivered to job site. Enter Percentage Off List Cost to be provided. Discount percentages offered will remain unchanged throughout the life of the contract.	I think you are using the term "cost" incorrectly, should use "price" instead. We can deliver any mix you require - your retail sales price will be calculated to align with the cost of materials in the mix, our delivery costs, and our normal margin. Our pricing includes No/Zero Discount for Additional mixes.				
Provide Percentage Markup Above Supplier's Cost, should Supplier "not provide percentage off list cost", for additional Concrete Mix Designs that are needed but not listed, but Supplier would be able to provide. Enter Percentage Markup Above Supplier's Cost. Percentage Markup will remain unchanged throughout the life of the contract.	Mixes other than the two listed above can/will be delivered at pricing aligned with the required concrete strength and other design requirements specified in project plans and specifications. Generally, adjustments to the mix design occurs in half-sack of cement increments. We price at \$4 per half-sack increment, which generally sustains our margin at its current rate. Your price will vary (either up or down) based on the mix/cement content, will include delivery, and be subject to our same short load fees (\$150 flat fee for loads under 5 cubic yards).				

****** 5-Year PRICE QUOTE w/Annual Price Adjustment Options ******



AAA Concrete, Inc.

A Division of Central Washington Asphalt, Inc.
110 N. Hayford Rd., Spokane, WA 99224
www.aaaconcrete.us

Office: 509.315.2179

Dispatch: 509.315.1105

Gen Mgr: Dave Fisher, cell 509.844.5782

fisher@aaaconcrete.us

Sales: Rob Estey, cell 509.389.0527

rob.e@aaaconcrete.us

Payments by Mail:

PO Box 908

Spokane WA, 99210

Payments by Phone:

509.244.2800

Price Quote For:	City of Spokane	Point of Contact:	Lead Estimator, Buyer
Project ID:	RFQ 5492-21	POC e-mail, phone	On-Line System Submission
Date Quoted:	8.16.2021	Quote Expires:	5 Years, Price Increases/Decreases Considered Annually
Plant:	Hayford Rd., Airway Hts.	Approved By:	Rob Estey
Job Types:	All, Spokane and Vicinity	Signature:	RGE

Product	Pricing
Concrete, Ready Mixed	
Normal City Mix Spec Requirements - Delivered Price	\$ units
Class 3000, 3/4" Max Agg, Air Entrained Per Spec	122 cu. yd.
Class 4000, 3/4" Max Agg, Air Entrained Per Spec	126 cu. yd.
**** Other Mixes Available at \$4 half-sack increment ****	

Admixtures	Brand	Item	\$	units
	BASF	Plasticizer, "Super P" High Range Water Reducer	5	per cu. yd.
	BASF	Non-Chloride Setting Accelerator (non corrosive)	2	per .25%
	BASF	Hi Early, HE122 Calcium Chloride Setting Accelerator	1.25	per .25%
	BASF	Masterset DELVO, Set Delay	0.25	per oz.
	Euclid	Diamond Clear Sealer	125	5 gal pail
	Euclid	Super Diamond Clear Sealer	137.5	5 gal pail
	Euclid	Eucoabar Evaporation Retardant (9:1 water ratio)	55	1 gallon
		Mastic, sold in 100' bundles	32	100' bundle

Gravel, Sand	Item	\$	units
	Gravel, Crushed Rock, Sand Available, Picked up or Delivered	Separate Price Sheet	Call for Quote

Fees	Item	\$	units
	Mixer Truck/Driver Time, when applicable	125	hour
	Dump Truck (& Pup), with driver	125 (135)	hour
	Prevailing Wage Projects (additional charge)	4	cu. yd.
	Off-Hour Opening Fee (before 5am or after 5pm)	1000	flat fee
	Saturday Fee (100 cu. yd. minimum)	6	per cu. yd.
	Winter Fee, Hot Water (Nov 1 - March 31)	3	per cu. yd.
	Color Load Mixer Washout	NA	per load
	Short Load Fee (under 5 cu. yd.)	150	flat fee
	Distance Fees will be added for long hauls	NA (for City of Spokane Sites)	
	Chain-up Fee, snow/ice access	50	per load
	Extended Time charged (first 8 min/cu. yd. free)	2	min

Notes

1. No additional charges/fees will be added for Environmental or other Administratives, etc. No fuel surcharges will be added.
2. This quotation is specific, applies only to the contractor and/or the project referenced above and is subject to change.
3. Quotes for delivered loads are F.O.B. job site over suitable roads.
4. AAA Concrete retains the right to stop delivery if access roads are not deemed safe for our equipment and employees at the discretion of the senior AAA Concrete employee on site.
5. For deliveries that go beyond municipality easements and roads, the contractor/customer will assume all responsibilities for any damage caused as a result of the delivery.
6. No orders of less than 2 cu. yd. - We will deliver less, but you must buy, and we will mix 2 cy to ensure product quality/consistency.
7. Pricing subject to collection of appropriate sales taxes unless exempted with a WA State Reseller's Permit on file with AAA Concrete at time of sale.



Bid Response Summary

Bid Number RFQ 5492-21
Bid Title Various Concrete Mix Designs, As Needed - Delivered To Job Sites
Due Date Thursday, August 19, 2021 9:00:00 AM [(UTC-08:00) Pacific Time (US & Canada)]
Bid Status Open for Bidding
Company specialtymobilemix@gmail.com
Submitted By specialtymobilemix@gmail.com specialtymobilemix@gmail.com - Wednesday, August 18, 2021 3:19:50 PM [(UTC-08:00) Pacific Time (US & Canada)]
By specialtymobilemix@gmail.com

Comments**Question Responses**

Group	Reference Number	Question	Response
Default Item Group			
	#1	ADDENDA. Indicated how many Addenda bidder acknowledges receipt of.	Specialty Mobile Mix Inc.
BACKGROUND			
	#1	The City of Spokane Street Department, is initiating this request for quotes to solicit Bids from Suppliers who have a proven ability to provide a variety of concrete mix designs to include providing delivery, as-needed, and to various job sites.	I agree and I acknowledge
	#1.1	Various Concrete Mix Designs: Will provide the Street Department the flexibility to order concrete that can be used for a variety of jobs using the same supplier.	I agree and I acknowledge
	#2	The Street Department concrete repair crew was started recently to complete small concrete projects and concrete repair work in the City. It has been determined that the current contract for concrete is not meeting the needs of the Street Department for several reasons.	I agree and I acknowledge
	#2.1	Short load charges being incurred	I agree and I acknowledge
	#2.2	Limitations on mix designs	I agree and I acknowledge
	#2.3	Flexibility to use various suppliers in obtaining various mix designs required	I agree and I acknowledge
SUBMISSION OF BIDS			
	#1	Bid Responses shall be submitted electronically through the City of Spokane's bidding portal: https://spokane.procureware.com on or before the Due Date and time mentioned above. Hard, e-mailed or faxed copies and/or late bids shall not be accepted.	I agree and I acknowledge
	#2	The City of Spokane is not responsible for bids electronically submitted late. It is the responsibility of the Bidder to be sure the bids are electronically submitted sufficiently ahead of time to be received no later than 9:00 a.m. Pacific Local Time, on the bid opening date.	I agree and I acknowledge

#3	All communication between the Bidder and the City upon receipt of this bid shall be via the "Clarification Tab" within ProcureWare. Any other communication will be considered unofficial and non-binding on the City of Spokane.	I agree and I acknowledge
INTERPRETATION		
#1	INTERPRETATION If the Bidder discovers any errors, discrepancies or omissions in the Quote specifications, or has any questions about the specifications, the Bidder must notify Purchasing in writing. Any corrections issued by the Purchaser will be incorporated into the contract or purchase order.	I agree and I acknowledge
WITHDRAWAL OF QUOTES		
#1	WITHDRAWAL OF QUOTES Bidders may withdraw Quote prior to the scheduled Quote due date and time. Unless otherwise specified, no Quotes may be withdrawn for a minimum of sixty (60) calendar days after the due date.	I agree and I acknowledge
EVALUATION OF QUOTES		
#1	EVALUATION OF QUOTES Evaluation of Quotes shall be based upon the following criteria, where applicable.	I agree and I acknowledge
#2	The price, including sales tax and the effect of discounts. Price may be determined by life cycle costing or total cost quoting, when advantageous to the Purchaser.	I agree and I acknowledge
#3	The quality of the items quoted, their conformity to specifications and the purpose for which they are required.	I agree and I acknowledge
#4	The Bidder's ability to provide prompt and efficient service and/or delivery.	I agree and I acknowledge
#5	The character, integrity, reputation, judgment, experience and efficiency of the Bidder.	I agree and I acknowledge
#6	The quality of performance of previous contracts or services.	I agree and I acknowledge
#7	The previous and existing compliance by the Bidder with the laws relating to the contract or services.	I agree and I acknowledge
#8	Uniformity or interchangeability.	I agree and I acknowledge
#9	The energy efficiency of the product throughout its life.	I agree and I acknowledge
#10	Any other information having a bearing on the decision to award the contract.	I agree and I acknowledge
QUOTING ERRORS		
#1	QUOTING ERRORS. When, after the opening and tabulation of Quotes, a Bidder claims error, and requests to be relieved of award, Bidder will be required to promptly present certified work sheets. The Purchaser will review the work sheets and if the Purchaser is convinced, by clear and convincing evidence, that an honest, mathematically excusable error or critical omission of costs has been made, the Bidder may be relieved of his Quote.	I agree and I acknowledge
REJECTION OF QUOTES		

#1	REJECTION OF QUOTES The Purchaser reserves the right to reject any or all Quotes; to waive minor deviations from the specifications, to waive any informality in Quotes received, whenever it is in the Purchaser's best interest, and to accept or reject all or part of this Quote at prices shown.	I agree and I acknowledge
AWARD OF CONTRACT		
#1	AWARD OF CONTRACT Award of contract or purchase, when made, will be to the Bidder whose Quote is the most favorable to the Purchaser, taking into consideration price and the other evaluation factors. INTERLOCAL AND STATE CONTRACTS WHERE APPLICABLE WILL BE CONSIDERED AS A QUOTE. Any order resulting from award will be submitted by Purchasing. Unsuccessful Bidders will not automatically be notified of Quote results.	I agree and I acknowledge
PAYMENT TERMS		
#1	Supplier acknowledges that unless agreeing to payment by credit card with no additional fee, payment shall be made via direct deposit/ACH (except as provided by state law) after receipt of the goods/services ordered. A completed ACH application is required before a City order will be issued. If the City objects to all or any portion of an invoice, it shall notify the supplier and reserve the right to pay only that portion of the invoice not in dispute. In that event, all parties shall immediately make every effort to settle the disputed amount.	I agree and I acknowledge
#2	Supplier agrees to accept payment by Credit Card with no additional charges/fees	Yes
BIDDER INFORMATION		
#1	Company Name	Specialty Mobile Mix Inc
#2	Please provide Name, Telephone Number & e-mail address of person who is preparing the response to this Invitation to Bid.	Tim Lowry 509-990-0903 specialtymobilmix@gmail.com
#3	Person acknowledges Vendor will confirm compliance with all instructions, terms, and conditions of this RFQ, to furnish items at the prices stated.	I agree and I acknowledge
#3.1	Bidder accepts has read and acknowledges compliance with Terms and Conditions. If answer is "I don't agree and I don't acknowledge", include requested exception in proposal submittal on separate page and title as "Exception to Terms and Conditions". The City will consider and determine if exception will be accepted.	I agree and I acknowledge
ORGANIZATION		
#1	Organization: Bidder Should Enter If Proposal Is of an Individual, Partnership, Corporation, and Existing Under The Laws of What US State. Enter Information Here	corporation based in Idaho
CITY OF SPOKANE BUSINESS REGISTRATION REQUIREMENT		

	#1	Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Bidder shall be responsible for contacting the State of Washington Business License Services at http://bls.dor.wa.gov or 1-800-451-7985 to obtain a business registration.	I agree and I acknowledge
	#2	City of Spokane Business Registration Number	T12052104BUS
PROPRIETARY INFORMATION/PUBLIC DISCLOSURE			
	#1	All materials submitted to the City in response to this competitive procurement shall become the property of the City.	I agree and I acknowledge
	#2	All materials received by the City are public records and are subject to being released pursuant to a valid public records request. Washington state law mandates that all documents used, received or produced by a governmental entity are presumptively public records, and there are few exemptions. RCW Ch. 41.56.	I agree and I acknowledge
	#3	When responding to this competitive procurement, please consider that what you submit will be a public record. If you believe that some part of your response constitutes legally protected proprietary information, you MUST submit those portions of your response as a separate part of your response, and you MUST label it as "PROPRIETARY INFORMATION." If a valid public records request is then received by the City for this information, you will be given notice and a 10-day opportunity to go to court to obtain an injunction to prevent the City from releasing this part of your response. If no injunction is obtained, the City is legally required to release the records.	I agree and I acknowledge
	#4	The City will neither look for nor honor any claims of "proprietary information" that are not within the separate part of your response.	I agree and I acknowledge
ADDITIONAL ITEMS			
	#1	The City of Spokane reserves the right to purchase additional items at the quoted price. Supplier agrees to sell at the same price, terms and conditions.	Yes
ORIGINAL PRODUCT/EQUIPMENT MANUFACTURER			
	#1	State name(s) and address(es) of Original Equipment Manufacturer (OEM) and distributors (if applicable) to be used in the production and delivery of your product.	Cementech Indianola, Iowa
MINORITY BUSINESS ENTERPRISE			

#1	Vendor (is ____, is not ____) a Minority Business Enterprise. A Minority Business Enterprise is defined as a "business, privately or publicly owned, at least 51% of which is owned by minority group members." For purpose of this definition, minority group members are Blacks, Hispanics, Asian Americans, American Indian or Alaskan Natives, or Women.	Is Not
SMALL BUSINESS		
#1	Vendor (is ____, is not ____) a small business concern. (A small business concern for the purpose of government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operations in which it is bidding on government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria as prescribed by the Small Business Administration).	Is Not
NON-COLLUSION		
#1	The Bidder certifies that his/her firm has not entered into any agreement of any nature whatsoever to fix, maintain, increase or reduce the prices or competition regarding the items covered by this RFQ	I Certify No Agreement Was Entered
INTERLOCAL PURCHASE AGREEMENTS		
#1	The City of Spokane has entered into Interlocal Purchase Agreements with other public Agencies pursuant to chapter 39.34 RCW. In submitting a response, the Proposer agrees to provide its services to other public Agencies at the same contracted price, terms and conditions it is providing to the City of Spokane, contingent upon the Firm's review and approval at the time of a requested contract. The Firm's right to refuse to enter into a contract with another public Agency at the time of request shall be absolute.	Yes
DEFINITIONS		
#1	Bidder - one who submits a bid.	I agree and I acknowledge
#2	Supplier - Bidder to whom contract or purchase order is awarded.	I agree and I acknowledge
#3	Purchaser - City of Spokane and other government agencies (Pursuant to RCW 39.34).	I agree and I acknowledge
#4	Destination-Delivery - Delivery to Purchaser's building location and includes uncrating and installation.	I agree and I acknowledge
#5	Until Further Notice - Any time in excess of sixty (60) days from bid due date.	I agree and I acknowledge
ACCEPTANCE PERIOD		
#1	Bidders must provide a minimum of sixty (60) Calendar Days for acceptance by the City from the due date for receipt of Bids.	I agree and I acknowledge
CONTRACT PERIOD		
#1	The contract shall be for a five (5) year period beginning on August 19, 2021 and terminating on August 18, 2026. The total contract period not to exceed five (5) years.	I agree and I acknowledge

DISCOUNT PERCENTAGES		
#1	Discount percentages offered will remain unchanged throughout the life of the contract.	I agree and I acknowledge
PCB CERTIFICATION		
#1	In accordance with SMC 7.06.172(A), the Bidder certifies that the products bid and to be supplied (to include product packaging) do not contain polychlorinated biphenyls (PCB's). Moreover and consistent with SMC 7.06.172(B), the City of Spokane, at its sole discretion, may require (at no cost to the City) the apparent successful bidder to provide testing data (prior to contract execution or issue of purchase order) from an accredited laboratory or testing facility documenting the proposed products and or product packaging polychlorinated biphenyl levels.	Yes
#2	As far as you know has this type product been tested for PCBs by a WA State accredited lab using EPA Method 1668c (or equivalent as updated)?	Don't Know
#3	If so were PCBs found at a measurable level?	Don't Know
#4	As far as you know has this actual product been tested for PCBs by a WA State accredited lab using EPA Method 1668 (or equivalent as updated)?	Don't Know
#5	If so attach the results or note from whom the results can be obtained.	
#6	Do you have reason to believe the product contains measurable levels of PCBs?	Don't Know
#7	Do you have reason to believe the product packaging contains measurable levels of PCBs?	Don't Know
SPECIFICATIONS - GENERAL INSTRUCTIONS		
#1	These specifications will establish minimum acceptable requirements attempting to take advantage of latest developments.	Yes
#2	The items to be furnished by the Vendor on this bid must be of the latest possible design and production.	I agree and I acknowledge
#3	Bidders shall have an account representative that will call on the City of Spokane on a regular basis, will track the orders placed by the City of Spokane and be available to the City of Spokane at all times. Please list the name, address, telephone number and e-mail address of the person who would be the account representative for the City of Spokane.	Jody Alexander 208-771-0059 jodyalexander@roadrunner.com
#4	Bidder should be aware that Bids may be rejected if all questions are not completely and correctly answered.	I agree and I acknowledge
SPECIFICATIONS - SPECIAL INSTRUCTIONS		
#1	It shall be the Vendor's responsibility to conform to all Federal Standards for certification.	I agree and I acknowledge

#2	The following specifications are the minimum acceptable specifications and failure to comply may be used as a basis for rejection of the bid.	Yes
#3	The City of Spokane reserves the right to accept or reject any variance from the published specifications and to award the Bid in a manner that is most advantageous to the continued efficient operation of the City. The City may choose more than one Supplier.	I agree and I acknowledge
#3.1	Any contract awarded shall not be exclusive to the winning bidder. The City reserves the right to purchase items from another Supplier if doing so is advantageous to the City.	I agree and I acknowledge
#4	Quantities shown are estimates only and are not guaranteed. Actual usage may be more or less. Orders will be placed as needed throughout contract term with a blanket order process. Payment would only be made for actual orders placed, delivered, and accepted.	I agree and I acknowledge
#4.1	Annual Estimated quantity is 150 Cubic Yards, more or less, per year.	I agree and I acknowledge
#5	Supplier will deliver to specific job sites as needed. FOB Delivery Point: Job Site.	I agree and I acknowledge
#5.1	Job Site will be provided to Supplier each time an order is placed.	I agree and I acknowledge
#6.2	Time is of the essence in the performance of this contract after a delivery schedule is established. Delivery time shall be a consideration of awarding this contract.	I agree and I acknowledge
#6.3	State lead time in Business Days for delivery at "Job Site", upon receipt of order. Enter number of Business Days here:	2-3 days
#6.3.1	Supplier must be prepared to have adequate stock available for delivery.	I agree and I acknowledge
SPECIFICATIONS - TECHNICAL		
#1	Bidder shall list on Attachment A, Pricing Page the variety of concrete mix designs it is able supply.	I agree and I acknowledge
#2	Bidder shall upload specifications for "each" variety of concrete mix design that is had listed on pricing page. Upload all specifications for each variety of concrete mix design here, or the City may deem you non-responsive.	Spokane 4000psi.doc
#3	In addition to the specifications Bidder has uploaded, the awarded Supplier must be able to meet below specifications:	Yes
#3.1	Coarse aggregate shall conform to Section 9-03.1(4).	I agree and I acknowledge
#3.2	The nominal maximum aggregate shall be no less than 3/4-inch and no more than 1-1/2 inches.	I agree and I acknowledge
#3.3	Commercial concrete placed above ground shall be air entrained and have an air content from 4.5 to 7.5	I agree and I acknowledge
#3.4	Non-vibrated commercial concrete shall have a maximum slump of 7-inches.	I agree and I acknowledge
#3.5	Commercial concrete shall have a minimum 28-day compressive strength of 3,000 PSI.	I agree and I acknowledge
#3.6	If you took exception to #3.1 through #3.5 above, explain in detail.	no exception

PRICING		
#1	SALES TAX: The City will apply applicable tax to Bidder's response when tabulating bids. Vendor acknowledges the City of Spokane is not a tax exempt entity and is therefore obligated to pay sales tax under Washington State law. Therefore, all submissions will be tabulated with the applicable sales tax rate whether that tax shall be charged through the supplier or paid by the City as use tax	I agree and I acknowledge
#1.1	UNIT PRICE: Should not include tax.	I agree and I acknowledge
#2	FREIGHT: All freight expenses shall be the responsibility of the winning Supplier.	I agree and I acknowledge
#2.1	All prices quoted shall be F.O.B. Destination.	I agree and I acknowledge
#3	PRICING - FIRM PRICE: Pricing submitted shall be firm throughout the first year of the contract period, 8/19/2021 – 8/18/2022, during this period no increase in contract prices shall be allowed. Price increases can be requested at the anniversary date of the contract. Any proposed price increases must be fully-documented and justified by the Supplier. Adjustments to pricing shall be the result of increases at the manufacturer's level, shall not produce a higher profit margin than that on the original contract, clearly identify the items impacted by the increase, and be accompanied by documentation acceptable to Spokane City sufficient to justify the requested increase. The City of Spokane reserves the right to cancel the contract if the escalation of price is not advantageous to the City.	I agree and I acknowledge
#3.1	Bidder must state its Profit Margin that is included in unit pricing. The stated profit margin will remain unchanged throughout the life of the contract. Enter Profit Margin.	8.5%
#4	PRICE DECREASES: During the contract period, price decreases at manufacturer's and wholesaler's levels shall be reflected in a contract price reduction to the Purchaser retroactive to the Supplier's effective date.	I agree and I acknowledge
#5	ATTACHMNET A, RFQ 5492-21. Download Addendum A, Complete, and , Upload Here	Spokane City Pricing page.jpg
ADDITIONAL DOCUMENTS BIDDER WOULD LIKE TO UPLOAD		
#1	Should Bidder Want To Upload Any Additional Document(s) Please Do So Here. ***Please Note: Should Bidder Want To Add More Than One Document, ensure all documents are combined into a single document prior to uploading as bidder would only be able to upload one document here.	

ATTACHMNET A, RFQ 5491-21. PRICING PAGE

NAME OF BIDDING SUPPLIER

Bidder shall list all the variety of concrete mix designs it is able supply

Concrete Mix Design

Unit Price Per Cubic Yard Inclusive Of Delivery To Job Site

Is there is a minimum load quantity for delivery. Specify what the minimum load is:

If less than a minimum load is ordered for delivery, is there a fee? If so, what is the that:

Enter Yes, Stating applicable Mix Design Specifications Were Upload

Enter Concrete Mix Design Here:

3000 PSI

\$ 130 / YARD

3 YARD

\$ 125.-

YES

Enter Concrete Mix Design Here:

3500 PSI

\$ 135 / YARD

3 YARDS

\$ 125.-

YES

Enter Concrete Mix Design Here:

4000 PSI

\$ 140 / YARD

3 YARDS

\$ 125.-

YES

Enter Concrete Mix Design Here:

LEAN CONCRETE
3 SACK CDF

\$ 110 / YARD

3 YARDS

\$ 125.-

YES

Enter Concrete Mix Design Here:

Enter Concrete Mix Design Here:

Should additional Concrete Mix Designs be needed that are not listed, but Supplier would be able to provide, Supplier shall provide percentage off list cost, to arrive at a unit price per cubic yard delivered to job site. Enter Percentage Off List Cost to be provided. Discount percentages offered will remain unchanged throughout the life of the contract.

Provide Percentage Markup Above Supplier's Cost, should Supplier "not provide percentage off list cost", for additional Concrete Mix Designs that are needed but not listed, but Supplier would be able to provide. Enter Percentage Markup Above Supplier's Cost. Percentage Markup will remain unchanged throughout the life of the contract.

Calculated Mix Design for 1 yd³

FOR: Spokane City Mix

MIX: 4000 PSI - Specialty Mobile Mix (Supplier)

DATE: 18-Aug-21

	MATERIALS					
	SOURCE	SP.G.	SSD WT.	VOLUME	BATCH WT.	
CEMENT	Ash Grove I-II	3.15	564	2.87	564	Pounds
FLY ASH	None	2.71	0	0.00	0	0%
SAND*	Concrete Sand	2.63	1201	7.32	1251	Pounds
STONE #1	Concrete Stone	2.65	1805	10.92	1823	Pounds
STONE #2	None	2.74	0	0.00	0	Pounds
WATER	Approved Mix Water	1.00	32.0	4.28	24.1	Gallons
AIR %	With Cement	Total Air Content:		6.0%	6	Percent
WROZ/100		Oz. per 100 wt:	0.00	0	---	0
TOTAL WT			3836	27.0	3839	Pounds

Target Volume:	27.00
----------------	-------

Free Moisture:	SAND	4.0%
	STONE	1.0%

W/C RATIO:	0.47	pounds/pounds
Theo.. Unit Weight:	142.09	pounds/ft ³
Coarse Aggregate:	40	% of Total Volume
Coarse Aggregate:	31	% of Total Weight
<i>Any Questions regarding this mix design call Tim @ 509-990-0903</i>		

Comments:



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2019-0217
Renews #	
Cross Ref #	
Project #	
Bid #	RFQ 743-18
Requisition #	

Submitting Dept	STREETS
Contact Name/Phone	CLINT HARRIS 625-7744
Contact E-Mail	CEHARRIS@SPOKANECITY.ORG
Agenda Item Type	Purchase w/o Contract
Agenda Item Name	1100- STREET DEPARTMENT ROAD SALT

Agenda Wording

The Street department is seeking approval for the purchase of Road Salt on an "as needed" basis at a cost not to exceed \$135,000.00 annually.

Summary (Background)

This material is used by the street department during the winter months to aid in snow and ice removal. It is primarily mixed with sand and used on sanding routes. Salt Distributors Inc. is the supplier. This was quoted out in 2018 with an original one year Value Blanket Order with four one year renewals available. This is the fourth renewal.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Expense	\$ 135,000.00
Select	\$
Select	\$
Select	\$

Budget Account

#	1100-21800-42660-53210-99999
#	
#	
#	

Approvals

Dept Head	HARRIS, CLINT E.
Division Director	FEIST, MARLENE
Finance	WALLACE, TONYA
Legal	ODLE, MARI
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PIES 9/27
Council Sponsor	CP Beggs

Additional Approvals

Purchasing	jwthomas@spokanecity.org
	tprince@spokanecity.org
	jlargent@spokanecity.org
	tbrazington@spokanecity.org
	sales@saltdistributorsinc.com

Briefing Paper (PIES)

Division & Department:	Street
Subject:	Road Salt
Date:	09/13/2021
Contact (email & phone):	Clint Harris
City Council Sponsor:	CP Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Council approval for the purchase of Road Salt on an “as needed” basis to use on the City Streets in the winter.
Background/History:	
<p><i>This material is used by the street department during the winter months to aid in snow and ice removal. It is primarily mixed with sand and used on sanding routes. Salt Distributors Inc. is the supplier. This was quoted out in 2018 with an original one year Value Blanket Order with four one year renewals available. This is the fourth renewal.</i></p>	
Executive Summary:	
<p><i>Impact</i></p> <ul style="list-style-type: none"> • The total cost to the City is not to exceed \$135,000 annually. <p><i>Action</i></p> <ul style="list-style-type: none"> • Approval of the renewal of the Value Blanket Order <p><i>Funding</i></p> <ul style="list-style-type: none"> • Funding for this is included in the Street Operation and Maintenance Budget. 	
Budget Impact:	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Known challenges/barriers:	

**State of Washington
Pricing & Ordering Information
Effective Date: September 10, 2021**

[Diesel Fuel Surcharge:](#)

Products for use by all customers and WSDOT WSDOT Commodity Code: 7754-577-424 if Unit of Issue = Ton (TN) -OR- 7754-577-425 if Unit of Issue = Pound (LB)															Products for use by all customers except WSDOT						
Vendor:	LTI			LTI			Salt Distributors			EnviroTech			Salt Distributors			Salt Distributors			Salt Distributors		
Product Offered:	PNS 8A-R			PNS 8B			PNS 8B			PNS 8B/ 4B			PNS 8A-R/ 8A-B			PNS 4C			PNS 4C		
Order Information:	K+S			ESSA			SS 5.0 Qwiksalt Type C			Ice Slicer RS			Dri-Rox			Ice Kicker			Ice Kicker		
	Tony Smith			Tony Smith			Stan or Nic Binczewski			Order Fulfillment			Stan or Nic Binczewski			Stan or Nic Binczewski			Stan or Nic Binczewski		
	206-439-5482			206-439-5482			509-710-8033 / 509-218-1983			800-577-5346			509-710-8033 / 509-218-1983			509-710-8033 / 509-218-1983			509-710-8033 / 509-218-1983		
	saltorders@lynden.com			saltorders@lynden.com			sales@saltistributorsinc.com			westorders@envirotechservices.com			sales@saltistributorsinc.com			sales@saltistributorsinc.com			sales@saltistributorsinc.com		
	Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No		
	ORCPP Members: No			ORCPP Members: No			ORCPP Members: Add 10%			ORCPP Members: Add 25%			ORCPP Members: Add 10%			ORCPP Members: Add 10%			ORCPP Members: Add 10%		
	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery
Northwest Region-1																					
Area 1	\$166.07	\$163.34	\$155.79	\$166.07	\$163.34	\$155.79				\$208.93	\$206.32	\$203.29	\$164.59	\$161.57	\$158.54				\$188.00	\$185.00	\$179.00
Area 2	\$160.59	\$157.84	\$150.30	\$160.59	\$157.84	\$150.30				\$207.18	\$204.58	\$201.43	\$164.59	\$161.57	\$158.54				\$184.00	\$181.00	\$175.00
Area 3	\$152.35	\$149.60	\$142.06	\$152.35	\$149.60	\$142.06				\$198.25	\$194.60	\$191.83	\$164.59	\$161.57	\$158.54				\$178.00	\$175.00	\$169.00
Area 4	\$146.87	\$144.12	\$136.58	\$146.87	\$144.12	\$136.58				\$197.69	\$195.12	\$191.56	\$164.59	\$161.57	\$158.54				\$178.00	\$175.00	\$169.00
Area 5	\$142.74	\$139.99	\$132.45	\$142.74	\$139.99	\$132.45				\$196.26	\$193.68	\$190.60	\$164.59	\$161.57	\$158.54				\$174.00	\$171.00	\$165.00
North Central Region-2																					
Area 1	\$159.21	\$156.46	\$148.92	\$159.21	\$156.46	\$148.92				\$180.94	\$178.40	\$176.00	\$160.56	\$157.53	\$154.51				\$159.50	\$155.50	\$145.00
Area 2	\$164.70	\$161.96	\$154.42	\$164.70	\$161.96	\$154.42				\$172.69	\$170.17	\$168.40	\$154.51	\$151.49	\$148.47				\$152.50	\$148.50	\$137.50
Area 3	\$178.43	\$175.68	\$168.14	\$178.43	\$175.68	\$168.14				\$180.76	\$177.68	\$176.53	\$160.56	\$157.53	\$154.51				\$163.00	\$159.00	\$148.00
Olympic Region-3																					
Area 1	\$152.35	\$149.60	\$142.06	\$152.35	\$149.60	\$142.06				\$195.66	\$193.61	\$191.16	\$169.63	\$166.60	\$163.58				\$169.00	\$165.00	\$153.00
Area 2	\$160.59	\$157.84	\$150.30	\$160.59	\$157.84	\$150.30				\$201.45	\$199.40	\$196.05	\$169.63	\$166.60	\$163.58				\$179.00	\$176.00	\$170.00
Area 3	\$178.43	\$175.68	\$168.14	\$178.43	\$175.68	\$168.14				\$213.13	\$211.04	\$207.61	\$169.63	\$166.60	\$163.58				\$195.00	\$192.00	\$186.00
Area 4	\$168.82	\$166.07	\$158.53	\$168.82	\$166.07	\$158.53				\$207.13	\$205.06	\$201.86	\$169.63	\$166.60	\$163.58				\$187.00	\$184.00	\$178.00
Southwest Region-4																					
Area 1	\$178.43	\$175.68	\$168.14	\$178.43	\$175.68	\$168.14				\$209.29	\$205.61	\$201.42	\$169.63	\$166.60	\$163.58				\$156.50	\$152.50	\$141.50
Area 2	\$167.45	\$164.70	\$157.16	\$167.45	\$164.70	\$157.16				\$196.80	\$194.23	\$189.29	\$169.63	\$166.60	\$163.58				\$173.00	\$169.00	\$158.50
Area 3	\$177.06	\$174.31	\$166.77	\$177.06	\$174.31	\$166.77				\$215.39	\$211.70	\$208.66	\$169.63	\$166.60	\$163.58				\$189.00	\$186.00	\$175.00
Area 4	\$193.53	\$190.78	\$183.24	\$193.53	\$190.78	\$183.24				\$189.33	\$185.70	\$181.65	\$169.63	\$166.60	\$163.58				\$152.00	\$149.00	\$143.00
South Central Region-5																					
Area 1	\$167.45	\$164.70	\$157.16	\$167.45	\$164.70	\$157.16				\$173.18	\$170.66	\$168.31	\$155.52	\$152.50	\$149.47				\$154.00	\$151.00	\$145.00
Area 2	\$171.57	\$168.82	\$161.28	\$171.57	\$168.82	\$161.28				\$172.93	\$170.41	\$167.31	\$155.52	\$152.50	\$149.47				\$155.00	\$152.00	\$146.00
Area 3	\$174.31	\$171.57	\$164.03	\$174.31	\$171.57	\$164.03				\$165.27	\$162.77	\$158.94	\$155.52	\$152.50	\$149.47				\$143.00	\$139.00	\$129.00
Area 4							\$133.89	\$130.83	\$127.76	\$173.70	\$171.18	\$167.88	\$155.52	\$152.50	\$149.47	\$151.00	\$148.00	\$142.00			
Eastern Region-6																					
Area 1	\$205.87	\$203.14	\$195.59				\$133.89	\$130.83	\$127.76	\$182.15	\$179.61	\$176.49	\$153.50	\$150.48	\$148.47	\$158.00	\$155.00	\$149.00			
Area 2	\$199.01	\$196.28	\$188.73				\$128.78	\$125.71	\$122.65	\$177.74	\$175.22	\$171.60	\$153.50	\$150.48	\$148.47	\$158.00	\$155.00	\$149.00			
Area 3	\$189.40	\$186.67	\$179.12				\$128.78	\$125.71	\$122.65	\$172.62	\$170.10	\$166.74	\$153.50	\$150.48	\$148.47	\$154.00	\$151.00	\$145.00			
Area 4	\$218.23	\$215.48	\$207.94				\$139.00	\$135.94	\$132.87	\$189.49	\$186.93	\$183.15	\$162.57	\$162.57	\$156.53	\$168.00	\$165.00	\$159.00			

Diesel Fuel Surcharge:

WSDOT CC	7754-554-195				7754-535-090				Not in inventory. 7754-535-xxx	
Vendor:	GMCO dba: Roadwise		EnviroTech		EnviroTech		EnviroTech		Two Rivers Terminal	
Product Offered:	FreezGard CI Plus		Meltdown Inhibited		Calcium Chloride w/Boost		APEX-C		Road Guard XCEL	
Order Information:	D. Winebarger		Order Fulfillment		Order Fulfillment		Order Fulfillment		Trevor Ilder	
	509-487-9171		800-577-5346		509-242-7280		509-936-7102		509-547-7776	
	dwinebarger@roadwise-inc.com		orders@envirotechservices.com		westorders@envirotechservices.com		westorders@envirotechservices.com		industrial@tworiversterminal.com	
	Pcard Accepted: No		Pcard Accepted: No		Pcard Accepted: No		Pcard Accepted: No		Pcard Accepted: No	
	ORCPP Members: With Mileage		ORCPP Members: Add 25%		ORCPP Members: Add 25%		ORCPP Members: Add 25%		ORCPP Members: With Mileage	
Northwest Region	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery
Area 1	\$217.41	\$213.41			\$264.98	\$263.97	\$247.27	\$244.20	\$256.34	\$254.84
Area 2	\$213.41	\$209.41			\$260.40	\$259.40	\$240.86	\$237.78	\$249.86	\$248.36
Area 3	\$204.41	\$200.41			\$250.86	\$249.85	\$233.13	\$230.05	\$239.21	\$237.71
Area 4	\$201.41	\$197.41			\$250.07	\$243.62	\$227.64	\$224.56	\$240.54	\$239.04
Area 5	\$200.41	\$196.41			\$248.44	\$236.56	\$231.50	\$228.43	\$237.87	\$236.37
North Central Region										
Area 1			\$174.10	\$172.47	\$238.16	\$237.15	\$219.79	\$216.71	\$232.59	\$231.09
Area 2			\$175.91	\$174.26	\$225.17	\$224.16	\$210.63	\$207.55	\$217.78	\$216.28
Area 3			\$183.36	\$181.69	\$241.86	\$240.86	\$220.27	\$217.19	\$228.87	\$227.37
Olympic Region										
Area 1			\$200.25	\$195.32	\$253.94	\$252.88	\$233.55	\$230.47	\$241.88	\$240.38
Area 2			\$205.20	\$200.25	\$261.04	\$259.94	\$241.53	\$238.45	\$249.86	\$248.36
Area 3			\$216.13	\$211.14	\$273.14	\$272.21	\$252.09	\$249.01	\$264.68	\$263.18
Area 4			\$202.64	\$197.70	\$261.13	\$261.91	\$243.76	\$240.68	\$248.52	\$247.02
Southwest Region										
Area 1	\$184.11	\$181.41			\$250.22	\$249.21	\$232.11	\$229.04	\$254.96	\$253.46
Area 2	\$190.28	\$187.54			\$244.71	\$243.70	\$225.04	\$221.97	\$244.54	\$243.04
Area 3	\$189.91	\$187.17			\$259.81	\$258.80	\$241.66	\$238.59	\$259.12	\$257.62
Area 4	\$170.47	\$167.81			\$231.66	\$230.65	\$212.44	\$209.36	\$244.54	\$243.04
South Central Region										
Area 1			\$175.51	\$171.48	\$232.92	\$231.84	\$216.78	\$213.70	\$228.87	\$227.37
Area 2			\$168.25	\$161.05	\$225.32	\$224.24	\$209.18	\$206.11	\$230.11	\$228.61
Area 3			\$172.12	\$166.84	\$218.99	\$217.91	\$207.56	\$204.48	\$221.45	\$219.95
Area 4			\$179.12	\$176.82	\$222.01	\$220.94	\$209.67	\$206.60	\$232.59	\$231.09
Eastern Region										
Area 1	\$175.53	\$171.58			\$235.16	\$234.23	\$217.32	\$214.25	\$230.11	\$228.61
Area 2	\$175.53	\$171.58			\$230.07	\$228.94	\$213.80	\$210.72	\$226.39	\$224.89
Area 3	\$177.38	\$174.58			\$224.17	\$224.66	\$210.63	\$207.55	\$216.04	\$214.54
Area 4	\$177.38	\$174.58			\$244.66	\$245.31	\$228.08	\$225.00	\$233.82	\$232.32
City of Spokane										
Road Department	\$175.50									
Off-Site	\$167.97									

Diesel Fuel Surcharge:

WSDOT CC	7754-577-426						7751-872-125				
PNS Categories	8A-B -Standard Gradation Brine Salt			8C-B -Fine Gradation Brine Salt			A-1 - Brine Inhibitor		A-2 - Brine Inhibitor		
Vendor:	Salt Distributors			Salt Distributors			Paradigm Chemical		Envirotech		
Product Offered:	DriRox Coarse Salt			Medium Solar Salt			Shield GLT 5% Mix Ratio		Boost SB 20% Mix Ratio		
Order Information:	Stan or Nic Bincewski			Stan or Nic Bincewski			Greg Leist		Order Fulfillment		
	509-710-8033	509-218-1983		509-710-8033	509-218-1983		303-986-7871	720-635-9335		509-936-7102	970-797-1499
	sales@salt distributorsinc.com			sales@salt distributorsinc.com			gleist@parachemllc.com		westorders@envirotechservices.com		
	Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No		Pcard Accepted: No		
	ORCPP Members: Add 10%			ORCPP Members: Add 10%			ORCPP Members: Add 35%		ORCPP Members: Add 25%		
	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	
Northwest Region											
Area 1	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13					
Area 2	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13					
Area 3	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13					
Area 4	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13					
Area 5	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13					
North Central Region											
Area 1	\$152.15	\$149.12	\$146.10	\$152.15	\$149.12	\$146.10					
Area 2	\$146.10	\$143.08	\$140.06	\$146.10	\$143.08	\$140.06					
Area 3	\$152.15	\$149.12	\$146.10	\$152.15	\$149.12	\$146.10					
Olympic Region											
Area 1	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Area 2	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Area 3	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Area 4	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Southwest Region											
Area 1	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Area 2	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Area 3	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
Area 4	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17					
South Central Region											
Area 1	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77	
Area 2	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77	
Area 3	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77	
Area 4	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77	
Eastern Region											
Area 1	\$145.09	\$142.07	\$140.06	\$145.09	\$142.07	\$140.06	\$4.10	\$3.97	\$1.81	\$1.77	
Area 2	\$145.09	\$142.07	\$140.06	\$145.09	\$142.07	\$140.06	\$4.10	\$3.97	\$1.81	\$1.77	
Area 3	\$145.09	\$142.07	\$140.06	\$145.09	\$142.07	\$140.06	\$4.10	\$3.97	\$1.81	\$1.77	
Area 4	\$154.16	\$151.14	\$148.12	\$154.16	\$151.14	\$148.12	\$4.10	\$3.97	\$1.81	\$1.77	

State of Washington Diesel Fuel Surcharge

Contract Administrator: Leslie Edwards (360) 407-8416
 Alternate Contact: Customer Service (360) 407-2210
 Current Term: 8/18/15 - 8/17/22

leslie.edwards@des.wa.gov
contractingandpurchasing@des.wa.gov

In accordance with the terms of the contract, Section 5.6 Pricing, Diesel Fuel Price Adjustment, utilizing OPIS Spokane Rack, Ultra Low Diesel Contract Average Pricing each month on the 18th of the month, a diesel fuel surcharge is incurred if the price reference is 5% above or below the baseline price. Monthly adjustments will be tracked here for reference only. Price baseline changed from \$3.10 to \$3.03 October 2015 due to fuel tax increase of \$.07/gallon, changed from \$3.03 to \$2.98 October 2016 due to fuel tax increase of \$.049/gallon.

Effective Date	OPIS Reference		Diesel Price	% Change	Price		Notes
	Date	Date			Change	Surcharge	
9/1/2014	8/18/2014		\$ 3.10	0		0	Baseline
10/1/2014	9/18/2014		\$ 3.16	2%	\$ 0.06	\$ -	Change does not meet 5% requirement
11/1/2014	10/17/2014		\$ 2.75	-11%	\$ 0.35	\$ (0.07)	Credit to customer Per Mile
12/1/2014	11/18/2014		\$ 2.73	-12%	\$ 0.37	\$ (0.07)	Credit to customer Per Mile
1/1/2015	12/18/2014		\$ 1.84	-41%	\$ 1.26	\$ (0.25)	Credit to customer Per Mile
2/1/2015	1/19/2015		\$ 1.50	-52%	\$ 1.60	\$ (0.32)	Credit to customer Per Mile
3/1/2015	2/18/2015		\$ 1.98	-36%	\$ 1.13	\$ (0.23)	Credit to customer Per Mile
4/1/2015	3/18/2015		\$ 1.87	-40%	\$ 1.23	\$ (0.25)	Credit to customer Per Mile
5/1/2015	4/20/2015		\$ 1.81	-42%	\$ 1.29	\$ (0.26)	Credit to customer Per Mile
6/1/2015	5/18/2015		\$ 2.26	-27%	\$ 0.84	\$ (0.17)	Credit to customer Per Mile
7/1/2015	6/18/2015		\$ 2.28	-26%	\$ 0.82	\$ (0.16)	Credit to customer Per Mile
8/1/2015	7/20/2015		\$ 2.16	-30%	\$ 0.94	\$ (0.19)	Credit to customer Per Mile
9/1/2015	8/18/2015		\$ 1.69	-45%	\$ 1.41	\$ (0.28)	Credit to customer Per Mile
10/1/2015	9/18/2015		\$ 1.64	-47%	\$ 1.46	\$ (0.29)	Credit to customer Per Mile
			\$ 3.03				RE Baseline
10/15/2015	9/18/2015		\$ 1.64	-47%	\$ 1.46	\$ (0.27)	Credit to customer Per Mile
11/1/2015	10/19/2015		\$ 1.70	-44%	\$ 1.33	\$ (0.26)	Credit to customer Per Mile
12/1/2015	11/18/2015		\$ 1.59	-47%	\$ 1.44	\$ (0.29)	Credit to customer Per Mile
1/1/2016	12/18/2015		\$ 1.20	-60%	\$ 1.83	\$ (0.37)	Credit to customer Per Mile
2/1/2016	1/18/2016		\$ 0.98	-68%	\$ 2.05	\$ (0.41)	Credit to customer Per Mile
3/1/2016	2/18/2016		\$ 1.07	-65%	\$ 1.96	\$ (0.39)	Credit to customer Per Mile
4/1/2016	3/18/2016		\$ 1.34	-56%	\$ 1.69	\$ (0.34)	Credit to customer Per Mile
5/1/2016	4/18/2016		\$ 1.27	-58%	\$ 1.77	\$ (0.35)	Credit to customer Per Mile
6/1/2016	5/18/2016		\$ 1.59	-48%	\$ 1.44	\$ (0.29)	Credit to customer Per Mile
7/1/2016	6/20/2016		\$ 1.74	-43%	\$ 1.29	\$ (0.26)	Credit to customer Per Mile
8/1/2016	7/18/2016		\$ 1.64	-46%	\$ 1.39	\$ (0.28)	Credit to customer Per Mile
9/1/2016	8/18/2016		\$ 1.70	-44%	\$ 1.33	\$ (0.26)	Credit to customer Per Mile
			\$ 2.98				RE Baseline
10/1/2016	9/19/2016		\$ 1.73	-42%	\$ 1.25	\$ (0.25)	Credit to customer Per Mile
11/1/2016	10/18/2016		\$ 1.65	-45%	\$ 1.33	\$ (0.27)	Credit to customer Per Mile
12/1/2016	11/18/2016		\$ 1.60	-46%	\$ 1.38	\$ (0.28)	Credit to customer Per Mile
1/1/2017	12/19/2016		\$ 1.71	-43%	\$ 1.27	\$ (0.25)	Credit to customer Per Mile
2/1/2017	1/18/2017		\$ 1.89	-37%	\$ 1.09	\$ (0.22)	Credit to customer Per Mile
3/1/2017	2/21/2017		\$ 1.90	-36%	\$ 1.08	\$ (0.22)	Credit to customer Per Mile
4/1/2017	3/20/2017		\$ 1.79	-40%	\$ 1.19	\$ (0.24)	Credit to customer Per Mile
5/1/2017	4/18/2017		\$ 1.88	-37%	\$ 1.10	\$ (0.22)	Credit to customer Per Mile
6/1/2017	5/18/2017		\$ 1.81	-39%	\$ 1.17	\$ (0.23)	Credit to customer Per Mile
7/1/2017	6/19/2017		\$ 1.66	-44%	\$ 1.32	\$ (0.26)	Credit to customer Per Mile
8/1/2017	7/18/2017		\$ 1.64	-45%	\$ 1.34	\$ (0.27)	Credit to customer Per Mile
9/1/2017	8/18/2017		\$ 1.94	-35%	\$ 1.04	\$ (0.21)	Credit to customer Per Mile
10/1/2017	9/18/2017		\$ 2.18	-27%	\$ 0.80	\$ (0.16)	Credit to customer Per Mile
11/1/2017	10/18/2017		\$ 2.10	-30%	\$ 0.88	\$ (0.18)	Credit to customer Per Mile
12/1/2017	11/20/2017		\$ 2.22	-26%	\$ 0.76	\$ (0.15)	Credit to customer Per Mile
1/1/2018	12/18/2018		\$ 2.05	-31%	\$ 0.93	\$ (0.19)	Credit to customer Per Mile
2/1/2018	1/18/2018		\$ 2.10	-30%	\$ 0.88	\$ (0.18)	Credit to customer Per Mile
3/1/2018	2/19/2018		\$ 2.00	-33%	\$ 0.98	\$ (0.20)	Credit to customer Per Mile
4/1/2018	3/19/2018		\$ 2.10	-30%	\$ 0.88	\$ (0.18)	Credit to customer Per Mile
5/1/2018	4/18/2018		\$ 2.38	-20%	\$ 0.60	\$ (0.12)	Credit to customer Per Mile
6/1/2018	5/18/2018		\$ 2.60	-13%	\$ 0.38	\$ (0.08)	Credit to customer Per Mile
7/1/2018	6/18/2018		\$ 2.58	-13%	\$ 0.40	\$ (0.08)	Credit to customer Per Mile
8/1/2018	7/18/2018		\$ 2.34	-20%	\$ 0.60	\$ (0.12)	Credit to customer Per Mile
9/1/2018	8/17/2018		\$ 2.41	-19%	\$ 0.57	\$ (0.11)	Credit to customer Per Mile
10/1/2018	9/18/2018		\$ 2.54	-15%	\$ 0.44	\$ (0.09)	Credit to customer Per Mile
11/1/2018	10/18/2018		\$ 2.60	-13%	\$ 0.38	\$ (0.08)	Credit to customer Per Mile
12/1/2018	11/19/2018		\$ 2.22	-26%	\$ 0.76	\$ (0.15)	Credit to customer Per Mile
1/1/2019	12/18/2018		\$ 1.83	-33%	\$ 1.15	\$ (0.23)	Credit to customer Per Mile
2/1/2019	1/18/2019		\$ 1.82	-39%	\$ 1.16	\$ (0.23)	Credit to customer Per Mile
3/1/2019	2/18/2019		\$ 1.99	-33%	\$ 0.99	\$ (0.20)	Credit to customer Per Mile
4/1/2019	3/18/2019		\$ 2.06	-31%	\$ 0.92	\$ (0.18)	Credit to customer Per Mile
5/1/2019	4/18/2019		\$ 2.31	-22%	\$ 0.67	\$ (0.13)	Credit to customer Per Mile
6/1/2019	5/17/2019		\$ 2.35	-21%	\$ 0.63	\$ (0.13)	Credit to customer Per Mile
7/1/2019	6/18/2019		\$ 1.85	-38%	\$ 1.13	\$ (0.23)	Credit to customer Per Mile
8/1/2019	7/18/2019		\$ 2.02	-32%	\$ 0.96	\$ (0.19)	Credit to customer Per Mile
9/1/2019	8/19/2019		\$ 1.95	-35%	\$ 1.03	\$ (0.21)	Credit to customer Per Mile
10/1/2019	9/18/2019		\$ 2.18	-27%	\$ 0.80	\$ (0.16)	Credit to customer Per Mile
11/1/2019	10/18/2019		\$ 2.38	-20%	\$ 0.60	\$ (0.12)	Credit to customer Per Mile
12/1/2019	11/18/2019		\$ 2.44	-18%	\$ 0.54	\$ (0.11)	Credit to customer Per Mile
1/1/2020	12/18/2019		\$ 1.91	-36%	\$ 1.07	\$ (0.21)	Credit to customer Per Mile
2/1/2020	1/17/2020		\$ 1.86	-38%	\$ 1.12	\$ (0.22)	Credit to customer Per Mile
3/1/2020	2/18/2020		\$ 1.71	-43%	\$ 1.27	\$ (0.25)	Credit to customer Per Mile
4/1/2020	3/18/2020		\$ 1.30	-56%	\$ 1.68	\$ (0.34)	Credit to customer Per Mile
5/1/2020	4/17/2020		\$ 1.01	-66%	\$ 1.97	\$ (0.39)	Credit to customer Per Mile
6/1/2020	5/18/2020		\$ 1.03	-65%	\$ 1.95	\$ (0.39)	Credit to customer Per Mile
7/1/2020	6/18/2020		\$ 1.23	-59%	\$ 1.75	\$ (0.35)	Credit to customer Per Mile
8/1/2020	7/17/2020		\$ 1.31	-56%	\$ 1.67	\$ (0.33)	Credit to customer Per Mile
9/1/2020	8/18/2020		\$ 1.40	-53%	\$ 1.58	\$ (0.32)	Credit to customer Per Mile

VENDOR:	GMCO dba: Roadwise, Inc. (509) 487-9171 PO Box 1480, Rifle, CO 81650
Ordering Procedure:	a. Purchase Order (PO) is received via fax/email in our corporate office. b. Bill of Lading (BOL) is assigned to PO. c. Order is placed in delivery sequence. d. Carrier is notified via email containing all pertinent information with a read receipt attached to ensure message was received. e. Carrier dispatch replies by fax/email to GMCO to confirm order with ETA for delivery. f. Customer is notified with a confirmation of order and delivery day and time, normally within two hours of receipt of PO.

VENDOR:	EnviroTech Services (800) 577-5346 910 – 54 th Avenue #230 Greeley, CO 80634
Ordering Procedure:	a. Customer sends order via fax or email b. Order confirmation is sent to customer via email within two hours of receipt of PO c. Customer Delivery Order is prepared d. Delivery Orders are dispatched e. Customer is notified of shipment date f. Customer is contacted 24 hours in advance of shipment

VENDOR:	LTI, Inc. 8631 Depot Rd., PO Box 433 Lynden, WA 98264
Ordering Procedure:	a. Customer calls, faxes or emails order. b. All orders acknowledged by a dedicated dispatcher confirming delivery windows and other requirements c. Orders are tracked and dispatched from the Lynden, WA location.

VENDOR:	Salt Distributors, Inc. (509) 218-1983 or 509-710-8033 PO Box 100 Newman Lake, WA 99025
Ordering Procedure:	a. Customer places order via email or fax. b. Receipt of order confirmed by email. c. Upon receipt of order, it will be forwarded to the Regional Terminal and prioritized based on order time and placed in queue for delivery. d. All orders tracked and updated daily. e. Invoicing will take place at order completion. Invoices will be faxed or emailed.

VENDOR:	Two Rivers Terminal, LLC (509) 547-7776 3300 C North Glad Rd. Pasco, WA 99301
Ordering Procedure:	a. Purchase orders should be emailed to industrial@tworiversterminal.com b. Each Bill of Lading (BOL) will be assigned to a corresponding PO# c. Orders will be confirmed by either phone or email within 4 hours of order d. Orders placed outside of normal business hours should be followed up with a phone call to either (509) 370-4221 or Travis (509) 412-9000 or Jeff (509) 727-3393

VENDOR:	Paradigm Chemical, LLC (303) 896-7871 / (720) 635-9335 2611 S. Yarrow St. Lakewood, CO 80227
Ordering Procedure:	a. Customer places order via phone, cell phone, fax or email b. All key personnel receive orders c. Order tracking is done through cell phone contact with transport vehicle

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION DELIVERY LOCATIONS AND STORAGE CAPACITIES BY REGION AND MAINTENANCE AREA

Region 6 Eastern Region

(Includes the counties of: Stevens, Pend Oreille, Lincoln, Spokane, Adams and Whitman)

Site	Latitude	Longitude	Maintenance Area	Location	Inventory Control Point (ICP)	Liquid Storage (Gallons)	Covered Storage (Tons)
1	47.7668030	-117.4053400	MA 1	Spokane Maintenance (Wandermere) 12223 N. Divison SR395 & Hastings Spokane, WA	6-1-140B	20,000	0
2			MA 1	Nine Mile Falls Pit Site, MA 1 0.3 miles West of MP 9.2 on SR 291 On Charles Road			0
3			MA 1	Newport Maintenance Shed, MA 1 SR 2, MP 334 Newport, WA			0
4	47.6752432	-117.2432261	MA 1	Pines Maintenance Shed, I-90 and Pines Rd., MP 291 Spokane Valley, WA	6-1-615B	80,000	300
5	47.6120623	-117.5168649	MA 1	Geiger Maintenance Shed, Thorpe Rd., off of I-90 Spokane, WA	6-1-144B	20,000	300
6			MA 1	4 Lakes Pit Site, MA 1, SR 904, MP 16			0
7	47.4478820	-117.7297870	MA 1	Tyler Pit Site, SR 904, MP 3, South side of road	6-1-611B	N/A	300
8			MA 1	Penrith Pit Site SR 2 MP 331, west side of road (Pit site is approximately 2 miles South of Newport on SR2 on the right)			0
9			MA 1	Excelsior Pit Site SR 195 MP 88, southbound pit is on eastside of road			0
10			MA 1	Deep Creek Pit Site SR 2 MP 272, north side of road			0
11	48.0665400	-117.3383230	MA 1	MP317 Pit Site (Shadow Valley) SR 2 MP 317, E. of road MP. 317. (Pit site is located on SR2, 23 miles N. of Spokane on the right)	6-1-174B	20,000	300
12	48.3032230	-117.2827170	MA 1	USK Salt Shed SR 211, MP 15	6-1-659B	N/A	300
13	47.9067960	-117.4429710	MA 1	Dennison Maintenance Site SR 395, MP 176.57 at Dennison Road, West side	6-1-174B	N/A	300
14	46.9576907	-117.3320601	MA 2	Colfax Maintenance SR 195 (M.P. 43.86), Colfax, WA 99111	6-2-210B	20,000	300
15			MA 2	Pullman Shed, 980 NW Davis Way, SR 270 Pullman, WA 99763	6-2-209B	20,000	300
16	47.1241157	-117.2344209	MA 2	Oaksdale 501 South , SR 27, MP 35.96 Oakesdale WA 99158	6-2-239B	10,000	300
17	46.7589026	-118.3089109	MA 2	Washtucna SR 26, Jct with 261, Northside, N.W. 600 Main Street Washtucna WA 99371	6-2-651B	20,000	300
18	47.2162740	-117.3648350	MA 2	Rosalia SR 195 3152 SR 271		10,000	0

				Rosalia, WA 99170			
19	46.8098530	-117.6536220	MA 2	Dusty Stockpile Site SR 127, MP 27.30	6-2-253B	N/A	300
20	47.1207907	-118.3846910	MA 3	Ritzville Maintenance Site, 804 W First Street, Ritzville, WA SR 395 & I-90 Jct.	6-3-627B	40,000	300
21	47.0887630	-118.8755240	MA 3	Schrag Maintenance Site I-90, MP192 (Adjacent to NW Schrag Interchange) Ritzville	6-3-385B	N/A	300
22	46.9680940	-118.5644260	MA 3	Lind Maintenance Site ½ Mile East SR 395 and SR 21	6-3-702B	N/A	300
23	47.3099512	-117.9734576	MA 3	Sprague Maintenance Site, SR 23 & I-90 Jct., on SR 23, North side of I-90	6-3-613B	20,000	300
24	47.7605997	-118.7403882	MA 3	Wilbur Airport Pit, 1187 Wilbur Airport Road East SR 2, MP 220.2, (South Side) ½ Mile West of SR 2, & SR 21 Jct.	6-3-707B	20,000	300
25	47.6535216	-118.1608234	MA 3	Davenport Maintenance Site 1407 Morgan Street, Davenport, WA Jct SR 2 & 25, Right on SR 25 for .01 mile, left on Sunset Highway ¼ mile to pit site	6-3-628B	21,000	300
26	47.3281932	-118.6914470	MA 3	Odessa SR 21 at MP 55.5	6-3-364B	10,000	300
27	46.9680940	-118.5644260	MA 3	Lind Shed I-90 & Mp 206.84 Lind, WA	6-3-702B	N/A	300
28	46.9680940	-118.5644260	MA 4	Colville Maintenance Site, 440 N. Hwy 395 SR 395, MP 229.9, East Side	6-4-608B	40,000	300
29	48.6258045	-118.7326637	MA 4	Republic Maintenance Facility, SR 21, S. of Republic, MP 159.01 on West side of highway.	6-4-815B	10,000	300
30	48.1436770	-117.6645454	MA 4	Grouse Creek Maintenance Facility, SR 395 and Roitz County Road, MP 196.78 on East side of highway.	6-4-645B	10,000	300
31	48.7442099	-117.4177441	MA 4	Ione Maintenance Facility SR 31, MP 4.3 on E. side of highway	6-4-107B	10,000	300
32	48.8631164	-118.2053263	MA 4	Orient Maintenance Facility SR 395, MP 260.02 on W. side Hwy.	6-4-650B	10,000	300
33	48.1179084	-118.1922578	MA 4	Hunters Maintenance Facility SR 25, MP 42 on N.highway	6-4-647B	10,000	300
34	48.9133306	-117.7893364	MA 4	Northport Maintenance Facility SR 25, MP113 on W. side of Hwy	6-4-422B	10,000	300
35	48.5974460	-118.6442000	MA 4	Hall Creek Pit Site SR 20, MP 309.6 on N. side of Hwy.	6-4-805B	N/A	300
36			MA 4	Kettle Falls Jct. (Singers) Pit Site SR 395 MP 239, south side of highway			0
37			MA 4	Sheep Creek Pit Site SR 25 North MP115.51, W. side Hwy.			0
38			MA 4	Trout Lake Pit Site SR 20 MP 337.2, N. side of Hwy.			0



Effective November 1, 1995

VENDOR:	GMCO formerly Roadwise, Inc. (509) 487-9171 PO Box 1480, Rifle, CO 81650		
PRODUCT:	Category 1 Corrosion Inhibited Liquid Magnesium Chloride		
	Product Name: FreezGard CI Plus	Manufacturer: North American Salt	Concentration: 30%
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members with mileage		
STORAGE:	4315 E. Sprague Ave. Spokane Valley, WA 2 E. Arlington Street Yakima, WA 98902 325 Mill Rd. Lewiston, ID 83501 3002 Taylor Way Tacoma, WA 98421		

VENDOR:	EnviroTech Services (800) 577-5346 910 – 54 th Avenue #230 Greeley, CO 80634		
PRODUCT:	Category 1 Corrosion Inhibited Liquid Magnesium Chloride		
	Product: MeltDown Inhibited	Manufacturer: EnviroTech Services, Inc.	Concentration: 30%
STORAGE:	4507 W. Seltice Way Post Falls, ID 83877 1031 Midvale Ave Sunnyside, WA 98944 3842 NW Bus Evans Rd, Prineville, OR 97754		
PRODUCT:	Category 2 Non-Corrosion Inhibited Liquid Calcium Chloride with Boost		
	Product Name: APEX-C	Manufacturer: EnviroTech Services, Inc	Concentration: 29%
PRODUCT:	Category 2 Non-Corrosion Inhibited Liquid Calcium Chloride with Boost		
	Product Name: Calcium Chloride with Boost	Manufacturer: EnviroTech Services, Inc.	Concentration: 32%
STORAGE:	3300 N Glade Road, Pasco, WA 99301		
PRODUCT:	Category 4B Corrosion Inhibited Solid Sodium Chloride		
	Product Name: Ice Slicer RS	Manufacturer: Redmond	Anti-Caking Agent: YPS
PAYMENT:	ORCPP Members add 25%		
STORAGE:	1655 S. Broadway Ave. Othello, WA		

VENDOR:	LTI, Inc. (206) 439- 8361 Depot Rd., PO Box 433 Lynden, WA 98264		
PRODUCT:	Category 8B Standard Gradation Road Salt		
	Product Name: ESSA Salt	Manufacturer: ESSA	Anti-Caking Agent: YPS
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members not accepted.		
PRODUCT:	Category 8A-R Standard Gradation Road Salt (Insoluble Material >5%)		
	Product Name: ISCO Bulk Rock Salt	Manufacturer: K+S	Anti-Caking Agent: YPS
STORAGE:	Alaska Marine Lines 5615 Marginal Way SW Seattle, WA 98106		

VENDOR:	Salt Distributors, Inc. (509) 218-1983 PO Box 100 Newman Lake, WA 99025		
PRODUCT:	Category 8B Standard Gradation Road Salt		
	Product Name: QwikSalt	Manufacturer: North American Salt	Anti-Caking Agent: YPS
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members add 10%.		
STORAGE:	Salt Distributors, Inc. 15120 E. Marietta Ave, Spokane Valley, WA T E Walrath Fredrickson Site 18727 38 th Ave E Tacoma, WA 98446 Delta Ridge Holdings 2330 Yakima Valley Hwy Outlook, WA		
PRODUCT:	Category 8A-B Standard Gradation Brining Salt (Insoluble Material <1%)		
	Product Name: DriRox Coarse Salt	Manufacturer: North American Salt	Anti-Caking Agent: N/A
PRODUCT:	Category 8C-B Fine Gradation Brining Salt (Insoluble Material <1%)		
	Product Name: Medium Solar Salt	Manufacturer: North American Salt	Anti-Caking Agent: N/A
PRODUCT:	Category 8C-R Fine Gradation Road Salt (Insoluble Material <10%)		
	Product Name: Medium Solar Salt	Manufacturer: North American Salt	Anti-Caking Agent: N/A

VENDOR:	Two Rivers Terminal, LLC (509) 547-7776 3300 C North Glad Rd. Pasco, WA 99301		
PRODUCT:	Category 1 Corrosion Inhibited Liquid Magnesium Chloride		
	Product Name: FreezGard CI Plus	Manufacturer: North American Salt	Concentration: 30%
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members with mileage		
STORAGE:	Two Rivers Terminal 13583 Wheeler Rd. Moses Lake, WA		

VENDOR:	Paradigm Chemical, LLC (303) 896-7871 / (720) 635-9335 2611 S. Yarrow St. Lakewood, CO 80227		
PRODUCT:	Category A1 Corrosion Inhibitor for Sodium Chloride Brine		
	Product Name: Shield GLT+	Manufacturer: Paradigm Chemical	Application: 5%
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members add 35%		
STORAGE:	Custom Spray Service 900 North Nelson, Spokane, WA 99202		



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2021-0662
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	STREETS
Contact Name/Phone	CLINT HARRIS 625-7744
Contact E-Mail	CEHARRIS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1100-STREET DEPARTMENT ICE KICKER

Agenda Wording

The Street Department is seeking approval to purchase ice kicker at a cost not to exceed \$100,000.00 annually.

Summary (Background)

This salt-based product with anticorrosive inhibitors added is used by Street Department during the winter months for deicing. Ice Kicker is purchased from Salt Distributors Inc utilizing VB pricing and the State Contract #02714

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 100,000.00
Select	\$
Select	\$
Select	\$

Budget Account

#	1100-21800-42660-53210-99999
#	
#	
#	

Approvals

Dept Head	HARRIS, CLINT E.
Division Director	FEIST, MARLENE
Finance	WALLACE, TONYA
Legal	ODLE, MARI
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PIES 9/27
Council Sponsor	Beggs

Additional Approvals

Purchasing	jwthomas@spokanecity.org
	tprince@spokanecity.org
	jlargent@spokanecity.org
	tbrazington@spokanecity.org
	sales@saltdistributorsinc.com

Briefing Paper (PIES)

Division & Department:	Street
Subject:	Ice Kicker
Date:	09/01/2021
Contact (email & phone):	Clint Harris / 625-7744
City Council Sponsor:	CP Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History:	
<i>This salt-based product with anticorrosive inhibitors added is used by Street Department during the winter months for deicing. Used primarily in the CBD area and is purchased off the state contract.</i>	
Executive Summary:	
<i>Impact</i>	
<ul style="list-style-type: none"> • The total cost to the City is \$139 per ton not to exceed \$100,000 annually. 	
<i>Action</i>	
<ul style="list-style-type: none"> • Approval of the contract 	
<i>Funding</i>	
<ul style="list-style-type: none"> • Funding for this is included in the 2021/2022 Street Operation and Maintenance Budget. 	
Budget Impact:	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
If new, specify funding source:	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Specify changes required:	
Known challenges/barriers:	

**State of Washington
Pricing & Ordering Information
Effective Date: September 10, 2021**

[Diesel Fuel Surcharge:](#)

Products for use by all customers and WSDOT WSDOT Commodity Code: 7754-577-424 if Unit of Issue = Ton (TN) -OR- 7754-577-425 if Unit of Issue = Pound (LB)															Products for use by all customers except WSDOT						
Vendor:	LTI			LTI			Salt Distributors			EnviroTech			Salt Distributors			Salt Distributors			Salt Distributors		
Product Offered:	PNS 8A-R			PNS 8B			PNS 8B			PNS 8B/ 4B			PNS 8A-R/ 8A-B			PNS 4C			PNS 4C		
Order Information:	K+S			ESSA			SS 5.0 Qwiksalt Type C			Ice Slicer RS			Dri-Rox			Ice Kicker			Ice Kicker		
	Tony Smith			Tony Smith			Stan or Nic Binczewski			Order Fulfillment			Stan or Nic Binczewski			Stan or Nic Binczewski			Stan or Nic Binczewski		
	206-439-5482			206-439-5482			509-710-8033 / 509-218-1983			800-577-5346			509-710-8033 / 509-218-1983			509-710-8033 / 509-218-1983			509-710-8033 / 509-218-1983		
	saltorders@lynden.com			saltorders@lynden.com			sales@saltistributorsinc.com			westorders@envirotechservices.com			sales@saltistributorsinc.com			sales@saltistributorsinc.com			sales@saltistributorsinc.com		
	Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No		
	ORCPP Members: No			ORCPP Members: No			ORCPP Members: Add 10%			ORCPP Members: Add 25%			ORCPP Members: Add 10%			ORCPP Members: Add 10%			ORCPP Members: Add 10%		
	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery
Northwest Region-1																					
Area 1	\$166.07	\$163.34	\$155.79	\$166.07	\$163.34	\$155.79				\$208.93	\$206.32	\$203.29	\$164.59	\$161.57	\$158.54				\$188.00	\$185.00	\$179.00
Area 2	\$160.59	\$157.84	\$150.30	\$160.59	\$157.84	\$150.30				\$207.18	\$204.58	\$201.43	\$164.59	\$161.57	\$158.54				\$184.00	\$181.00	\$175.00
Area 3	\$152.35	\$149.60	\$142.06	\$152.35	\$149.60	\$142.06				\$198.25	\$194.60	\$191.83	\$164.59	\$161.57	\$158.54				\$178.00	\$175.00	\$169.00
Area 4	\$146.87	\$144.12	\$136.58	\$146.87	\$144.12	\$136.58				\$197.69	\$195.12	\$191.56	\$164.59	\$161.57	\$158.54				\$178.00	\$175.00	\$169.00
Area 5	\$142.74	\$139.99	\$132.45	\$142.74	\$139.99	\$132.45				\$196.26	\$193.68	\$190.60	\$164.59	\$161.57	\$158.54				\$174.00	\$171.00	\$165.00
North Central Region-2																					
Area 1	\$159.21	\$156.46	\$148.92	\$159.21	\$156.46	\$148.92				\$180.94	\$178.40	\$176.00	\$160.56	\$157.53	\$154.51				\$159.50	\$155.50	\$145.00
Area 2	\$164.70	\$161.96	\$154.42	\$164.70	\$161.96	\$154.42				\$172.69	\$170.17	\$168.40	\$154.51	\$151.49	\$148.47				\$152.50	\$148.50	\$137.50
Area 3	\$178.43	\$175.68	\$168.14	\$178.43	\$175.68	\$168.14				\$180.76	\$177.68	\$176.53	\$160.56	\$157.53	\$154.51				\$163.00	\$159.00	\$148.00
Olympic Region-3																					
Area 1	\$152.35	\$149.60	\$142.06	\$152.35	\$149.60	\$142.06				\$195.66	\$193.61	\$191.16	\$169.63	\$166.60	\$163.58				\$169.00	\$165.00	\$153.00
Area 2	\$160.59	\$157.84	\$150.30	\$160.59	\$157.84	\$150.30				\$201.45	\$199.40	\$196.05	\$169.63	\$166.60	\$163.58				\$179.00	\$176.00	\$170.00
Area 3	\$178.43	\$175.68	\$168.14	\$178.43	\$175.68	\$168.14				\$213.13	\$211.04	\$207.61	\$169.63	\$166.60	\$163.58				\$195.00	\$192.00	\$186.00
Area 4	\$168.82	\$166.07	\$158.53	\$168.82	\$166.07	\$158.53				\$207.13	\$205.06	\$201.86	\$169.63	\$166.60	\$163.58				\$187.00	\$184.00	\$178.00
Southwest Region-4																					
Area 1	\$178.43	\$175.68	\$168.14	\$178.43	\$175.68	\$168.14				\$209.29	\$205.61	\$201.42	\$169.63	\$166.60	\$163.58				\$156.50	\$152.50	\$141.50
Area 2	\$167.45	\$164.70	\$157.16	\$167.45	\$164.70	\$157.16				\$196.80	\$194.23	\$189.29	\$169.63	\$166.60	\$163.58				\$173.00	\$169.00	\$158.50
Area 3	\$177.06	\$174.31	\$166.77	\$177.06	\$174.31	\$166.77				\$215.39	\$211.70	\$208.66	\$169.63	\$166.60	\$163.58				\$189.00	\$186.00	\$175.00
Area 4	\$193.53	\$190.78	\$183.24	\$193.53	\$190.78	\$183.24				\$189.33	\$185.70	\$181.65	\$169.63	\$166.60	\$163.58				\$152.00	\$149.00	\$143.00
South Central Region-5																					
Area 1	\$167.45	\$164.70	\$157.16	\$167.45	\$164.70	\$157.16				\$173.18	\$170.66	\$168.31	\$155.52	\$152.50	\$149.47				\$154.00	\$151.00	\$145.00
Area 2	\$171.57	\$168.82	\$161.28	\$171.57	\$168.82	\$161.28				\$172.93	\$170.41	\$167.31	\$155.52	\$152.50	\$149.47				\$155.00	\$152.00	\$146.00
Area 3	\$174.31	\$171.57	\$164.03	\$174.31	\$171.57	\$164.03				\$165.27	\$162.77	\$158.94	\$155.52	\$152.50	\$149.47				\$143.00	\$139.00	\$129.00
Area 4							\$133.89	\$130.83	\$127.76	\$173.70	\$171.18	\$167.88	\$155.52	\$152.50	\$149.47	\$151.00	\$148.00	\$142.00			
Eastern Region-6																					
Area 1	\$205.87	\$203.14	\$195.59				\$133.89	\$130.83	\$127.76	\$182.15	\$179.61	\$176.49	\$153.50	\$150.48	\$148.47	\$158.00	\$155.00	\$149.00			
Area 2	\$199.01	\$196.28	\$188.73				\$128.78	\$125.71	\$122.65	\$177.74	\$175.22	\$171.60	\$153.50	\$150.48	\$148.47	\$158.00	\$155.00	\$149.00			
Area 3	\$189.40	\$186.67	\$179.12				\$128.78	\$125.71	\$122.65	\$172.62	\$170.10	\$166.74	\$153.50	\$150.48	\$148.47	\$154.00	\$151.00	\$145.00			
Area 4	\$218.23	\$215.48	\$207.94				\$139.00	\$135.94	\$132.87	\$189.49	\$186.93	\$183.15	\$162.57	\$162.57	\$156.53	\$168.00	\$165.00	\$159.00			

Diesel Fuel Surcharge:

WSDOT CC	7754-554-195				7754-535-090				Not in inventory. 7754-535-xxx	
Vendor:	GMCO dba: Roadwise		EnviroTech		EnviroTech		EnviroTech		Two Rivers Terminal	
Product Offered:	FreezGard CI Plus		Meltdown Inhibited		Calcium Chloride w/Boost		APEX-C		Road Guard XCEL	
Order Information:	D. Winebarger		Order Fulfillment		Order Fulfillment		Order Fulfillment		Trevor Ilder	
	509-487-9171		800-577-5346		509-242-7280		509-936-7102		509-547-7776	
	dwinebarger@roadwise-inc.com		orders@envirotechservices.com		westorders@envirotechservices.com		westorders@envirotechservices.com		industrial@tworiversterminal.com	
	Pcard Accepted: No		Pcard Accepted: No		Pcard Accepted: No		Pcard Accepted: No		Pcard Accepted: No	
	ORCPP Members: With Mileage		ORCPP Members: Add 25%		ORCPP Members: Add 25%		ORCPP Members: Add 25%		ORCPP Members: With Mileage	
Northwest Region	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery
Area 1	\$217.41	\$213.41			\$264.98	\$263.97	\$247.27	\$244.20	\$256.34	\$254.84
Area 2	\$213.41	\$209.41			\$260.40	\$259.40	\$240.86	\$237.78	\$249.86	\$248.36
Area 3	\$204.41	\$200.41			\$250.86	\$249.85	\$233.13	\$230.05	\$239.21	\$237.71
Area 4	\$201.41	\$197.41			\$250.07	\$243.62	\$227.64	\$224.56	\$240.54	\$239.04
Area 5	\$200.41	\$196.41			\$248.44	\$236.56	\$231.50	\$228.43	\$237.87	\$236.37
North Central Region										
Area 1			\$174.10	\$172.47	\$238.16	\$237.15	\$219.79	\$216.71	\$232.59	\$231.09
Area 2			\$175.91	\$174.26	\$225.17	\$224.16	\$210.63	\$207.55	\$217.78	\$216.28
Area 3			\$183.36	\$181.69	\$241.86	\$240.86	\$220.27	\$217.19	\$228.87	\$227.37
Olympic Region										
Area 1			\$200.25	\$195.32	\$253.94	\$252.88	\$233.55	\$230.47	\$241.88	\$240.38
Area 2			\$205.20	\$200.25	\$261.04	\$259.94	\$241.53	\$238.45	\$249.86	\$248.36
Area 3			\$216.13	\$211.14	\$273.14	\$272.21	\$252.09	\$249.01	\$264.68	\$263.18
Area 4			\$202.64	\$197.70	\$261.13	\$261.91	\$243.76	\$240.68	\$248.52	\$247.02
Southwest Region										
Area 1	\$184.11	\$181.41			\$250.22	\$249.21	\$232.11	\$229.04	\$254.96	\$253.46
Area 2	\$190.28	\$187.54			\$244.71	\$243.70	\$225.04	\$221.97	\$244.54	\$243.04
Area 3	\$189.91	\$187.17			\$259.81	\$258.80	\$241.66	\$238.59	\$259.12	\$257.62
Area 4	\$170.47	\$167.81			\$231.66	\$230.65	\$212.44	\$209.36	\$244.54	\$243.04
South Central Region										
Area 1			\$175.51	\$171.48	\$232.92	\$231.84	\$216.78	\$213.70	\$228.87	\$227.37
Area 2			\$168.25	\$161.05	\$225.32	\$224.24	\$209.18	\$206.11	\$230.11	\$228.61
Area 3			\$172.12	\$166.84	\$218.99	\$217.91	\$207.56	\$204.48	\$221.45	\$219.95
Area 4			\$179.12	\$176.82	\$222.01	\$220.94	\$209.67	\$206.60	\$232.59	\$231.09
Eastern Region										
Area 1	\$175.53	\$171.58			\$235.16	\$234.23	\$217.32	\$214.25	\$230.11	\$228.61
Area 2	\$175.53	\$171.58			\$230.07	\$228.94	\$213.80	\$210.72	\$226.39	\$224.89
Area 3	\$177.38	\$174.58			\$224.17	\$224.66	\$210.63	\$207.55	\$216.04	\$214.54
Area 4	\$177.38	\$174.58			\$244.66	\$245.31	\$228.08	\$225.00	\$233.82	\$232.32
City of Spokane										
Road Department	\$175.50									
Off-Site	\$167.97									

Diesel Fuel Surcharge:

WSDOT CC	7754-577-426						7751-872-125			
PNS Categories	8A-B -Standard Gradation Brine Salt			8C-B -Fine Gradation Brine Salt			A-1 - Brine Inhibitor		A-2 - Brine Inhibitor	
Vendor:	Salt Distributors			Salt Distributors			Paradigm Chemical		Envirotech	
Product Offered:	DriRox Coarse Salt			Medium Solar Salt			Shield GLT 5% Mix Ratio		Boost SB 20% Mix Ratio	
Order Information:	Stan or Nic Bincewski			Stan or Nic Bincewski			Greg Leist		Order Fulfillment	
	509-710-8033	509-218-1983		509-710-8033	509-218-1983		303-986-7871	720-635-9335		509-936-7102 970-797-1499
	sales@salt distributorsinc.com			sales@salt distributorsinc.com			gleist@parachemllc.com		westorders@envirotechservices.com	
	Pcard Accepted: No			Pcard Accepted: No			Pcard Accepted: No		Pcard Accepted: No	
	ORCPP Members: Add 10%			ORCPP Members: Add 10%			ORCPP Members: Add 35%		ORCPP Members: Add 25%	
	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	30 Day Delivery	3 Day Delivery	7 Day Delivery	3 Day Delivery	7 Day Delivery
Northwest Region										
Area 1	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13				
Area 2	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13				
Area 3	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13				
Area 4	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13				
Area 5	\$156.18	\$153.16	\$150.13	\$156.18	\$153.16	\$150.13				
North Central Region										
Area 1	\$152.15	\$149.12	\$146.10	\$152.15	\$149.12	\$146.10				
Area 2	\$146.10	\$143.08	\$140.06	\$146.10	\$143.08	\$140.06				
Area 3	\$152.15	\$149.12	\$146.10	\$152.15	\$149.12	\$146.10				
Olympic Region										
Area 1	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Area 2	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Area 3	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Area 4	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Southwest Region										
Area 1	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Area 2	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Area 3	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
Area 4	\$161.22	\$158.19	\$155.17	\$161.22	\$158.19	\$155.17				
South Central Region										
Area 1	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77
Area 2	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77
Area 3	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77
Area 4	\$147.11	\$144.09	\$141.06	\$147.11	\$144.09	\$141.06	\$4.10	\$3.97	\$1.81	\$1.77
Eastern Region										
Area 1	\$145.09	\$142.07	\$140.06	\$145.09	\$142.07	\$140.06	\$4.10	\$3.97	\$1.81	\$1.77
Area 2	\$145.09	\$142.07	\$140.06	\$145.09	\$142.07	\$140.06	\$4.10	\$3.97	\$1.81	\$1.77
Area 3	\$145.09	\$142.07	\$140.06	\$145.09	\$142.07	\$140.06	\$4.10	\$3.97	\$1.81	\$1.77
Area 4	\$154.16	\$151.14	\$148.12	\$154.16	\$151.14	\$148.12	\$4.10	\$3.97	\$1.81	\$1.77

State of Washington Diesel Fuel Surcharge

Contract Administrator: Leslie Edwards (360) 407-8416
 Alternate Contact: Customer Service (360) 407-2210
 Current Term: 8/18/15 - 8/17/22

leslie.edwards@des.wa.gov
contractingandpurchasing@des.wa.gov

In accordance with the terms of the contract, Section 5.6 Pricing, Diesel Fuel Price Adjustment, utilizing OPIS Spokane Rack, Ultra Low Diesel Contract Average Pricing each month on the 18th of the month, a diesel fuel surcharge is incurred if the price reference is 5% above or below the baseline price. Monthly adjustments will be tracked here for reference only. Price baseline changed from \$3.10 to \$3.03 October 2015 due to fuel tax increase of \$.07/gallon, changed from \$3.03 to \$2.98 October 2016 due to fuel tax increase of \$.049/gallon.

Effective Date	OPIS Reference		Diesel Price	% Change	Price		Notes
	Date	Date			Change	Surcharge	
9/1/2014	8/18/2014		\$ 3.10	0		0	Baseline
10/1/2014	9/18/2014		\$ 3.16	2%	\$ 0.06	\$ -	Change does not meet 5% requirement
11/1/2014	10/17/2014		\$ 2.75	-11%	\$ 0.35	\$ (0.07)	Credit to customer Per Mile
12/1/2014	11/18/2014		\$ 2.73	-12%	\$ 0.37	\$ (0.07)	Credit to customer Per Mile
1/1/2015	12/18/2014		\$ 1.84	-41%	\$ 1.26	\$ (0.25)	Credit to customer Per Mile
2/1/2015	1/19/2015		\$ 1.50	-52%	\$ 1.60	\$ (0.32)	Credit to customer Per Mile
3/1/2015	2/18/2015		\$ 1.98	-36%	\$ 1.13	\$ (0.23)	Credit to customer Per Mile
4/1/2015	3/18/2015		\$ 1.87	-40%	\$ 1.23	\$ (0.25)	Credit to customer Per Mile
5/1/2015	4/20/2015		\$ 1.81	-42%	\$ 1.29	\$ (0.26)	Credit to customer Per Mile
6/1/2015	5/18/2015		\$ 2.26	-27%	\$ 0.84	\$ (0.17)	Credit to customer Per Mile
7/1/2015	6/18/2015		\$ 2.28	-26%	\$ 0.82	\$ (0.16)	Credit to customer Per Mile
8/1/2015	7/20/2015		\$ 2.16	-30%	\$ 0.94	\$ (0.19)	Credit to customer Per Mile
9/1/2015	8/18/2015		\$ 1.69	-45%	\$ 1.41	\$ (0.28)	Credit to customer Per Mile
10/1/2015	9/18/2015		\$ 1.64	-47%	\$ 1.46	\$ (0.29)	Credit to customer Per Mile
			\$ 3.03				RE Baseline
10/15/2015	9/18/2015		\$ 1.64	-47%	\$ 1.46	\$ (0.27)	Credit to customer Per Mile
11/1/2015	10/19/2015		\$ 1.70	-44%	\$ 1.33	\$ (0.26)	Credit to customer Per Mile
12/1/2015	11/18/2015		\$ 1.59	-47%	\$ 1.44	\$ (0.29)	Credit to customer Per Mile
1/1/2016	12/18/2015		\$ 1.20	-60%	\$ 1.83	\$ (0.37)	Credit to customer Per Mile
2/1/2016	1/18/2016		\$ 0.98	-68%	\$ 2.05	\$ (0.41)	Credit to customer Per Mile
3/1/2016	2/18/2016		\$ 1.07	-65%	\$ 1.96	\$ (0.39)	Credit to customer Per Mile
4/1/2016	3/18/2016		\$ 1.34	-56%	\$ 1.69	\$ (0.34)	Credit to customer Per Mile
5/1/2016	4/18/2016		\$ 1.27	-58%	\$ 1.77	\$ (0.35)	Credit to customer Per Mile
6/1/2016	5/18/2016		\$ 1.59	-48%	\$ 1.44	\$ (0.29)	Credit to customer Per Mile
7/1/2016	6/20/2016		\$ 1.74	-43%	\$ 1.29	\$ (0.26)	Credit to customer Per Mile
8/1/2016	7/18/2016		\$ 1.64	-46%	\$ 1.39	\$ (0.28)	Credit to customer Per Mile
9/1/2016	8/18/2016		\$ 1.70	-44%	\$ 1.33	\$ (0.26)	Credit to customer Per Mile
			\$ 2.98				RE Baseline
10/1/2016	9/19/2016		\$ 1.73	-42%	\$ 1.25	\$ (0.25)	Credit to customer Per Mile
11/1/2016	10/18/2016		\$ 1.65	-45%	\$ 1.33	\$ (0.27)	Credit to customer Per Mile
12/1/2016	11/18/2016		\$ 1.60	-46%	\$ 1.38	\$ (0.28)	Credit to customer Per Mile
1/1/2017	12/19/2016		\$ 1.71	-43%	\$ 1.27	\$ (0.25)	Credit to customer Per Mile
2/1/2017	1/18/2017		\$ 1.89	-37%	\$ 1.09	\$ (0.22)	Credit to customer Per Mile
3/1/2017	2/21/2017		\$ 1.90	-36%	\$ 1.08	\$ (0.22)	Credit to customer Per Mile
4/1/2017	3/20/2017		\$ 1.79	-40%	\$ 1.19	\$ (0.24)	Credit to customer Per Mile
5/1/2017	4/18/2017		\$ 1.88	-37%	\$ 1.10	\$ (0.22)	Credit to customer Per Mile
6/1/2017	5/18/2017		\$ 1.81	-39%	\$ 1.17	\$ (0.23)	Credit to customer Per Mile
7/1/2017	6/19/2017		\$ 1.66	-44%	\$ 1.32	\$ (0.26)	Credit to customer Per Mile
8/1/2017	7/18/2017		\$ 1.64	-45%	\$ 1.34	\$ (0.27)	Credit to customer Per Mile
9/1/2017	8/18/2017		\$ 1.94	-35%	\$ 1.04	\$ (0.21)	Credit to customer Per Mile
10/1/2017	9/18/2017		\$ 2.18	-27%	\$ 0.80	\$ (0.16)	Credit to customer Per Mile
11/1/2017	10/18/2017		\$ 2.10	-30%	\$ 0.88	\$ (0.18)	Credit to customer Per Mile
12/1/2017	11/20/2017		\$ 2.22	-26%	\$ 0.76	\$ (0.15)	Credit to customer Per Mile
1/1/2018	12/18/2018		\$ 2.05	-31%	\$ 0.93	\$ (0.19)	Credit to customer Per Mile
2/1/2018	1/18/2018		\$ 2.10	-30%	\$ 0.88	\$ (0.18)	Credit to customer Per Mile
3/1/2018	2/19/2018		\$ 2.00	-33%	\$ 0.98	\$ (0.20)	Credit to customer Per Mile
4/1/2018	3/19/2018		\$ 2.10	-30%	\$ 0.88	\$ (0.18)	Credit to customer Per Mile
5/1/2018	4/18/2018		\$ 2.38	-20%	\$ 0.60	\$ (0.12)	Credit to customer Per Mile
6/1/2018	5/18/2018		\$ 2.60	-13%	\$ 0.38	\$ (0.08)	Credit to customer Per Mile
7/1/2018	6/18/2018		\$ 2.58	-13%	\$ 0.40	\$ (0.08)	Credit to customer Per Mile
8/1/2018	7/18/2018		\$ 2.34	-20%	\$ 0.60	\$ (0.12)	Credit to customer Per Mile
9/1/2018	8/17/2018		\$ 2.41	-19%	\$ 0.57	\$ (0.11)	Credit to customer Per Mile
10/1/2018	9/18/2018		\$ 2.54	-15%	\$ 0.44	\$ (0.09)	Credit to customer Per Mile
11/1/2018	10/18/2018		\$ 2.60	-13%	\$ 0.38	\$ (0.08)	Credit to customer Per Mile
12/1/2018	11/19/2018		\$ 2.22	-26%	\$ 0.76	\$ (0.15)	Credit to customer Per Mile
1/1/2019	12/18/2018		\$ 1.83	-33%	\$ 1.15	\$ (0.23)	Credit to customer Per Mile
2/1/2019	1/18/2019		\$ 1.82	-39%	\$ 1.16	\$ (0.23)	Credit to customer Per Mile
3/1/2019	2/18/2019		\$ 1.99	-33%	\$ 0.99	\$ (0.20)	Credit to customer Per Mile
4/1/2019	3/18/2019		\$ 2.06	-31%	\$ 0.92	\$ (0.18)	Credit to customer Per Mile
5/1/2019	4/18/2019		\$ 2.31	-22%	\$ 0.67	\$ (0.13)	Credit to customer Per Mile
6/1/2019	5/17/2019		\$ 2.35	-21%	\$ 0.63	\$ (0.13)	Credit to customer Per Mile
7/1/2019	6/18/2019		\$ 1.85	-38%	\$ 1.13	\$ (0.23)	Credit to customer Per Mile
8/1/2019	7/18/2019		\$ 2.02	-32%	\$ 0.96	\$ (0.19)	Credit to customer Per Mile
9/1/2019	8/19/2019		\$ 1.95	-35%	\$ 1.03	\$ (0.21)	Credit to customer Per Mile
10/1/2019	9/18/2019		\$ 2.18	-27%	\$ 0.80	\$ (0.16)	Credit to customer Per Mile
11/1/2019	10/18/2019		\$ 2.38	-20%	\$ 0.60	\$ (0.12)	Credit to customer Per Mile
12/1/2019	11/18/2019		\$ 2.44	-18%	\$ 0.54	\$ (0.11)	Credit to customer Per Mile
1/1/2020	12/18/2019		\$ 1.91	-36%	\$ 1.07	\$ (0.21)	Credit to customer Per Mile
2/1/2020	1/17/2020		\$ 1.86	-38%	\$ 1.12	\$ (0.22)	Credit to customer Per Mile
3/1/2020	2/18/2020		\$ 1.71	-43%	\$ 1.27	\$ (0.25)	Credit to customer Per Mile
4/1/2020	3/18/2020		\$ 1.30	-56%	\$ 1.68	\$ (0.34)	Credit to customer Per Mile
5/1/2020	4/17/2020		\$ 1.01	-66%	\$ 1.97	\$ (0.39)	Credit to customer Per Mile
6/1/2020	5/18/2020		\$ 1.03	-65%	\$ 1.95	\$ (0.39)	Credit to customer Per Mile
7/1/2020	6/18/2020		\$ 1.23	-59%	\$ 1.75	\$ (0.35)	Credit to customer Per Mile
8/1/2020	7/17/2020		\$ 1.31	-56%	\$ 1.67	\$ (0.33)	Credit to customer Per Mile
9/1/2020	8/18/2020		\$ 1.40	-53%	\$ 1.58	\$ (0.32)	Credit to customer Per Mile

VENDOR:	GMCO dba: Roadwise, Inc. (509) 487-9171 PO Box 1480, Rifle, CO 81650
Ordering Procedure:	a. Purchase Order (PO) is received via fax/email in our corporate office. b. Bill of Lading (BOL) is assigned to PO. c. Order is placed in delivery sequence. d. Carrier is notified via email containing all pertinent information with a read receipt attached to ensure message was received. e. Carrier dispatch replies by fax/email to GMCO to confirm order with ETA for delivery. f. Customer is notified with a confirmation of order and delivery day and time, normally within two hours of receipt of PO.

VENDOR:	EnviroTech Services (800) 577-5346 910 – 54 th Avenue #230 Greeley, CO 80634
Ordering Procedure:	a. Customer sends order via fax or email b. Order confirmation is sent to customer via email within two hours of receipt of PO c. Customer Delivery Order is prepared d. Delivery Orders are dispatched e. Customer is notified of shipment date f. Customer is contacted 24 hours in advance of shipment

VENDOR:	LTI, Inc. 8631 Depot Rd., PO Box 433 Lynden, WA 98264
Ordering Procedure:	a. Customer calls, faxes or emails order. b. All orders acknowledged by a dedicated dispatcher confirming delivery windows and other requirements c. Orders are tracked and dispatched from the Lynden, WA location.

VENDOR:	Salt Distributors, Inc. (509) 218-1983 or 509-710-8033 PO Box 100 Newman Lake, WA 99025
Ordering Procedure:	a. Customer places order via email or fax. b. Receipt of order confirmed by email. c. Upon receipt of order, it will be forwarded to the Regional Terminal and prioritized based on order time and placed in queue for delivery. d. All orders tracked and updated daily. e. Invoicing will take place at order completion. Invoices will be faxed or emailed.

VENDOR:	Two Rivers Terminal, LLC (509) 547-7776 3300 C North Glad Rd. Pasco, WA 99301
Ordering Procedure:	a. Purchase orders should be emailed to industrial@tworiversterminal.com b. Each Bill of Lading (BOL) will be assigned to a corresponding PO# c. Orders will be confirmed by either phone or email within 4 hours of order d. Orders placed outside of normal business hours should be followed up with a phone call to either (509) 370-4221 or Travis (509) 412-9000 or Jeff (509) 727-3393

VENDOR:	Paradigm Chemical, LLC (303) 896-7871 / (720) 635-9335 2611 S. Yarrow St. Lakewood, CO 80227
Ordering Procedure:	a. Customer places order via phone, cell phone, fax or email b. All key personnel receive orders c. Order tracking is done through cell phone contact with transport vehicle

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION DELIVERY LOCATIONS AND STORAGE CAPACITIES BY REGION AND MAINTENANCE AREA

Region 6 Eastern Region

(Includes the counties of: Stevens, Pend Oreille, Lincoln, Spokane, Adams and Whitman)

Site	Latitude	Longitude	Maintenance Area	Location	Inventory Control Point (ICP)	Liquid Storage (Gallons)	Covered Storage (Tons)
1	47.7668030	-117.4053400	MA 1	Spokane Maintenance (Wandermere) 12223 N. Divison SR395 & Hastings Spokane, WA	6-1-140B	20,000	0
2			MA 1	Nine Mile Falls Pit Site, MA 1 0.3 miles West of MP 9.2 on SR 291 On Charles Road			0
3			MA 1	Newport Maintenance Shed, MA 1 SR 2, MP 334 Newport, WA			0
4	47.6752432	-117.2432261	MA 1	Pines Maintenance Shed, I-90 and Pines Rd., MP 291 Spokane Valley, WA	6-1-615B	80,000	300
5	47.6120623	-117.5168649	MA 1	Geiger Maintenance Shed, Thorpe Rd., off of I-90 Spokane, WA	6-1-144B	20,000	300
6			MA 1	4 Lakes Pit Site, MA 1, SR 904, MP 16			0
7	47.4478820	-117.7297870	MA 1	Tyler Pit Site, SR 904, MP 3, South side of road	6-1-611B	N/A	300
8			MA 1	Penrith Pit Site SR 2 MP 331, west side of road (Pit site is approximately 2 miles South of Newport on SR2 on the right)			0
9			MA 1	Excelsior Pit Site SR 195 MP 88, southbound pit is on eastside of road			0
10			MA 1	Deep Creek Pit Site SR 2 MP 272, north side of road			0
11	48.0665400	-117.3383230	MA 1	MP317 Pit Site (Shadow Valley) SR 2 MP 317, E. of road MP. 317. (Pit site is located on SR2, 23 miles N. of Spokane on the right)	6-1-174B	20,000	300
12	48.3032230	-117.2827170	MA 1	USK Salt Shed SR 211, MP 15	6-1-659B	N/A	300
13	47.9067960	-117.4429710	MA 1	Dennison Maintenance Site SR 395, MP 176.57 at Dennison Road, West side	6-1-174B	N/A	300
14	46.9576907	-117.3320601	MA 2	Colfax Maintenance SR 195 (M.P. 43.86), Colfax, WA 99111	6-2-210B	20,000	300
15			MA 2	Pullman Shed, 980 NW Davis Way, SR 270 Pullman, WA 99763	6-2-209B	20,000	300
16	47.1241157	-117.2344209	MA 2	Oaksdale 501 South , SR 27, MP 35.96 Oakesdale WA 99158	6-2-239B	10,000	300
17	46.7589026	-118.3089109	MA 2	Washtucna SR 26, Jct with 261, Northside, N.W. 600 Main Street Washtucna WA 99371	6-2-651B	20,000	300
18	47.2162740	-117.3648350	MA 2	Rosalia SR 195 3152 SR 271		10,000	0

				Rosalia, WA 99170			
19	46.8098530	-117.6536220	MA 2	Dusty Stockpile Site SR 127, MP 27.30	6-2-253B	N/A	300
20	47.1207907	-118.3846910	MA 3	Ritzville Maintenance Site, 804 W First Street, Ritzville, WA SR 395 & I-90 Jct.	6-3-627B	40,000	300
21	47.0887630	-118.8755240	MA 3	Schrag Maintenance Site I-90, MP192 (Adjacent to NW Schrag Interchange) Ritzville	6-3-385B	N/A	300
22	46.9680940	-118.5644260	MA 3	Lind Maintenance Site ½ Mile East SR 395 and SR 21	6-3-702B	N/A	300
23	47.3099512	-117.9734576	MA 3	Sprague Maintenance Site, SR 23 & I-90 Jct., on SR 23, North side of I-90	6-3-613B	20,000	300
24	47.7605997	-118.7403882	MA 3	Wilbur Airport Pit, 1187 Wilbur Airport Road East SR 2, MP 220.2, (South Side) ½ Mile West of SR 2, & SR 21 Jct.	6-3-707B	20,000	300
25	47.6535216	-118.1608234	MA 3	Davenport Maintenance Site 1407 Morgan Street, Davenport, WA Jct SR 2 & 25, Right on SR 25 for .01 mile, left on Sunset Highway ¼ mile to pit site	6-3-628B	21,000	300
26	47.3281932	-118.6914470	MA 3	Odessa SR 21 at MP 55.5	6-3-364B	10,000	300
27	46.9680940	-118.5644260	MA 3	Lind Shed I-90 & Mp 206.84 Lind, WA	6-3-702B	N/A	300
28	46.9680940	-118.5644260	MA 4	Colville Maintenance Site, 440 N. Hwy 395 SR 395, MP 229.9, East Side	6-4-608B	40,000	300
29	48.6258045	-118.7326637	MA 4	Republic Maintenance Facility, SR 21, S. of Republic, MP 159.01 on West side of highway.	6-4-815B	10,000	300
30	48.1436770	-117.6645454	MA 4	Grouse Creek Maintenance Facility, SR 395 and Roitz County Road, MP 196.78 on East side of highway.	6-4-645B	10,000	300
31	48.7442099	-117.4177441	MA 4	Ione Maintenance Facility SR 31, MP 4.3 on E. side of highway	6-4-107B	10,000	300
32	48.8631164	-118.2053263	MA 4	Orient Maintenance Facility SR 395, MP 260.02 on W. side Hwy.	6-4-650B	10,000	300
33	48.1179084	-118.1922578	MA 4	Hunters Maintenance Facility SR 25, MP 42 on N.highway	6-4-647B	10,000	300
34	48.9133306	-117.7893364	MA 4	Northport Maintenance Facility SR 25, MP113 on W. side of Hwy	6-4-422B	10,000	300
35	48.5974460	-118.6442000	MA 4	Hall Creek Pit Site SR 20, MP 309.6 on N. side of Hwy.	6-4-805B	N/A	300
36			MA 4	Kettle Falls Jct. (Singers) Pit Site SR 395 MP 239, south side of highway			0
37			MA 4	Sheep Creek Pit Site SR 25 North MP115.51, W. side Hwy.			0
38			MA 4	Trout Lake Pit Site SR 20 MP 337.2, N. side of Hwy.			0



Effective November 1, 1995

VENDOR:	GMCO formerly Roadwise, Inc. (509) 487-9171 PO Box 1480, Rifle, CO 81650		
PRODUCT:	Category 1 Corrosion Inhibited Liquid Magnesium Chloride		
	Product Name: FreezGard CI Plus	Manufacturer: North American Salt	Concentration: 30%
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members with mileage		
STORAGE:	4315 E. Sprague Ave. Spokane Valley, WA 2 E. Arlington Street Yakima, WA 98902 325 Mill Rd. Lewiston, ID 83501 3002 Taylor Way Tacoma, WA 98421		

VENDOR:	EnviroTech Services (800) 577-5346 910 – 54 th Avenue #230 Greeley, CO 80634		
PRODUCT:	Category 1 Corrosion Inhibited Liquid Magnesium Chloride		
	Product: MeltDown Inhibited	Manufacturer: EnviroTech Services, Inc.	Concentration: 30%
STORAGE:	4507 W. Seltice Way Post Falls, ID 83877 1031 Midvale Ave Sunnyside, WA 98944 3842 NW Bus Evans Rd, Prineville, OR 97754		
PRODUCT:	Category 2 Non-Corrosion Inhibited Liquid Calcium Chloride with Boost		
	Product Name: APEX-C	Manufacturer: EnviroTech Services, Inc	Concentration: 29%
PRODUCT:	Category 2 Non-Corrosion Inhibited Liquid Calcium Chloride with Boost		
	Product Name: Calcium Chloride with Boost	Manufacturer: EnviroTech Services, Inc.	Concentration: 32%
STORAGE:	3300 N Glade Road, Pasco, WA 99301		
PRODUCT:	Category 4B Corrosion Inhibited Solid Sodium Chloride		
	Product Name: Ice Slicer RS	Manufacturer: Redmond	Anti-Caking Agent: YPS
PAYMENT:	ORCPP Members add 25%		
STORAGE:	1655 S. Broadway Ave. Othello, WA		

VENDOR:	LTI, Inc. (206) 439- 8361 Depot Rd., PO Box 433 Lynden, WA 98264		
PRODUCT:	Category 8B Standard Gradation Road Salt		
	Product Name: ESSA Salt	Manufacturer: ESSA	Anti-Caking Agent: YPS
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members not accepted.		
PRODUCT:	Category 8A-R Standard Gradation Road Salt (Insoluble Material >5%)		
	Product Name: ISCO Bulk Rock Salt	Manufacturer: K+S	Anti-Caking Agent: YPS
STORAGE:	Alaska Marine Lines 5615 Marginal Way SW Seattle, WA 98106		

VENDOR:	Salt Distributors, Inc. (509) 218-1983 PO Box 100 Newman Lake, WA 99025		
PRODUCT:	Category 8B Standard Gradation Road Salt		
	Product Name: QwikSalt	Manufacturer: North American Salt	Anti-Caking Agent: YPS
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members add 10%.		
STORAGE:	Salt Distributors, Inc. 15120 E. Marietta Ave, Spokane Valley, WA T E Walrath Fredrickson Site 18727 38 th Ave E Tacoma, WA 98446 Delta Ridge Holdings 2330 Yakima Valley Hwy Outlook, WA		
PRODUCT:	Category 8A-B Standard Gradation Brining Salt (Insoluble Material <1%)		
	Product Name: DriRox Coarse Salt	Manufacturer: North American Salt	Anti-Caking Agent: N/A
PRODUCT:	Category 8C-B Fine Gradation Brining Salt (Insoluble Material <1%)		
	Product Name: Medium Solar Salt	Manufacturer: North American Salt	Anti-Caking Agent: N/A
PRODUCT:	Category 8C-R Fine Gradation Road Salt (Insoluble Material <10%)		
	Product Name: Medium Solar Salt	Manufacturer: North American Salt	Anti-Caking Agent: N/A

VENDOR:	Two Rivers Terminal, LLC (509) 547-7776 3300 C North Glad Rd. Pasco, WA 99301		
PRODUCT:	Category 1 Corrosion Inhibited Liquid Magnesium Chloride		
	Product Name: FreezGard CI Plus	Manufacturer: North American Salt	Concentration: 30%
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members with mileage		
STORAGE:	Two Rivers Terminal 13583 Wheeler Rd. Moses Lake, WA		

VENDOR:	Paradigm Chemical, LLC (303) 896-7871 / (720) 635-9335 2611 S. Yarrow St. Lakewood, CO 80227		
PRODUCT:	Category A1 Corrosion Inhibitor for Sodium Chloride Brine		
	Product Name: Shield GLT+	Manufacturer: Paradigm Chemical	Application: 5%
PAYMENT:	Net 30 Days, PCard not accepted, ORCPP Members add 35%		
STORAGE:	Custom Spray Service 900 North Nelson, Spokane, WA 99202		



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2021-0663
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	STREETS
Contact Name/Phone	CLINT HARRIS 625-7744
Contact E-Mail	CEHARRIS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1100- STREET DEPARTMENT TRANSMAP PAVEMENT ASSESSMENT

Agenda Wording

The Street Department is requesting to contract with TransMap to perform pavement inspection work at a cost not to exceed \$138,000.00

Summary (Background)

TransMap is a vendor that provides pavement inspection and was selected thru the procurement process for this service. Data is collected using the vendor's proprietary pavement inspection vehicle which utilizes multiple sensor technologies to measure pavement condition and rank the condition. Using this process to gather information results in more consistent and accurate data to review and is safer to gather the information.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Expense	\$ 138,000.00
Select	\$
Select	\$
Select	\$

Budget Account

#	1100-21700-42300-53201-99999
#	
#	
#	

Approvals

Dept Head	HARRIS, CLINT E.
Division Director	FEIST, MARLENE
Finance	WALLACE, TONYA
Legal	ODLE, MARI
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PIES 9/27
Council Sponsor	CP Beggs

Additional Approvals

Purchasing	tprince@spokanecity.org
	jlargent@spokanecity.org
	tbrazington@spokanecity.org
	cschorling@transmap.com
	jwthomas@spokanecity.org

Briefing Paper (PIES)

Division & Department:	Public Works - Street Department
Subject:	TransMap Pavement Assessment
Date:	8/30/2021
Contact (email & phone):	ceharris@spokanecity.org / 625-7744
City Council Sponsor:	Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	6 Year Street Plan
Strategic Initiative:	
Deadline:	March 1 st 2022
Outcome: (deliverables, delivery duties, milestones to meet)	Pavement assessment data for the City's Local Access Street system.
Background/History:	
<p><i>TransMap is a vendor that provides pavement inspection and was selected thru the procurement process for this service. Data is collected using the vendor's proprietary pavement inspection vehicle which utilizes multiple sensor technologies to measure pavement condition and rank the condition. Using this process to gather information results in more consistent and accurate data to review and is safer to gather the information. The information is made available to import into the asset management software used by the Street Department for pavement management.</i></p>	
Executive Summary:	
<p><i>Impact</i></p> <ul style="list-style-type: none"> • <i>The total cost to the City is not to exceed \$138,000.</i> <p><i>Action</i></p> <ul style="list-style-type: none"> • Approval of the contract for pavement assessment data for the City's Local Access Street System <p><i>Funding</i></p> <ul style="list-style-type: none"> • Funding for this would come from the Streets Budget 	
Budget Impact:	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Known challenges/barriers:	

**City of Spokane, WA
Local Roads Pricing**

Pavement Survey and Data Collection

Task	Description	Comments	Units	Price	Total
1a	ON-SIGHT™ Raw Data Collection Includes LiDAR (units = centerline miles) Roads	Transmap will utilize our Crack Map 3D technology (LCMS) for pavement collection - 100% coverage - 360-degree image view of all roadways (ROW) with our panoramic Ultra HD solution. Ground-based LiDAR	675	\$97.99	\$66,143.25
1b	Advanced Inspections - 100% Analysis of All Through Lanes (units = lump sum)	Transmap will process all the data collected in the field. Delivery of Crack Map Orthophotography (MRSID of cracks on an image), Crack Intelligence data (Rankings of all the cracks, hot spot analysis)	1	\$7,984.00	\$7,984.00
1c	ASTM D6433 Network Level Formatting - (units = management sections)	ASTM D6433 distress standards - Price includes field verification	8,228	\$5.85	\$48,133.80
1d	PCI Load (units = lump sum)	Formatting distress data and centerline file for mass load to establish PCI - Transmap will format all data for loading into StreetSaver	1	\$5,500.00	\$5,500.00
1e	Transmap Project Management (units = hours)	Standard project management includes staff allocation, project tracking web site, phone calls, overall project coordination and updates	88	\$109.00	\$9,592.00

Subtotal

\$137,353.05

*The unit pricing is the same as the 2020 contract and will be valid through June 2022 if the City can use the existing sole source contract

Craig Schorling, GISP, Vice President



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2021-0664
Renews #	

Submitting Dept	DSC, CODE ENFORCEMENT &	Cross Ref #	
Contact Name/Phone	JASON 6529	Project #	
Contact E-Mail	JRUFFING@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	1200 - FORECLOSURE REGISTRY CONTRACT		

Agenda Wording

New contract following the expiration of existing ProChamps contract. The registry will continue to be funded by annual per property registration fees.

Summary (Background)

The Foreclosure Property Registry proactively deters nuisance properties through registration and site monitoring. Fees are paid by the mortgagee (loan servicer etc). The electronic registry implements SMC 17F.070.520 through outreach to lienholders with registration requirements and supports documentation, fee collection, etc. The registry data is a useful tool for Code Enforcement, SPD, Fire, and Utilities for contact, notification, and investigative purposes.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account
Revenue	\$ 150,000	# 4700-58100-99999-34199-99999
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	BECKER, KRIS	Study Session\Other	10/4 Public Safety
Division Director	BECKER, KRIS	Council Sponsor	CM Lori Kinnear
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	SZAMBELAN, TIMOTHY	jruffing@spokanecity.org, Jlargent@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	kbecker@spokanecity.org, Korlob@spokanecity.org	
Additional Approvals		jwest@spokanecity.org	
Purchasing		rmannarino@prochamps.com	
		cshiflett@prochamps.com	
		dmorris@prochamps.com	
		cwahl@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ceadmin@spokanecity.org

rbenzie@spokanecity.org

Briefing Paper (Public Safety & Community Health Committee)

Division & Department:	Neighborhood and Business Services, Code Enforcement
Subject:	New consultant contract with Community Champions for electronic foreclosure registry.
Date:	September 17, 2021
Contact (email & phone):	Jason Ruffing, Enforcement Supervisor jruffing@spokanecity.org 509.625.6529
City Council Sponsor:	Councilmember Kinnear
Executive Sponsor:	Kris Becker
Committee(s) Impacted:	Finance and Administration, Public Safety and Community Health, Urban Experience
Type of Agenda item:	Consent <input checked="" type="checkbox"/> Discussion Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan to create a community so that all people can feel safe, empowered, and welcome. The registry is part of a larger goal to mitigate the adverse impacts of abandoned and foreclosed properties, which promotes growth and connects people to place.
Strategic Initiative:	Safe and Healthy, Urban Experience
Deadline:	October, 2021
Outcome: (deliverables, delivery duties, milestones to meet)	The outcomes of this contract are the maintenance and operation of a website database that provides lender, servicer, and property preservation company information and contacts directly to City staff. The availability of this information is vital to Code Enforcement and Building Official processes. The database also allows violations to be posted to a property digitally, and monthly monitoring inspections are documented on the site. Community Champions also reaches out to the known mortgage servicers to facilitate property registrations and provides customers support.
Background/History: The Foreclosure Property Registry is a proactive approach to deter vandalism and decay of abandoned, foreclosed buildings, homes or properties, through registration and site monitoring. The annual registration fee is paid by the mortgagee (loan servicer, trustee, etc.) not the mortgagor. The cloud-based electronic registry implements SMC 17F.070.520 through outreach to lienholders with registration requirements and documents, fee collection, remits city portion of fees, maintains the database, etc... Since the implementation of this foreclosure registry database in 2016, the registry data has been very useful to Code Enforcement and other City staff, such as Spokane Police, Fire, and Utilities. Spokane Police and Dispatch use this information for contact and notification purposes as well as background information for investigations. Code Enforcement posts violations through this site and has access to very valuable contact information. The registry usually averages in the 200-300 range for total registered properties at any given time. Many of these properties are in the Building Official hearing process for substandard conditions.	

Executive Summary:

- *This is a new contract with ProChamps following their selection as the successful proposal by the Request for Proposal Committee for RFP 5425-21.*
- *The registry has been of great use in improving communication and notification processes for violations with lenders, servicers and property preservation companies.*
- *The intent of the registry is to catch foreclosure properties early, before the asset becomes devalued through deterioration or destruction of building systems. This can greatly reduce public safety hazards and adverse impacts to the surrounding neighborhood.*
- *City staff has worked with ProChamps for a number of years and their staff has been available for conference calls to discuss updates or changes to the website and has provided customer service to city staff and lending industry staff.*
- *The registry and monitoring of these properties will continue to be funded by the annual per property registration fee, which is paid by lenders. The \$350 annual fee provided in the Spokane Municipal Code 17F.070.520 covers the costs of the electronic registry vender (\$100), city monitoring required by the SMC, and city administration of the program. The monthly monitoring inspections are conducted by Code Enforcement staff.*

Budget Impact:

Approved in current year budget? Yes No N/A

Annual/Reoccurring expenditure? Yes No N/A

If new, specify funding source:

Other budget impacts: The registry is revenue generating for the City. The registry will continue to be funded by the annual per property registration fee. The \$350 annual fee provided in the Spokane Municipal Code 17F.070.520 covers the costs of the electronic registry vender (\$100), city monitoring required by the SMC , and city administration of the program.

Operations Impact:

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

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

Specify changes required:

Known challenges/barriers:



City of Spokane

PURCHASED SERVICE CONTRACT

Title: **ELECTRONIC FORECLOSURE
REGISTRY PROGRAM**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **PROPERTY REGISTRATION CHAMPIONS, LLC d/b/a PROCHAMPS**, whose address is 2725 Center Place, Melbourne Florida, 32940, as ("Company"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

1. PERFORMANCE/SCOPE OF WORK.

The Company shall establish and maintain an electronic foreclosure registry for the City of Spokane, managing outreach to banks/loan servicers of foreclosure properties, collecting annual registration fees, including remittance, and maintaining real-time bank registration information that is accessible to City staff, in accordance with RFP No 5425-21, and Company's Proposal, which is attached as Attachment B. In the event of a conflict between Company's Proposal and this City Contract, the terms of this contract will control.

2. TERM OF CONTRACT.

The term of this Contract begins on October 1, 2021, and shall run through September 30, 2023, unless amended by written agreement or terminated earlier under the provisions. This Contract may be renewed by mutual agreement of the parties not to exceed three (3) additional one year contract periods.

3. TERMINATION.

Either party may terminate this Contract, with or without cause, by ten (10) days written notice to the other party. In the event of such termination, the City shall pay the Company for all work previously authorized and performed prior to the termination date.

4. COMPENSATION / PAYMENT.

This is a revenue only contract. The City anticipates annual estimated revenue in the amount of **ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00)** based on monthly remittance logs, in accordance with the Cost Proposal in Exhibit B.

Company shall retain **one hundred and no/100 dollars (\$100.00)** of each Fee collected and **shall remit to the City the balance of each Fee in excess of one hundred and no/100 dollars (\$100.00)**, no later than the fifteenth (15) day of each month via ACH, wire, or check.

The Company will be reimbursed as follows: Company shall collect the annual Fee as provided for under SMC 17F.070.520, or as amended from time to time. Company shall charge each applicant no more than the amount currently prescribed per property under SMC 8.02.0675, or as amended from time to time, in order to register all mortgagees or owners who comply with SMC 17F.070.520.

5. INSURANCE.

During the period of the Contract, the Contractor shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to RCW 48:

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Contractor's services to be provided under this Contract;

i insurance coverage limits required in this Contract; and

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and

D. Property Insurance if materials and supplies are furnished by the Contractor. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Contract, the Consultant shall furnish acceptable Certificates of Insurance (COI) to the City at the time it returns this signed Contract. **The certificate shall specify the City of Spokane as "Additional Insured"** specifically for Contractor's services under this Contract, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the thirty (30) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

6. INDEMNIFICATION.

The Contractor shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Contractor's negligence or willful misconduct under this Contract, including attorneys' fees and litigation costs; provided that nothing herein shall require a Contractor to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the Contractor's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Contractor, its agents or employees. The Contractor specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Contractor's own employees against the City and, solely for the purpose of this indemnification and defense, the Contractor specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and

agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this Contract.

7. TAXES, FEES AND LICENSES.

A. Company shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Contract. It is the Company's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.

B. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Contract shall be included in the project budgets.

8. CITY OF SPOKANE BUSINESS LICENSE.

Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Company shall be responsible for contacting the State of Washington Business License Services at www.dor.wa.gov or 360-705-6741 to obtain a business registration. If the Company does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

9. SOCIAL EQUITY REQUIREMENTS / NON-DISCRIMINATION.

No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Company agrees to comply with, and to require that all subcontractors comply with, federal, state and local nondiscrimination laws, including but not limited to: the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and the American's With Disabilities Act, to the extent those laws are applicable.

10. DEBARMENT AND SUSPENSION.

The Company has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

11. AUDIT.

The Company and its sub-contractor shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Contract. The Company and its sub-contractors shall provide access to authorized City representatives, at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

12. ASSIGNMENT AND SUBCONTRACTING.

The Company shall not assign or subcontract its obligations under this Contract without the City's written consent, which may be granted or withheld in the City's sole discretion. Any subcontract made by the Company shall incorporate by reference this Contract, except as otherwise provided. The Company shall ensure that all subcontractors comply with the obligations and requirements of the subcontract. The City's consent to any assignment or subcontract does not release the

Company from liability or any obligation within this Contract, whether before or after City consent, assignment or subcontract.

13. STANDARD OF PERFORMANCE.

The standard of performance applicable to Company's services will be the degree of skill and diligence normally employed by professional company performing the same or similar services at the time the services under this Contract are performed.

14. OWNERSHIP AND USE OF RECORDS AND DOCUMENTS.

Original documents, drawings, designs, reports, or any other records developed or created under this Contract shall belong to and become the property of the City. All records submitted by the City to the Company shall be safeguarded by the Company. The Company shall make such data, documents and files available to the City upon the City's request. If the City's use of the Company's records or data is not related to this project, it shall be without liability or legal exposure to the Company.

Under Washington State Law (reference RCW Chapter 42.56, the *Public Records Act* [PRA]) all materials received or created by the City of Spokane are **public records** and are available to the public for viewing via the City Clerk's Records (online) or a valid Public Records Request (PRR).

15. ANTI KICK-BACK.

No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.

16. MISCELLANEOUS PROVISIONS.

A. **Amendments/Modifications:** This Contract may be modified by the City in writing when necessary, and no modification or Amendment of this Contract shall be effective unless signed by an authorized representative of each of the parties hereto.

B. The Company, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers. Without limiting the generality of this paragraph, the Company shall comply with the requirements of this Section.

C. This Contract shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in a court of competent jurisdiction, located in Spokane County, Washington.

D. **Captions:** The titles of sections or subsections are for convenience only and do not define or limit the contents.

E. **Severability:** If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Contract shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.

F. **Waiver:** No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Company after the time the

same shall have become due nor payment to the Company for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.

G. **Entire Contract:** This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire Contract between the City and the Company. If conflict occurs between Contract documents and applicable laws, codes, ordinances or regulations, the most stringent or legally binding requirement shall govern and be considered a part of this Contract to afford the City the maximum benefits.

H. **No personal liability:** No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Contract, whether expressed or implied, nor for any statement or representation made or in any connection with this Contract.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract by having legally-binding representatives affix their signatures below.

**PROPERTY REGISTRATION
CHAMPIONS, LLC d/b/a PROCHAMPS**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Contract:

- Exhibit A – Certification Regarding Debarment
- Exhibit B - PROCHAMP’s Proposal

Exhibit A

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

1. The lower tier contractor certifies, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
 2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
4. I understand that a false statement of this certification may be grounds for termination of the contract.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Program Title (Type or Print)
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Certifying Official (Type or Print)	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Title of Certifying Official (Type or Print)	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Date (Type or Print)

Exhibit B



CITY OF SPOKANE - PURCHASING
808 W. Spokane Falls Blvd.
Spokane, Washington 99201-3316
(509) 625-6400

INFORMAL REQUEST FOR PROPOSALS

<p><u>IRFP NUMBER:</u> 5425-21 <u>IRFP TITLE:</u> ELECTRONIC FORECLOSURE REGISTRY PROGRAM</p> <p><u>IRFP COORDINATOR:</u> Connie Wahl, City of Spokane Purchasing Department</p> <p><u>PRE-SUBMITTAL MEETING:</u> None <u>QUESTION DEADLINE:</u> Wednesday, August 18, 2021 <u>TIME:</u> 5:00 p.m.</p>	<p><u>PROPOSAL DUE DATE:</u> Tuesday, August 31, 2021 <u>TIME:</u> 3:00 pm</p> <p><u>PROPOSAL SUBMITTAL:</u> All Proposals shall be submitted electronically through the ProcureWare online procurement system portal: https://spokane.procureware.com by the due date and time.</p>
--	---

1. GENERAL INFORMATION

1.1 BACKGROUND AND PURPOSE: The City of Spokane (hereinafter “City”), through its Code Enforcement Department (hereinafter “City”) is initiating this Informal Request for Proposals (hereinafter “IRFP”) to solicit Proposals from Firms interested in providing an Electronic Foreclosure Property Registry Program.

The City seeks to reduce the number of buildings, homes or properties that have been entered into a default or foreclosure status that become abandoned and, through collection of a registration fee which would finance the monitoring of these properties, to proactively deter vandalism and detect decay, thereby protecting the quality/value of the building, home or property, and the integrity of the area in which it is located.

Properties which are, or are soon to be, foreclosed, or subject to foreclosure proceeding, have an adverse and deleterious impact on the vitality and livability of the areas in which they are located, and on the general well-being of the City and its residents under RCW 35.80.010.

Consistent monitoring of these properties would act as a deterrent to vandalism and provide timely affidavits and/or notices of violation, thereby protecting the value of the property and the area in which it is located. Certain registration and maintenance requirements will be imposed on the owners of these properties in order to minimize, if not eliminate, some of the adverse effects those properties have on the City and its residents.

1.2 COMMUNICATION: All communication between the Proposer and the City regarding this IRFP shall be with the IRFP Coordinator and submitted through the ‘Clarifications’ tab in the City’s online procurement system portal: <https://spokane.procureware.com>. Any communication directed to other parties is prohibited.

1.3 MINIMUM QUALIFICATIONS: The Firm must be licensed to do business in the State of Washington. The Firm must have at least two (2) years of experience in establishing and maintaining electronic

foreclosure property registry programs for municipal agencies or organizations providing similar registry programs.

1.4 CONTRACT PERIOD: Any contract resulting from this IRFP will be for a period of two (2) years. Contract is renewable upon mutual agreement.

1.5 ADDENDA: It is the responsibility of Proposers to check the City’s online procurement system <https://spokane.procureware.com> for Addenda or other additional information that may be posted regarding this Request for Proposals.

1.6 TERMS AND CONDITIONS: Terms and Conditions applicable to this IRFP are included herein by reference and attached to this IRFP as Attachment 1.

1.7 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES:

Question and answer period	August 9, 2021- August 18, 2021 – 5:00 p.m.
Proposals due	August 31, 2021 – 3:00 p.m.
Evaluation, Negotiation and Contract Award	September, 2021
Begin contract work	October, 2021

The City reserves the right to revise the above schedule.

2. SCOPE OF SERVICES

2.1 SCOPE OF SERVICES SUMMARY: Establish and maintain an electronic foreclosure property registry program with web-based registration that results in a fully functional and integrated process as described. The program is to include outreach and solicitation, database maintenance, notification, fee collection and remittance, and registration and de-registration monitoring system for properties which are the subject of default or foreclosure proceedings as defined by Spokane Municipal Code Section 17F.070.520 or as amended.

It is the intent of the City to have in place an electronic foreclosure property registry program fully functional and integrated process as described within 60 days of contract approval. The successful Proposal will include a cost recovery fee schedule that encompasses both the Firm and City costs of the program.

2.2 SCOPE OF SERVICES:

A. OUTREACH AND REGISTRATION

Firm must establish an outreach matrix and distribute solicitations to lending institutions or other responsible parties for registering properties that meet City definition under Spokane Municipal Code (SMC) Section 17F.070.520 or as amended from time to time (Appendix A).

The registration process must include mechanisms to update the registry due to real estate transactions, transfer of loan servicing, and any other activity resulting in changes to responsible party and local contact, including deregistration of properties as defined by SMC 17.070.520. The Firm will obtain and pay for (if necessary) all public record data, including but not limited to, review for default filing, satisfactions, dismissals, transfers, etc., and identify foreclosure sales in order to continuously update the database.

Firm outreach must be designed to hold responsible parties accountable (banks and mortgage services) to maintain their default/foreclosures/bank owned properties as well as drive registration compliance. Solicitations to lending institutions must include at a minimum registration fields complying with the

requirements of Spokane Municipal Code 17F.070.520, including but not limited to notice of registration fees, compliance dates, annual renewal, and penalties for failure to comply.

Firm shall collect annual foreclosure property registration fees as provided for under SMC.8.02.069. Firm shall remit that portion of the fee designated for the City by contract. Firm will charge each applicant no more than the amount prescribed by the SMC (per applicant) to register all mortgagees who comply with the ordinance. Firm will remit the City's portion of the registration fee as identified by contract to the City, retaining one hundred dollars (\$100), or other amount as negotiated by contract, in consideration of the services provided, no later than the tenth (10th) day of each month.

B. DATABASE

The database for the Foreclosure Registry is to be accessible to authorized/designated City employees, updated continuously, and maintained by the firm electronically.

3. PROPOSAL CONTENTS

3.1 PREPARATION OF PROPOSAL: Proposals shall be clear, concise, in order and titled as: Letter of Submittal, Technical Proposal, Management Proposal and Cost Proposal.

3.2 LETTER OF SUBMITTAL: The Letter of Submittal shall be signed and dated by a person authorized to legally bind the Firm to a contractual relationship. Include the following information about the Firm and any proposed sub-consultants:

- A. Name, address, principal place of business, telephone number, and e-mail address of legal entity or individual with whom contract would be written;
- B. Legal status of the Firm (sole proprietorship, partnership, corporation, etc.) and location of the facility from which the Firm would operate;
- C. Identification of any current or former employees from the participating Agencies employed by or on the Firm's governing board as of the date of the Proposal or during the previous twelve (12) months; and
- D. Acknowledgement that the Firm will comply with all terms and conditions set forth in the Request for Proposals, unless otherwise agreed by the Agencies.

3.3 TECHNICAL PROPOSAL: Proposal content for this section shall include an understanding of the City's requirements and a proposed approach, methodology and comprehensive work plan.

- A. Demonstrate a clear and concise understanding of the project requirements and proposed approach and methodology for management and successful completion of the scope of services. Provide details describing project team, lines of authority, responsibilities and person within the Firm that will have prime responsibility and authority for the work. The Firm may also present any creative approaches that may be appropriate and may provide any pertinent supporting documentation.
- B. Provide a detailed description of all of the proposed tasks, services, activities, etc. necessary to accomplish the scope of the project as described in the Scope of Services section. This will include team assignments, allocations of resources and a project schedule with completion dates for elements of work and deliverables. Describe how well the solution will meet the functional requirements. If applicable, provide name and address of any sub-consultant and what services they may provide. Describe how Firm will respond proactively to issues and project scope changes. Include any required involvement by City staff.

3.4 MANAGEMENT PROPOSAL: Proposal content for this section shall include experience, capabilities and qualifications to convey the ability to perform the scope of services.

A. Indicate the experience the Firm, staff and any sub-consultants have relevant to the scope of services. Provide name, title, brief description of duties, responsibilities, qualifications, and years of pertinent experience. Indicate availability for each staff member assigned to the project and include amount of time each will be assigned to the project. Resumes may be included limited to 2 pages per person. The Firm shall commit that staff identified in its Proposal will actually perform the assigned work. Any staff substitution must have the prior approval of the City.

B. Include a list of contracts the Firm has had during the last three (3) years that relate to the Firm's ability to perform the services needed under this IRFP. Provide contract period, contact names, phone numbers and e-mail addresses. Identify three (3) specific references from this list and briefly describe the work accomplished. Do not include City staff as references. The Firm grants permission to the City to contact the list provided.

C. If the Firm has had a contract terminated for default in the last five (5) years, describe the incident. Termination for default is defined as notice to stop performance due to the Firm's non-performance or poor performance and if the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and such litigation determined that the Proposer was in default. Provide other party's name, address, phone number and email address. If no such termination for default has been experienced by the Firm in the past five (5) years, so indicate.

3.5 COST PROPOSAL: The Cost Proposal shall identify all costs to be charged including any expenses necessary to accomplish the tasks and to produce the deliverables under the contract. Submit as a fully detailed budget with a total cost. Firms are required to collect and pay Washington state sales tax, if applicable. Do not include Washington state sales tax in Proposal.

4. PROPOSAL SUBMISSION AND EVALUATION

4.1 SUBMISSION OF PROPOSALS: Proposals shall be submitted with most favorable terms that can be proposed. There will be no best and final offer procedure. Proposals shall be submitted electronically through the City's online procurement system portal: <https://spokane.procureware.com> before the due date and time. **Hard paper, e-mailed or faxed copies will not be accepted. Late Proposals shall not be accepted.** Proposers must register if they have not done so previously and follow the steps below to enter and submit the electronic Proposal:

1. Click on "Bids" located on the left hand column.
2. Find the applicable project and click the "Project Number".
3. Click on the "Response" tab.
4. In the "Questions" tab, **answer questions and** upload required documents into the bid portal by clicking on "Browse" for each item. Note that only one document can be uploaded per question line item so combine if necessary.
5. Skip the "Pricing" tab since cost shall be included in Proposal document submitted.
6. Once the Questions have been entered, the yellow "Question Response" information message will change from incomplete to complete. Then the "Submit" button will become available.
7. Click the "Submit Bid" button and review the terms and conditions, pop-up window that appears. If you agree to the terms and conditions, click the "I Accept and Submit this Bid" button.
8. If you want to remove your Proposal, click the red "Withdraw Bid" button in the "Response" tab for the applicable Proposal.

4.2 EVALUATION PROCEDURE

Responsive Proposals will be evaluated in accordance with the requirements stated in this solicitation and any addenda issued. The City, at its sole discretion, may elect to select the top-scoring Firms as finalists for an oral presentation and evaluation. The IRFP Coordinator may contact the Firm for clarification of any portion of the Firm's Proposal.

4.3 EVALUATION SCORING

The Proposal will be evaluated as follows:

TECHNICAL PROPOSAL – 35% Project Approach/Methodology/Understanding Work Plan/Schedule/Deliverables	35 Points (Maximum) 35 Points (Maximum)	70 points
MANAGEMENT PROPOSAL - 30% Firm and Staff Experience/Capabilities/Qualifications	60 Points (Maximum)	60 points
COST PROPOSAL – 35%	70 Points (Maximum)	70 points
GRAND TOTAL FOR WRITTEN PROPOSAL		200 POINTS

4.4 AWARD/REJECTION OF PROPOSAL/CONTRACT

This IRFP does not obligate the City to award a contract. Any contract awarded as a result of this procurement is contingent upon the availability of funding.

The City reserves the option of awarding this contract in any manner most advantageous for the City and without further discussion of submitted Proposal. Failure to comply with any part of the IRFP may result in rejection of Proposal as non-responsive. The City also reserves the right, at its sole discretion, to waive minor irregularities, reject any and all Proposals received without penalty and to not issue a contract from this IRFP. More than one contract may be awarded. Contract negotiations may incorporate some or all of the Proposal.

Award of contract, when and if made, will be to the proposer whose Proposal is the most favorable to the City including consideration the evaluation criteria. Interlocal agreements accessing other agency contracts where applicable may be considered as a Proposal. Contract is optional (non-exclusive) use.

5. IRFP ATTACHMENTS

Attached to this IRFP and incorporated herein by reference are the following background documents:

- Attachment 1 – RFP Terms and Conditions
- Appendix A - Spokane Municipal Code – Section 17F.070.520



Filed
Secretary of State
State of Washington
Date Filed: 12/09/2020
Effective Date: 12/09/2020
UBI #: 604 196 089

Annual Report

BUSINESS INFORMATION

Business Name:

PROPERTY REGISTRATION CHAMPIONS, LLC

UBI Number:

604 196 089

Business Type:

FOREIGN LIMITED LIABILITY COMPANY

Business Status:

ACTIVE

Principal Office Street Address:

2725 CENTER PL STE 200, MELBOURNE, FL, 32940-7107, UNITED STATES

Principal Office Mailing Address:

2725 CENTER PL STE 200, MELBOURNE, FL, 32940-7107

Expiration Date:

12/31/2021

Jurisdiction:

UNITED STATES, FLORIDA

Formation/Registration Date:

12/09/2017

Period of Duration:

PERPETUAL

Inactive Date:

Nature of Business:

ADDRESSING VIOLATIONS OF PROPERTY MAINTENANCE CODES

REGISTERED AGENT [RCW 23.95.410](#)

Registered Agent Name	Street Address	Mailing Address
INCORP SERVICES, INC.	4505 PACIFIC HWY E STE C-2, FIFE, WA, 98424, UNITED STATES	4505 PACIFIC HWY E STE C-2, FIFE, WA, 98424, UNITED STATES

PRINCIPAL OFFICE

Phone:

3214216639

Email:

MANAGEDREPORTS@INCORP.COM

Street Address:

2725 CENTER PL STE 200, MELBOURNE, FL, 32940-7107, USA

Mailing Address:

2725 CENTER PL STE 200, MELBOURNE, FL, 32940-7107, USA

GOVERNORS

Title	Type	Entity Name	First Name	Last Name
GOVERNOR	ENTITY	POST PROCHAMPS ACQUISITIONS LLC		

NATURE OF BUSINESS

- ADDRESSING VIOLATIONS OF PROPERTY MAINTENANCE CODES

EFFECTIVE DATE

Effective Date:

12/09/2020

CONTROLLING INTEREST

1. Does your entity own real property such as land or buildings (including leasehold interests) in Washington?

NO

2. As of January 1, 2019, has there been a transfer of stock, other financial interest change, or an option agreement exercised that resulted in a transfer of at least 16% percent interest in the entity?

NO

a. If "yes", has the transfer of stock, other financial interest change, or an option agreement exercised resulted in a transfer of controlling interest (50 percent or greater)?

NO

3. As of January 1, 2019, has an option agreement been executed allowing for the future purchase or acquisition of the entity?

NO

You must report a [Controlling Interest Transfer Return](#) IF: you answered "yes" to questions 1 AND 2a.

Failure to report a Controlling Interest Transfer is subject to penalty provisions of [RCW 82.45.220](#).

For more information on **Controlling Interest**, visit www.dor.wa.gov/REET.

RETURN ADDRESS FOR THIS FILING

Attention:

DANA SANDLER

Email:

MANAGEDREPORTS@INCORP.COM

Address:

3773 HOWARD HUGHES PKWY STE 500S, LAS VEGAS, NV, 89169-6014, USA

UPLOAD ADDITIONAL DOCUMENTS

Do you have additional documents to upload? No

AUTHORIZED PERSON

I am an authorized person.

Person Type:

INDIVIDUAL

First Name:

JORGE

Last Name:

FERNANDEZ

Title:

CFO

This document is hereby executed under penalty of law and is to the best of my knowledge, true and correct.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/29/2022

4/2/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 1185 Avenue of the Americas, Suite 2010 New York NY 10036 646-572-7300	CONTACT NAME: PHONE (A/C, No. Ext): E-MAIL ADDRESS:	FAX (A/C, No):	
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED 1461671 Property Registration Champions DBA Prochamps 2725 Center Place, Ste 102 Melbourne FL 32940	INSURER A: ACE Property & Casualty Insurance Co		20699
	INSURER B: Lloyds of London		
	INSURER C: Zurich American Insurance Company		16535
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER: 16870489

REVISION NUMBER: XXXXXXXX

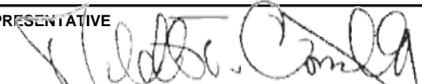
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	N	D94762558	3/29/2021	3/29/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	N	D94762558	3/29/2021	3/29/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	Y	N	D9476256A	3/29/2021	3/29/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	NOT APPLICABLE			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX
B	Professional Liability/Cyber Crime	N	N	CT1137121	4/1/2021	4/1/2022	Limit: \$3,000,000 Retention: \$25,000 Limit: \$1,000,000 Retention: \$50,000
C				MPL 6359954-01	4/1/2021	4/1/2022	Retention: \$50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Spokane, WA. is included as additional Insured on the General Liability, Automobile Liability and Umbrella Liability as required by written contract. Thirty (30) Day Notice of Cancellation, except Ten (10) Day Notice of Cancellation for Non-Payment of Premium, applies.

CERTIFICATE HOLDER**CANCELLATION** See Attachment

16870489 City of Spokane, WA. 808 W. Spokane Falls Blvd Spokane WA 99201	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
D	Excess Crime	Y	Y	P-001-000551633-01	4/1/2021	4/11/2022	Claims made	\$2.5M x \$2.5M



Agenda Sheet for City Council Meeting of:

10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2019-0885
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	CR22956

Submitting Dept	FLEET SERVICES
Contact Name/Phone	RICHARD GIDDINGS 625-7706
Contact E-Mail	RGIDDINGS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	5100-CONTRACT RENEWAL FOR INSTALLATION OF RADIO AND ELECTRICAL EQUIPMENT

Agenda Wording

Fleet Services would like to renew the Installation of Radio and Electrical Equipment Contract with Racom Corporation for one year, using IRFP #5153-20. This is renewal 2 of 4. Yearly expenditure is \$150,000.

Summary (Background)

The Installation of Radio and Electrical Equipment contract will provide timely commissioning of City vehicles. Recommend approval of a renewal contract for Installation of Radio and Electrical Equipment. Funding for this contract is in the Fleet department's budget.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 150,000

Select \$

Select \$

Select \$

Budget Account

5100-71700-48348-54803-99999

#

#

#

Approvals

Dept Head GIDDINGS, RICHARD

Division Director WALLACE, TONYA

Finance ORLOB, KIMBERLY

Legal ODLE, MARI

For the Mayor ORMSBY, MICHAEL

Council Notifications

Study Session\Other 10/4 Public Safety

Council Sponsor Lori Kinnear

Distribution List

mmartinez

Additional Approvals

Purchasing

Briefing Paper

Public Safety and Community Health Committee

Division & Department:	Finance, Fleet Services
Subject:	Installation of Radio and Electrical Equipment Contract Renewal
Date:	October 4, 2021
Author (email & phone):	Micaela Martinez mmartinez@spokanecity.org 625-7823
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	Tonya Wallace
Committee(s) Impacted:	Public Safety and Community Health Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Innovative Infrastructure: Maintaining our fleet of support equipment
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
<u>Background/History:</u> Fleet Services would like to renew the Installation of Radio and Electrical Equipment Contract with Racom Corporation for one year, using IRFP #5153-20. This is renewal 2 of 4. Yearly expenditure is \$150,000.	
<u>Executive Summary:</u>	
<u>Impact</u>	
<ul style="list-style-type: none"> The Installation of Radio and Electrical Equipment contract will provide timely commissioning of City vehicles. 	
<u>Action</u>	
<ul style="list-style-type: none"> Recommend approval of a renewal contract for Installation of Radio and Electrical Equipment. 	
<u>Funding</u>	
<ul style="list-style-type: none"> Funding for this contract is in the Fleet department's budget. 	
<u>Budget Impact:</u>	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
<u>Operations Impact:</u>	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: Known challenges/barriers:	



City of Spokane
CONTRACT RENEWAL 2 of 4
**Title: INSTALLATION OF RADIO &
ELECTRICAL EQUIPMENT IN VEHICLES**

This Contract Renewal is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **RACOM CRITICAL COMMUNICATIONS**, whose address is 16610 East Sprague Avenue, Spokane Valley, Washington 99037 as (“Company”), individually hereafter referenced as a “party”, and together as the “parties”.

WHEREAS, the parties entered into a Contract wherein Company agreed to provide the INSTALLATION OF RADIO & ELECTRICAL EQUIPMENT IN VEHICLES; and

WHEREAS, the original Contract provided for four one (1) year renewals with this being the first of those renewals; and

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract, dated October 29, 2019 and November 5, 2019, any previous amendments, renewals and / or extensions / thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE TERM.

This Contract Renewal shall become effective on October 1, 2021 and shall run through September 30, 2022.

3. COMPENSATION.

The City shall pay an estimated maximum annual cost not to exceed **ONE HUNDRED FIFTY THOUSAND AND NO/100 Dollars (\$150,000.00)** for everything furnished and done under this optional use Contract Renewal. This is the maximum amount to be paid under this Renewal, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Renewal document.

4. DEBARMENT AND SUSPENSION.

The Contractor has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and “Debarment and Suspension”, codified at 29 CFR part 98.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Renewal by having legally-binding representatives affix their signatures below.

RACOM CRITICAL COMMUNICATIONS

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

Attachments that are part of this Agreement:

Certificate of Debarment

**ATTACHMENT B
CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION**

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

 2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
4. I understand that a false statement of this certification may be grounds for termination of the contract.

<hr/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr/> Program Title (Type or Print)
<hr/> Name of Certifying Official (Type or Print)	<hr/> Signature
<hr/> Title of Certifying Official (Type or Print)	<hr/> Date (Type or Print)



Agenda Sheet for City Council Meeting of:

10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	OPR 2020-0756
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	CR22955

Submitting Dept	FLEET SERVICES
Contact Name/Phone	RICHARD GIDDINGS 625-7706
Contact E-Mail	RGIDDINGS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	5100-CONTRACT RENEWAL WITH CLEAN ENERGY

Agenda Wording

Fleet Services would like to renew the contract for the Maintenance and Operation of the Compressed Natural Gas Fueling Facility. This is renewal 1 of 2. Yearly cost is \$250,000.00, including tax.

Summary (Background)

Impact This contract will provide the required maintenance, 24hr monitoring and support of the facility to ensure safe, reliable operation. Action We recommend approval for the contract renewal 1 of 2 of the Maintenance of the Compressed Natural Gas Fueling Facility contract. Funding Funding for this renewal is included in the Fleet Operational Budget.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense \$ 250,000

Select \$

Select \$

Select \$

Budget Account

5100-71700-48348-54201-99999

#

#

#

Approvals

Dept Head GIDDINGS, RICHARD

Division Director WALLACE, TONYA

Finance ORLOB, KIMBERLY

Legal ODLE, MARI

For the Mayor ORMSBY, MICHAEL

Council Notifications

Study Session\Other 10/4 Public Safety

Council Sponsor Lori Kinnear

Distribution List

mmartinez

Additional Approvals

Purchasing

Briefing Paper

Public Safety and Community Health Committee

Division & Department:	Finance, Fleet Services
Subject:	Clean Energy Contract Renewal
Date:	October 4, 2021
Author (email & phone):	Micaela Martinez mmartinez@spokanecity.org 625-7823
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	Tonya Wallace
Committee(s) Impacted:	Public Safety and Community Health Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget , Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Innovative Infrastructure: Maintaining our fleet of support equipment
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
Background/History:	
Fleet Services would like to renew the contract for the Maintenance and Operation of the Compressed Natural Gas Fueling Facility. This is renewal 1 of 2. Yearly cost is \$250,000.00, including tax.	
Executive Summary:	
<p><u>Impact</u> This contract will provide the required maintenance, 24hr monitoring and support of the facility to ensure safe, reliable operation.</p> <p><u>Action</u> We recommend approval for the contract renewal 1 of 2 of the Maintenance of the Compressed Natural Gas Fueling Facility contract.</p> <p><u>Funding</u> Funding for this renewal is included in the Fleet Operational Budget.</p>	
Budget Impact:	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: Known challenges/barriers:	



City of Spokane
CONTRACT AMENDMENT/EXTENSION

Title: OPERATION AND MAINTENANCE
SERVICES FOR CNG SITE RENEWAL 1 of 2

THIS CONTRACT AMENDMENT EXTENSION is between the CITY OF SPOKANE, a Washington State municipal corporation, as ("City"), and CLEAN ENERGY DBA CLEAN ENERGY CORP. IN WASHINGTON, whose address is 4675 MacArthur Court, Suite 800, Newport Beach, California 92660 , as ("Contractor"). Individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into a Contract wherein the Contractor agreed to SCOPE OF ORIGINAL CONTRACT; and

WHEREAS, additional work and time to perform has been requested;

-- Now, Therefore, the parties agree as follows:

- 1. **CONTRACT DOCUMENTS.** The original Contract dated 1/19/2021 and 1/20/2021, any previous amendments and/or extensions/renewals thereto are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.
- 2. **EFFECTIVE DATE.** This Contract Amendment/Extension shall become effective on October 1, 2021.
- 3. **ADDITIONAL WORK.** The Scope of Work of the original Contract is amended to add the following:

For the City's CNG station location at 915 North Nelson Street, Spokane, Washington 99202 (the "Station"), the Company will do all work, furnish all labor, materials, tools, construction equipment, transportation, supplies, supervision, organization and other items of work and costs necessary for the proper execution and completion of the work described in the Agenda sheet for City Council Meeting of 9/21/2020 for RES 2020-0066, which is included as the first page of this document, and in accordance with Company's July 30, 2020 Proposal, which is attached as Exhibit B (collectively, along with this City

Purchased Service Contract the “Contract Documents”). In the event of a conflict or discrepancy in the Contract Documents, this City Purchased Service Contract (the “Contract”) controls.

Company must submit a record of work performed to include labor, hours, and parts to the City within 72 hours of completion. Also, see attachment A.

4. EXTENSION. The contract documents are hereby extended and shall run through September 30, 2021.

5. COMPENSATION. The City shall pay Contractor a maximum amount not to exceed TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS, (\$250,000) for everything furnished and done under this Contract Amendment/Extension.

ATTACHMENT A

Operations & Maintenance Cost Structure	
Monthly Volume* (DGE)	O&M Fee** (DGE)
20,000-35,000	.57847
35,001-50,000	.52588
>50,001	.47329

**Minimal volume commitment of 20,000 DGEs*

***O&M fee subject to annual CPI increase and does not include cost of electricity, cost of natural gas commodity or taxes.*

**Agenda Sheet for City Council Meeting of:**

10/18/2021

Date Rec'd

10/6/2021

Clerk's File #

CPR 1991-0068

Renews #**Cross Ref #****Submitting Dept**

MAYOR

Contact Name/Phone

TESSA DELBRIDGE 625-6716

Project #**Contact E-Mail**

TDELBRIDGE@SPOKANECITY.ORG

Bid #**Agenda Item Type**Boards and Commissions
Appointments**Requisition #****Agenda Item Name**

0520 REAPPOINTMENT TO SPOKANE HUMAN RIGHTS COMMISSION

Agenda Wording

Reappoint Jac Archer to serve a three-year term on the Spokane Human Rights Commission from 7/24/2021 to 12/31/2024.

Summary (Background)

Reappoint Jac Archer to serve a three-year term on the Spokane Human Rights Commission from 7/24/2021 to 12/31/2024.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

COTE, BRANDY

Study Session\Other**Division Director****Council Sponsor****Finance****Distribution List****Legal**

tdelbridge@spokanecity.org

For the Mayor

ORMSBY, MICHAEL

lkissler@spokanecity.org

Additional Approvals**Purchasing**



Agenda Sheet for City Council Meeting of:

10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	CPR 2004-0017
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MAYOR
Contact Name/Phone	TESSA DELBRIDGE 625-6716
Contact E-Mail	TDELBRIDGE@SPOKANECITY.ORG
Agenda Item Type	Boards and Commissions Appointments
Agenda Item Name	0520 APPOINTMENTS TO HOTEL ADVISORY COMMISSION

Agenda Wording

Reappoint Meredith Rainville and Dean Feldmeier to a three year term on the Hotel Advisory Commission to serve from 12/1/2021 to 11/30/2024, and appoint Matt Jensen to a three-year term to serve 11/1/2021 to 10/31/2024

Summary (Background)

Reappoint Meredith Rainville and Dean Feldmeier to a three year term on the Hotel Advisory Commission to serve from 12/1/2021 to 11/30/2024, and appoint Matt Jensen to a three-year term to serve 11/1/2021 to 10/31/2024

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Select \$
Select \$
Select \$
Select \$

Budget Account

#

Approvals

Dept Head	COTE, BRANDY
Division Director	
Finance	
Legal	
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	
Council Sponsor	
Distribution List	
	tdelbridge@spokanecity.org
	mdodroe@visitspokane.com

Additional Approvals

Purchasing	



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	ORD C36112
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	ACCOUNTING
Contact Name/Phone	MICHELLE MURRAY X6320
Contact E-Mail	MMURRAY@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	5600 - SBO FOR ASSET MANAGEMENT FIRE CAPITAL

Agenda Wording

SBO to utilize existing reserves in the Asset Management Fund to fund 2021 Fire Capital purchases to equip purchased brush rigs and secure a pediatric care system.

Summary (Background)

Since 2014 the Police and Fire Capital Program has been funded by a series of SIP Loans that were funded on an annual basis for capital purchases in the six year capital plan. In 2021 there was no SIP Loan issued for 2021 capital purchases leaving them in unfunded status. This SBO would allow Fire Capital funds to use unappropriated reserves from the General Fund that have accumulated in the Asset Management Capital fund for the purpose of debt service and capital purchases.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 128,512
Revenue	\$ 128,512
Expense	\$ 128,512
Select	\$

Budget Account

99999
99999
99999
#

Approvals

Dept Head	MURRAY, MICHELLE
Division Director	WALLACE, TONYA
Finance	MURRAY, MICHELLE
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PSCHC 10-4-2021
Council Sponsor	CM Kinnear
Distribution List	lkinnear@spokanecity.org; gbyrd@spokanecity.org
	twallace@spokanecity.org; mmurray@spokanecity.org
Additional Approvals	pingiosi@spokanecity.org; ddaniels@spokanecity.org
Purchasing	ablain@spokanecity.org

MANAGEMENT & BUDGET	INGIOSI, PAUL

Briefing Paper

FINANCE AND ADMINISTRATION

Division & Department:	City Council								
Subject:	Asset Capital Fire								
Date:	9-21-21								
Contact (email & phone):	Michelle Murray mmurray@spokanecity.org 509-625-6320								
City Council Sponsor:	CM Kinnear								
Executive Sponsor:	Michelle Murray								
Committee(s) Impacted:	Public Safety Committee								
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative								
Alignment:									
Strategic Initiative:									
Deadline:									
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of SBO to utilize existing reserves in the Asset Management Fund to fund 2021 Fire Capital purchases to equip purchased brush rigs and secure a pediatric care system.								
Background/History:									
<p><u>Executive Summary:</u></p> <p>Since 2014 the Police and Fire Capital Program has been funded by a series of SIP Loans that were funded on an annual basis for capital purchases in the six year capital plan. In 2021 there was no SIP Loan issued for 2021 capital purchases leaving them in unfunded status. This SBO would allow Fire Capital funds to use unappropriated reserves from the General Fund that have accumulated in the Asset Management Capital fund for the purpose of debt service and capital purchases.</p> <p>This additional amount along with the previously approved SBO does not exceed Fire's proportionate share of the 3.4 million in reserves that were available for capital purchases.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Fire's proportionate share</td> <td style="text-align: right;">\$ 1,702,734</td> </tr> <tr> <td>Less previously approved</td> <td style="text-align: right;">\$ 1,295,188</td> </tr> <tr> <td>Current Request</td> <td style="text-align: right;"><u>\$ 128,512</u></td> </tr> <tr> <td>Remaining</td> <td style="text-align: right;">\$ 279,034</td> </tr> </table>		Fire's proportionate share	\$ 1,702,734	Less previously approved	\$ 1,295,188	Current Request	<u>\$ 128,512</u>	Remaining	\$ 279,034
Fire's proportionate share	\$ 1,702,734								
Less previously approved	\$ 1,295,188								
Current Request	<u>\$ 128,512</u>								
Remaining	\$ 279,034								
Budget Impact:									
TOTAL COST:									
Approved in current year budget?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A								
Annual/Reoccurring expenditure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A								
If new, specify funding source:									
Other budget impacts: (revenue generating, match requirements, etc.)									
Operations Impact:									
Consistent with current operations/policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A								
Requires change in current operations/policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A								
Specify changes required:									
Known challenges/barriers:									

ORDINANCE NO. C36112

An ordinance amending Ordinance No. C-35971, passed by the City Council December 14, 2020, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2021, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2021, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2021 budget Ordinance No. C-35971, as above entitled, and which passed the City Council December 14, 2020, it is necessary to establish and make changes in the appropriations of the Asset Management Capital Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Asset Management Capital Fund, and the budget annexed thereto with reference to the Asset Management Capital Fund, the following changes be made:

- (1) Increase appropriation by \$128,512.
- (A) \$128,512 of the increased appropriation is transferred from the Asset Management Capital Fund to the Asset Management Fire Capital Fund.

Section 2. That in the budget of the Asset Management Fire Capital Fund, and the budget annexed thereto with reference to the Asset Management Fire Capital Fund, the following changes be made:

- (1) Increase revenue appropriation by \$128,512.
- (A) Of the increased appropriation \$128,512 is a transfer from Asset Management Capital fund.
- (2) Increase appropriation by \$128,512
- (B) Of the increased appropriation \$128,512 is provided solely for capital expenditures related to Fire.

Section 3. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need for capital expenditures in the Asset Management Fire Capital Fund, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	ORD C36113
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	MUNICIPAL COURT
Contact Name/Phone	HOWARD DELANEY X4400
Contact E-Mail	HDELANEY@SPOKANECITY.ORG
Agenda Item Type	Special Budget Ordinance
Agenda Item Name	0560 - SBO FOR MUNICIPAL COURT OFFICE SUPPLIES

Agenda Wording

SBO for Municipal Court to obtain necessary office supplies for standard and Therapeutic Court operations through 12/31/2021.

Summary (Background)

The demands of ongoing operations make the reduced budget for office supplies untenable from an operations standpoint given there are three months left in the year, and our budget for office supplies is exhausted.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ \$14,000
Expense	\$ (14,000)
Select	\$
Select	\$

Budget Account

#	0560-13100-12500-53101
#	0560-13100-12500-00120
#	
#	

Approvals

Dept Head	DELANEY, HOWARD
Division Director	ANTUSH, MATTHEW
Finance	BUSTOS, KIM
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	PSCHC 10-4-2021
Council Sponsor	CM Kinnear

Additional Approvals

Purchasing	twallace@spokanecity.org; pingiosi@spokanecity.org
MANAGEMENT & BUDGET	INGIOSI, PAUL ablain@spokanecity.org

Briefing Paper (Public Safety & Community Health)

Division & Department:	Municipal Court
Subject:	SBO – Office Supplies
Date:	October 4, 2021
Contact (email & phone):	hdelaney@spokanecity.org / 509-625-4400
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	
Committee(s) Impacted:	Public Safety & Community Health
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan – Safe & Healthy
Strategic Initiative:	Advance public safety through criminal justice reform
Deadline:	10/15/2021
Outcome: (deliverables, delivery duties, milestones to meet)	Will allow Municipal Court to obtain necessary office supplies for standard and Therapeutic Court operations through 12/31/2021.
<p><u>Background/History:</u> <i>As part of the 2021 COVID 19 budget conservation exercise the Court significantly reduced its M&O budget line items, including office supplies.</i></p> <p>The demands of ongoing operations make the reduced budget for office supplies untenable from an operations standpoint given there are three months left in the year and our budget for office supplies is exhausted.</p>	
<p><u>Executive Summary:</u></p> <p>The Court requires additional funds for office supplies to allow its mail operations and therapeutic courts to have the supplies necessary for seamless operations through the end of 2022. The Court has a significant amount of salary savings in 2022, based upon vacancies occurring from resignations, promotions, and retirements.</p>	
<p><u>Budget Impact: No impact</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If new, specify funding source:</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p><u>Operations Impact:</u></p> <p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Specify changes required: None</p> <p>Known challenges/barriers: None</p>	

ORDINANCE NO. C36113

An ordinance amending Ordinance No. C-35971, passed by the City Council December 14, 2020, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2021, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2021, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2021 budget Ordinance No. C-35971, as above entitled, and which passed the City Council December 14, 2020, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

- (1) Decrease the appropriation level for the Court Clerk I position by \$14,000.
- (A) Increase the appropriation level for Supplies by \$14,000.
- (2) There is no change to the appropriation level in the General Fund.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to supplement the office supplies budget to allow the Court to effectively operate until the end of the year, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____.

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:

06/14/2021

<u>Date Rec'd</u>	6/2/2021
<u>Clerk's File #</u>	ORD C36064
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	CITY COUNCIL
<u>Contact Name/Phone</u>	BRIAN 625-6210 MCCLATCHEY
<u>Contact E-Mail</u>	BMCCLATCHEY@SPOKANECITY.ORG
<u>Agenda Item Type</u>	Emergency Ordinance
<u>Agenda Item Name</u>	0320 - CLARIFYING HISTORIC RE-USE REGULATIONS

Agenda Wording

An ordinance clarifying the requirements for the adaptive re-use of historic properties; amending sections 17C.335.010 and 17C.335.110 of the Spokane Municipal Code; declaring an emergency; and providing for an immediate effective date.

Summary (Background)

This ordinance clarifies that the historic re-use regulations apply to the entire property, rather than just to the structure on the property. This ordinance also restricts historic re-use to properties on the Spokane Historic Register, and gives the Historic Landmarks Commission a greater role in the approval of historic re-use applications.

Lease? NO	Grant related? NO	Public Works? NO
<u>Fiscal Impact</u>		<u>Budget Account</u>
Neutral \$		#
Select \$		#
Select \$		#
Select \$		#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	ALLERS, HANNAHLEE	<u>Study Session\Other</u>	UD Comm., 5-10-2021
<u>Division Director</u>		<u>Council Sponsor</u>	CM Wilkerson
<u>Finance</u>	WALLACE, TONYA	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE		
<u>For the Mayor</u>	ORMSBY, MICHAEL		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

ORDINANCE NO. C36064

An ordinance clarifying the requirements for the adaptive re-use of historic properties; amending sections 17C.335.010 and 17C.335.110 of the Spokane Municipal Code; declaring an emergency; and providing for an immediate effective date.

WHEREAS, Spokane has an array of historic properties, many of which are underused, abandoned, or have the potential for blighted conditions, and which can be reused in ways that complement and help spur additional development in neighborhoods that very much need the development of new housing, office space, and retail uses; and

WHEREAS, currently, the Spokane Municipal Code allows for the re-use of historic properties in ways that complement, but may not exactly match the underlying zoning; and

WHEREAS, however, current chapter 17C.335 of the Spokane Municipal Code contains inherent, internal contradictions and conflicts, which the City Council intends to clarify immediately to help spur the responsible reuse and redevelopment of historic properties located near the city's core in our historic neighborhoods; and

WHEREAS, given the existing housing crisis and the dire need for development near or within the City's core, which is also the area within which we are likely to see historic properties in need of re-use, the City Council determines that this ordinance should become effective immediately to more rapidly get these unused historic properties back into productive use and therefore increase the taxable value and improve the economic, aesthetic, and social conditions in neighborhoods that desperately need it.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 17C.335.010 of the Spokane Municipal Code is amended to read as follows:

Section 17C.335.010 Purpose

The purpose of this chapter is to establish clear and efficient standards and process for the use and re-use of historic structures and the properties on which they are located and to encourage the adaptive reuse of historic structures and properties to more effectively enable economic development, community revitalization, and aesthetic benefit.

Section 2. That section 17C.335.110 of the Spokane Municipal Code is amended to read as follows:

Section 17C.335.110 Development Standards

A. Applicability.

The development standards of this section apply only to those structures ~~((or))~~ listed in the ~~((National))~~ Spokane Register of Historic Places and the property on which they are located. All such structures and properties ~~((listed in the National Register))~~ are subject to all of the use restrictions and development standards of the base zone as minimum standards unless otherwise specifically provided by this section or by an approved planned unit development.

B. Permits Required.

A change in the use of an historic structure and/or the property on which such structure is located to any use allowed in the base zoning district is permitted through the issuance of a certificate of occupancy so long as there are no significant exterior alterations made to the structure. A Certificate of Appropriateness for any new construction on the property must be applied for and received by the Spokane Historic Landmarks Commission before a building permit may be issued.

C. Change in Use.

A change to any use of an historic structure and/or the property on which it is located other than a use listed as permitted in the base zoning district may be allowed by Type III permit from the hearing examiner if the following criteria are met:

1. The structure is listed on the Spokane Register ~~((or National Register))~~ of Historic Places.
2. All proposed changes to the structure or the property on which it is located have been approved by the landmarks commission as being compatible with the historical designation of the structure or property, the form of approval being specified in the rules of procedure of the hearing examiner.
3. The change in use is demonstrated as necessary to ensure that the structure will be preserved, considering all uses allowed in the underlying zone.
4. The benefits to the public arising out of preserving the structure are greater than the harm to the public resulting from allowing the proposed use of the structure or property, considering such factors as public access to the structure or property provided by the proposed use, the distinctive character of the proposed use, the need for the proposed use in the neighborhood in which the ~~((building))~~property is located or in the City, the amount of traffic, noise and other off-site impacts anticipated to be caused by the use and the means available to mitigate any potential off-site impacts.
5. Any change of use of an historic structure which is permitted under this section shall also apply to the remainder of the property on which such historic structure is located.

Section 3. That the City Council declares that the need for the expedient redevelopment of historic properties in and near the city core presents an urgency and emergency such that this ordinance is needed to protect the public health, safety, and/or for the support of existing public institutions, and that because of such need, this ordinance shall be effective immediately, under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

October 4, 2021

City Clerk File No.:
RES 2021-0069

COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2021-0069—REVISE THE APPROPRIATION OF FUNDS FROM THE CITY'S CHHS DEPARTMENT TO THE SALVATION ARMY FOR FUNDING A REGIONAL TARGETED CAPACITY EMERGENCY SHELTER CALLED THE WAY OUT CENTER

During the Spokane City Council's 3:30 p.m. Briefing Session held virtually Monday, October 4, 2021, upon review of changes to the October 4 Current Agenda, the following action was taken subsequent to Council deliberations:

Motion by Council Member Stratton, seconded by Council Member Cathcart, **to defer** Resolution 2021-0069—of the City Council of the City of Spokane to revise the appropriation of funds from the City of Spokane Community, Housing and Human Services Department for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center—for two weeks, to October 18, 2021; **carried 5-2.**

The additional following action was also taken:

Motion by Council Member Kinnear, seconded by Council Member Mumm, **to amend** Resolution 2021-0069 so that funding will be contingent on finalization and acceptance of a Good Neighbor Agreement by City Council, City Administration, and the provider (The Salvation Army); **carried 6-1.**

Terri L. Pfister, MMC
Spokane City Clerk



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

September 27, 2021

City Clerk File No.:
RES 2021-0069

COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2021-0069—REVISE THE APPROPRIATION OF FUNDS FROM THE CITY'S CHHS DEPARTMENT TO THE SALVATION ARMY FOR FUNDING A REGIONAL TARGETED CAPACITY EMERGENCY SHELTER CALLED THE WAY OUT CENTER

During the Spokane City Council's 3:30 p.m. Briefing Session held virtually Monday, September 27, 2021, upon review of the September 27 Current Agenda, the following action was taken:

Motion by Council Member Cathcart, seconded by Council Member Mumm, **to defer** Resolution 2021-0069—of the City Council of the City of Spokane to revise the appropriation of funds from the City of Spokane Community, Housing and Human Services Department for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center—for one week, to October 4, 2021; **carried unanimously (Council Member Burke absent).**

Terri L. Pfister, MMC
Spokane City Clerk



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

September 13, 2021

City Clerk File No.:
RES 2021-0069

COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2021-0069—REVISE THE APPROPRIATION OF FUNDS FROM THE CITY'S CHHS DEPARTMENT TO THE SALVATION ARMY FOR FUNDING A REGIONAL TARGETED CAPACITY EMERGENCY SHELTER CALLED THE WAY OUT CENTER

During its 6:00 p.m. Legislative Session held virtually Monday, September 13, 2021, the City Council considered Resolution 2021-0069. Subsequent to an overview of Resolution 2021-0069 by Council Member Wilkerson, public testimony from one individual, and Council commentary, the following action was taken:

Motion by Council Member Cathcart, seconded by Council Member Stratton, **to defer** Resolution 2021-0069—of the City Council of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services (CHHS) Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center for the period of July 1, 2021 through June 30, 2026 and other matters relating thereto—for two weeks to September 27, 2021, and bring this (RES 2021-0069) back along with the operating plan so City Council can see them both at the same time, and hopefully Administration can work with City Council with putting some sort of good neighbor agreement together in the intervening weeks so we can get this right and move forward with this shelter location if we can put all these pieces together; **carried upon 5-2 roll call vote.**

Terri L. Pfister, MMC
Spokane City Clerk



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

August 30, 2021

City Clerk File No.:
RES 2021-0069

COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2021-0069—REVISE THE APPROPRIATION OF FUNDS FROM THE CITY'S CHHS DEPARTMENT TO THE SALVATION ARMY FOR FUNDING A REGIONAL TARGETED CAPACITY EMERGENCY SHELTER CALLED THE WAY OUT CENTER (deferred from August 23, 2021, Advance Agenda)

During its 3:30 p.m. Administrative Session held virtually Monday, August 30, 2021, upon review of the August 30 Current Agenda, the Spokane City Council took the following action:

Motion by Council Member Wilkerson, seconded by Council Member Kinnear, **to defer** Resolution 2021-0069—of the City Council of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services (CHHS) Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center for the period of July 1, 2021 through June 30, 2026 and other matters relating thereto—to September 13, 2021; **carried unanimously.**

Terri L. Pfister, MMC
Spokane City Clerk



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

August 23, 2021

City Clerk File No.:
RES 2021-0069

COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2021-0069—REVISE THE APPROPRIATION OF FUNDS FROM THE CITY'S CHHS DEPARTMENT TO THE SALVATION ARMY FOR FUNDING A REGIONAL TARGETED CAPACITY EMERGENCY SHELTER CALLED THE WAY OUT CENTER (deferred from August 23, 2021, Advance Agenda)

During its 3:30 p.m. Briefing Session held virtually Monday, August 23, 2021, upon review of the August 30, 2021, Advance Agenda, the Spokane City Council took the following action:

Motion by Council President Beggs, seconded by Council Member Kinnear, **to substitute** Resolution 2021-0069 with version circulated this afternoon (by Council President Beggs); **carried unanimously (Council Member Burke absent).**

Terri L. Pfister, MMC
Spokane City Clerk



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

August 16, 2021

City Clerk File No.:
RES 2021-0069

COUNCIL ACTION MEMORANDUM

RE: RESOLUTION 2021-0069—REVISE THE APPROPRIATION OF FUNDS FROM THE CITY'S CHHS DEPARTMENT TO THE SALVATION ARMY FOR FUNDING A REGIONAL TARGETED CAPACITY EMERGENCY SHELTER CALLED THE WAY OUT CENTER

During its 3:30 p.m. Briefing Session held virtually Monday, August 16, 2021, upon review of the August 23, 2021, Advance Agenda, the Spokane City Council took the following action:

Motion by Council Member Wilkerson, seconded by Council Member Burke, **to defer** Resolution 2021-0069—of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center—to August 30, 2021; **carried unanimously.**

Terri L. Pfister, MMC
Spokane City Clerk



Agenda Sheet for City Council Meeting of:
08/23/2021

Date Rec'd	8/11/2021
Clerk's File #	RES 2021-0069
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY ATTORNEY
Contact Name/Phone	MICHAEL ORMSBY 6287
Contact E-Mail	MORMSBY@SPOKANECITY.ORG
Agenda Item Type	Resolutions
Agenda Item Name	RESOLUTION FOR SUPPORT OF "WAY OUT SHELTER"

Agenda Wording

A Resolution of the City of Spokane to revise the appropriation of funds from the City's CHHS Department to the Salvation Army for the funding a Regional Targeted Capacity Emergency Shelter for the period of July 1, 2021 through June 30, 2026.

Summary (Background)

The City has been working with Spokane County and the City of Spokane Valley since 2019 on a collaborative approach to dealing with homelessness related issues which led to the agreement among the three entities that they would all support a "targeted capacity project" which became the "Way Out Shelter" to be operated by the Salvation Army. This resolution restates the commitment of the City to this project and supports continued expenditure of funds up to 3,500,000 over the next five years.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 3,500,000.00
Select	\$
Select	\$
Select	\$

Budget Account

#	TBD
#	
#	
#	

Approvals

Dept Head	ORMSBY, MICHAEL
Division Director	
Finance	WALLACE, TONYA
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	8/2/21
Council Sponsor	Council Member Wilkerson

Distribution List

kdavis@spokanecity.org
twallace@spokanecity.org
cpatterson@spokanecity.org

Additional Approvals

Purchasing	

RESOLUTION NO. 2021-0069

A Resolution of the City Council of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services (CHHS) Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center for the period of July 1, 2021 through June 30, 2026 and other matters relating thereto.

WHEREAS, the City of Spokane (“City”), Spokane County (“County”) and the City of Spokane Valley (“Valley”) adopted the Continuum of Care Strategic Plan in 2019, after which the County adopted Resolution No. 12019-1599 on December 17, 2019 committing to a “Targeted Capacity” Project;

WHEREAS, representatives of the City, County and the Valley executed a joint Regional Project Charter (“Charter”) on June 23, 2020 for the Regional Bridge Housing Center: “The Way Out Center”, (the “Targeted Capacity Project”), which is attached hereto as Exhibit “A” and incorporated herein by this reference;

WHEREAS, the budgets for the City for 2020 and 2021 included \$500,000 each year for the “Targeted Capacity” Project; and

WHEREAS, due to The Salvation Army becoming the owner and operator of the regional targeted-capacity shelter, also called The Way Out Center, the five (5) year commitment to support funding the regional shelter’s operations and maintenance costs by Resolution No. 21-0397, adopted by the Board of County Commissioners on June 8, 2021, the County transferred its commitment to pay up to \$500,000 a year to support this shelter to The Salvation Army; and

WHEREAS, in order to support a regional effort to end homelessness, the City of Spokane desires to appropriate funds to, and contract with, The Salvation Army, for a Regional Targeted Capacity Emergency Shelter's operations and maintenance for a five (5) year period from July 1, 2021 through June 30, 2026, and

WHEREAS, the recommendation is for a five (5) year commitment to help support funding the regional shelter's operations and maintenance costs in the amount of Five Hundred Thousand Dollars (\$500,000.00) annually, not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for the five (5) year period; and

WHEREAS, the five (5) year commitment is contingent based on the ongoing availability of the ongoing availability of homeless funding from the City of Spokane, City of Spokane Valley, Spokane County and private resources, ensuring the regional service assurances are met in that the shelter is accessible and available to all Spokane County residents, including the provisions of transportation needs, adequate bed space and reasonable/secure storage of personal property for individuals served, necessary Interlocal Operating Agreements are in place, and the facility is ready and operational prior to the release of the funding.

WHEREAS, the CHHS Department will work with the Spokane County CHSCD Department to ensure reporting consistency, where possible, with their respective Operations and Maintenance Contracts with The Salvation Army for the regional targeted-capacity shelter;

WHEREAS, the City of Spokane finds that Good Neighbor Agreements support fewer negative impacts in the neighborhood and acceptance by the neighborhood for quality run programs like those provided by the Salvation Army;

WHEREAS, the Neighborhood was promised that this shelter would be used long term as Bridge transitional housing, and not night-by-night sheltering.

WHEREAS, the Parties are still working on the long-term funding framework as a region to achieve the above, the City of Spokane will commit up to an additional \$1,000,000 to apply to the budgeted operating gap for the startup period of the Way Out Shelter estimated to commence on or about October 1, 2021 through the end of 2022. The City of Spokane requests quarterly reviews and subsequent yearly budgets with The Salvation Army with financial commitment from regional public entities and an effort to establish new partnership from private sector investors for the first five year term and beyond.

NOW, THEREFORE, BE IT RESOLVED by the Spokane City Council that the revised five (5) year commitment to support funding the regional targeted-capacity shelter's operations and maintenance costs shift from the City of Spokane to The Salvation Army be approved, as described above, and to initiate a corresponding agreement; and subsequent additional one-time initial term funding commitment for up to one million dollars (\$1,000,000) as described herein.

BE IT FURTHER RESOLVED by the Spokane City Council that any contract with the Salvation Army will include the execution of a Good Neighbor Agreement with the Emerson-Garfield Neighborhood Council and/or the City of Spokane.

BE IT ALSO FURTHER RESOLVED by the Spokane City Council that funding will be contingent on finalization and acceptance of a Good Neighbor Agreement by City Council, City Administration, and the provider (The Salvation Army).

NOW, THEREFORE – BE IT RESOLVED that the appropriate officials of the City are authorized to implement the provisions of this Resolution.

ADOPTED by the City Council this _____ day of October 2021.

City Clerk

Approved as to Form:

Assistant City Attorney

Regional Project Charter



20 - 0 4 4 0

Project Title: Regional Bridge Housing Center: “The Way Out Center”

Revised 06/11/20

Business Case Justification:

Homelessness in the Spokane Region is bigger than any one entity is able to address alone. The shelter system consists community-provided assistance to vulnerable individuals spanning from drop-in emergency overnight placement and warming centers, to life readiness locations, also called “bridge services”, to supportive housing vouchers. The desire is for those, once homeless, to experience a life-long change to live independently within a community. This type of large scale impact may only be realized through a collection of closely aligned efforts, versus standalone initiatives, within a portfolio of projects aligned with regional strategic goals.

Additionally, with the COVID-19 pandemic, new elements have been introduced to this project to ensure long-term provisioning and capacity for healthy sheltering, physical distancing and isolation capacity.

At present, a gap exists in our shelter system for continuous stay options among homeless adults without children. The Bridge Housing model has been used for other population groups with verified, metric-based outcome successes¹. This effort is the beginning of a larger initiative to construct effective, efficient, sustainable and accountable enhancements to our regional system intended to specially address:

- Coordinated and consolidated fiscal resources aligned at the regional-level solutions (versus municipal bed count)
- Establish public-private partnerships for funding
- Alignment with the Regional 5 Year Strategic Plan for Homelessness submitted to the WA State Department of Commerce²
- Regional oversight with decision making and funding authority

Shelter System Focus	Warming Center	Overnight	Day Center	Conitinous Stay	Supportive Housing	Healthy Sheltering Index
Youth (up to 24 yrs)	[Shaded bar]					High
Families	[Shaded bar]					Low
Women Only	[Shaded bar]	[Shaded bar]	[Shaded bar]	[Shaded bar]	[Shaded bar]	Medium
Adult (24 yrs and older)	[Shaded bar]	[Shaded bar]	[Shaded bar]	[Shaded bar]	[Shaded bar]	Medium

Project Manager:

Ariane Schmidt, Regional Project Manager

Project Team:

Tim Sigler*, City of Spokane Community, Housing & Human Services (CHHS)

Director

Tija Danzig*, City of Spokane CHHS Senior Manager

Scott Rasmussen*, City of Spokane CHHS Housing Program Manager

Tim Crowley*, Spokane County Housing and Community Development (CHSCD) Program Manager

Morgan Koudelka*, City of Spokane Valley Senior Administrative The

Kenneth Perine*, The Salvation Army of Spokane

Gary Redden*, The Salvation Army of Spokane

Kristine Ruggles*, The Salvation Army of Spokane

Aerial Anderson



1- <https://my.spokanecity.org/endinghomelessness/about/coc/>

2- Spokane City/County Continuum of Care 5-Year Strategic Plan to Prevent and End Homelessness (adopted December 2019)

Regional Project Charter



Subject Matter Experts (SMEs):

Kathleen Torella, CHSCD and BH-ASO Director
David Lewis, City of Spokane HMIS Manager
Megan Phillips*, Spokane Fire Marshall
David Singley*, Captain Spokane Police Department Downtown Precinct
Spokane Valley Fire Department (TBD)
Dave Ellis*, Spokane Sheriff's Office/Spokane Valley Police Department
Garcia, Luis*, City of Spokane Code Enforcement
Alison Poulsen, Better Health Together
Pam Tietz, Spokane Housing Authority and Spokane Continuum of Care Board Chair
Mark Richards, Downtown Business Partnership (DSP)
Tom Hormel, Spokane County HCDAC Advisory Board Member
Rusty Barnett*, Community Member
Consideration for additional lived experience representative(s)

*Also on site selection recommendation committee.

Project Objectives and Deliverables:

Objectives:

1. Assess and recommend a Bridge Housing location options that meet the needs of the partner entities
2. Assess and recommend service options within the Bridge Housing Center
3. Assess estimated new (or shifted) capacity at drop-in emergency shelters
4. Document the needs of the partner entities in a regional system

Deliverables include:

1. Purchase and site readiness
2. Construct of an Operating Proforma including Memorandums of Understanding (MOU) between partner entities for capital and operating contributions
3. Documentation and visual for the system continuum, including local, WA State and Federal touchpoints
4. Contract with Provider(s)
5. Center operational before the cold weather season of 2020

Project Scope (Boundaries):

The center will operate for approximately sixty (60) individuals. The individuals will come to the center based on a referral basis. Ongoing case managed care, life readiness skill as well as living space will be included in the operational model. Individuals will stay at the center for approximately 30-90 days prior to moving on to supportive or independent housing.

Project Assumptions and Risks:

Assumptions:

- A location will be selected.
- Additional capacity at drop-in emergency shelters will be available to individuals throughout Spokane County.
- A sustainable funding model will rely on public, private partnerships

Regional Project Charter



- Funding will be tied to defines, outcome based metrics for accountability for contracted providers and local government entities
- The strategies of this project will align with the five (5) years strategic plan for homelessness adopted by Spokane County, City of Spokane and Spokane Valley

Risks:

- An agreed upon location cannot be determined by stakeholders
- Local Government partnerships do not materialize
- Private partnerships do not materialize
- Insufficient capital funding is allocated
- Capacity allocation continues to be municipality "bed county" divine

Project Budget:

Capital

1. City of Spokane: \$1.9M of City Community Development Block Grant (CDBG) funds under consideration by City Administration for this purpose.
2. Spokane County/Valley: \$1.5M of Homeless Housing Assistance Act (HHAA) funds. HHAA funds were enacted in Washington State by Engrossed Second Substitute House Bill (ESSHB) 2163 on August 1, 2005. The law created a document recording fee on certain documents to be utilized by local jurisdictions to reduce homelessness. Grant funds are administrated by the state and local governments. Current Spokane County methodology for consideration for HHAA funding is that after a Spokane County CSHCD RFP is released, applications are submitted to CSHCD for consideration by the HCDAC (represented by represent twelve (12) cities and towns within the Spokane Urban County Consortium) who will review all applications and recommend the selected application(s) to the Board of County Commissioners for their final decision making. For Spokane County Community Services

Operating

1. City of Spokane \$1.9M over five (5) years (Source: CDBG)
2. Spokane County (includes Spokane Valley) \$1.9M over (5) years (Source: HHAA)
3. Avista Foundation partnerships \$1.9M over five (5) years (Source: Private Funding)

Project Timeline:



Additional Key Stakeholders:

Regional Project Charter



City of Spokane Council
City of Spokane Valley City Council
Avista Utilities
Downtown Business Partnership
Veterans Administration
HUD

Project Sponsor Approval:

June 23, 2020 **20 - 0 4 4 0**

Josh Kerns, Spokane County Commissioner District 1

Mary Kunev, Spokane County Commissioner District 2

ABSENT

Al French, Spokane County Commissioner District 3

Nadine Woodward, City of Spokane Mayor

Ben Wick, City of Spokane Valley Mayor

Breean Beggs, City of Spokane Council President

Latisha Hill, Avista Foundation

Attest:

Spokane City Clerk

Approved as to form:

Assistant City Attorney



RESOLUTION NO. 2021-0069

A Resolution of the City Council of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services (CHHS) Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center for the period of July 1, 2021 through June 30, 2026 and other matters relating thereto.

WHEREAS, the City of Spokane ("City"), Spokane County ("County") and the City of Spokane Valley ("Valley") adopted the Continuum of Care Strategic Plan in 2019, after which the County adopted Resolution No. 12019-1599 on December 17, 2019 committing to a "Targeted Capacity" Project;

WHEREAS, representatives of the City, County and the Valley executed a joint Regional Project Charter ("Charter") on June 23, 2020 for the Regional Bridge Housing Center: "The Way Out Center", (the "Targeted Capacity Project"), which is attached hereto as Exhibit "A" and incorporated herein by this reference;

WHEREAS, the budgets for the City for 2020 and 2021 included \$500,000 each year for the "Targeted Capacity" Project; and

WHEREAS, due to The Salvation Army becoming the owner and operator of the regional targeted-capacity shelter, also called The Way Out Center, the five (5) year commitment to support funding the regional shelter's operations and maintenance costs by Resolution No. 21-0397, adopted by the Board of County Commissioners on June 8, 2021, the County transferred its commitment to pay up to \$500,000 a year to support this shelter to The Salvation Army; and

WHEREAS, in order to support a regional effort to end homelessness, the City of Spokane desires to appropriate funds to, and contract with, The Salvation Army, for a Regional Targeted Capacity Emergency Shelter's operations and maintenance for a five (5) year period from July 1, 2021 through June 30, 2026, and

WHEREAS, the recommendation is for a five (5) year commitment to help support funding the regional shelter's operations and maintenance costs in the amount of Five Hundred Thousand Dollars (\$500,000.00) annually, not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for the five (5) year period; and

WHEREAS, the five (5) year commitment is contingent based on the ongoing availability of the ongoing availability of homeless funding from the City of Spokane, City of Spokane Valley, Spokane County and private resources, ensuring the regional service assurances are met in that the shelter is accessible and available to all Spokane County residents, including the provisions of transportation needs, adequate bed space and reasonable/secure storage of personal property for individuals served, necessary Interlocal Operating Agreements are in place, and the facility is ready and operational prior to the release of the funding.

WHEREAS, the CHHS Department will work with the Spokane County CHSCD Department to ensure reporting consistency, where possible, with their respective Operations and Maintenance Contracts with The Salvation Army for the regional targeted-capacity shelter; and

WHEREAS, the Parties are still working on the long-term funding framework as a region to achieve the above, the City of Spokane will commit up to an additional \$1,000,000 to apply to the budgeted operating gap for the startup period of the Way Out Shelter estimated to commence on or about October 1, 2021 through the end of 2022. The City of Spokane requests quarterly reviews and subsequent yearly budgets with The Salvation Army with financial commitment from regional public entities and an effort to establish new partnership from private sector investors for the first five year term and beyond.

NOW, THEREFORE, BE IT RESOLVED by the Spokane City Council that the revised five (5) year commitment to support funding the regional targeted-capacity shelter's operations and maintenance costs shift from the City of Spokane to The Salvation Army be approved, as described above, and to initiate a corresponding agreement; and subsequent additional one time initial term funding commitment for up to one million dollars (\$1,000,000) as described herein.

NOW, THEREFORE – BE IT RESOLVED that the appropriate officials of the City are authorized to implement the provisions of this Resolution.

ADOPTED by the City Council this _____ day of August 2021.

City Clerk

Approved as to Form:

Assistant City Attorney



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	RES 2021-0085
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	VB
Agenda Item Name	5100-SOLE SOURCE RESOLUTION FOR PURCHASE OF VACUUM ASSEMBLY

Submitting Dept	FLEET SERVICES
Contact Name/Phone	ADAM RUSSELL 440-2092
Contact E-Mail	ATRUSSELL@SPOKANECITY.ORG
Agenda Item Type	Resolutions

Agenda Wording

This resolution will allow us to purchase the assemblies from the manufacturer through a Value Blanket. Value Blanket would be for \$100,000 yearly for 5 years.

Summary (Background)

The Vac-Con trucks have needed replacement of the vacuum assemblies, due to malfunction. The assemblies are about \$31,000 and can only be purchased through Vac-Con. We recommend approval of this resolution which will allow Fleet to purchase the vacuum assemblies so that the units can be repaired and placed back into service. Funding for this purchase is included in the Fleet Operational Budget.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Expense	\$ 500,000
Select	\$
Select	\$
Select	\$

Budget Account

5100-71700-48348-53211-55660
#
#
#

Approvals

Dept Head	GIDDINGS, RICHARD
Division Director	WALLACE, TONYA
Finance	ORLOB, KIMBERLY
Legal	ODLE, MARI
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	10/4 Public Safety
Council Sponsor	Lori Kinnear
Distribution List	mmartinez

Additional Approvals

Purchasing	

Briefing Paper

Public Safety and Community Health Committee

Division & Department:	Finance, Fleet Services
Subject:	Sole Source Resolution for Purchase of Vacuum Assembly
Date:	October 4, 2021
Author (email & phone):	Micaela Martinez mmartinez@spokanecity.org 625-7823
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	Tonya Wallace
Committee(s) Impacted:	Public Safety and Community Health Committee
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Innovative Infrastructure: Maintaining our fleet of support equipment
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
<u>Background/History:</u>	
<p>The Vac-Con trucks have needed replacement of the vacuum assemblies, which have malfunctioned. These assemblies are about \$31,000 and can only be purchased through Vac-Con. This resolution will allow us to purchase the assemblies from the manufacturer so the units can be repaired and placed back in service.</p>	
<u>Executive Summary:</u>	
<p>We recommend approval of this resolution which will allow Fleet to purchase the vacuum assemblies so that the units can be repaired and placed back into service.</p> <p>Funding for this renewal is included in the Fleet Operational Budget.</p>	
<u>Budget Impact:</u>	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
<u>Operations Impact:</u>	
Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: Known challenges/barriers:	

SOLE SOURCE RESOLUTION 2021-0085

A RESOLUTION declaring ENVIRO-CLEAN EQUIPMENT INC. a sole source provider and authorizing the purchase of replacement vacuum assemblies for the Vac-Con X-Cavator Cleaner Trucks for the Fleet Services Department for a period of five (5) years for up to \$150,000.00 without public bidding.

WHEREAS, this vacuum assembly is proprietary to the manufacture, Vac-Con; and

WHEREAS, Enviro-Clean is the authorized Vac-Con distributor in our area; and

WHEREAS, other vacuum assemblies will not work with the basin cleaner body, and

WHEREAS, The City of Spokane Fleet Services Department owns three (3) of these Vac-Con X-Cavator Cleaner Trucks; and

WHEREAS, Two (2) of the three (3) have had failed vacuum assemblies in the last three (3) months and the third will probably be two – three years behind; and

WHEREAS, The equipment cannot perform its primary function without the vacuum assembly and a replacement cleaner truck would cost \$300,000.00 or more; Now, Therefore

BE IT RESOLVED that the Spokane City Council hereby authorizes the purchase of replacement vacuum assemblies for the Vac-Con X-Cavator Cleaner Trucks for the Fleet Services Department without further City Council action from Enviro-Clean Equipment for a five (5) year period for up to \$150,000.00 without public bidding.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council Meeting of:
10/11/2021

Date Rec'd	10/1/2021
Clerk's File #	ORD C36114
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	TREASURY SERVICES
Contact Name/Phone	TONYA WALLACE X6845
Contact E-Mail	TWALLACE@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0410 - BUSINESS REGISTRATION ANNUAL FEE ADJUSTMENT

Agenda Wording

Annual review of Business Registration Fee amount prior to October 1st, per SMC 08.02.0206.

Summary (Background)

The regular registration fee is currently \$120. Businesses qualifying for a reduced fee license currently pay \$60.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Neutral	\$ 0
Select	\$
Select	\$
Select	\$

Budget Account

99999
#
#
#

Approvals

Dept Head	MURRAY, MICHELLE
Division Director	
Finance	MURRAY, MICHELLE
Legal	PICCOLO, MIKE
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	F&A 9-16-2021
Council Sponsor	CM Wilkerson
Distribution List	
	bwilkerson@spokanecity.org; mcarlos@spokanecity.org
	twallace@spokanecity.org; jahensley@spokanecity.org
	ddaniels@spokanecity.org; ablain@spokanecity.org

Additional Approvals

Purchasing	

Briefing Paper

SUSTAINABLE RESOURCES COMMITTEE

Division & Department:	Finance
Subject:	Business Registration Annual Fee Adjustment
Date:	09/20/2021
Contact (email & phone):	twallace@spokanecity.org; 625-6845 Tonya Wallace, CFO
City Council Sponsor:	CM Wilkerson
Executive Sponsor:	Tonya Wallace
Committee(s) Impacted:	Finance and Administration Committee
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Budget
Strategic Initiative:	N/A
Deadline:	Review annually prior to October 1 st , per SMC 08.02.0206
Outcome: (deliverables, delivery duties, milestones to meet)	Determination of 2022 Business Registration Fee Amount
<p>Background/History: SMC 08.02.0206 states: “Effective January 1, 2011, and the first of January of each year thereafter, the various business registration fees set forth above shall be adjusted by the City of Spokane Treasurer’s Office for an amount equal to the consumer price index adjustment of the previous July – July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded up to the nearest dollar. In addition, the adjusted fees shall be presented to the City Council for approval and a copy of the approved fees filed with the City Treasurer before becoming effective. The annual fee adjustment shall not apply to the additional fee per personnel set forth in subsection (C) of this section.”</p> <p>As noted in the above SMC, the CPI increase only applies to the basic registration fee and not to the personnel fees. The regular registration fee is currently \$120. Businesses qualifying for a reduced fee license currently pay \$60.</p>	
<p>Executive Summary:</p> <ul style="list-style-type: none"> The CPI figures for July – July (CPI-U = 5.4%; CPI-W = 6.0%) would result in a 5.7% increase in the basic registration fee. If adjusted, the new registration fees would be: Regular business registration fee – from \$120 to \$127 (rounded up from \$126.84) Reduced registration fee – from \$60.00 to \$63.50 (50% of Regular fee) Business registration fees were last adjusted in 2019, effective 1/1/20. This change would generate approximately \$144k in new revenue for 2022. 	
<p>Budget Impact:</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>If new, specify funding source:</p> <p>Other budget impacts: revenue generating</p>	
<p>Operations Impact:</p> <p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Specify changes required: n/a</p> <p>Known challenges/barriers: n/a</p>	

ORDINANCE NO. C36114

An ordinance relating to the adjustment of the City of Spokane's Business Registration Fee; amending SMC 08.02.0206; and

WHEREAS, SMC 08.02.0206 provides for an annual adjustment for Business Registration fees, and

WHEREAS, this Annual Fee adjustment is based on the previous years' increase in the Consumer Price Index (CPI); and

WHEREAS, The CPI figures for July – July (CPI-U = 5.4%; CPI-W = 6.0%) would result in a 1.75% increase in the basic registration fee; and

WHEREAS, if approved, the new Business Registration fees would be:

Regular business registration fee = \$127.00

Reduced registration fee and Temporary registration = \$63.50

-- Now, therefore:

The City of Spokane does ordain:

That SMC 08.02.0206 Business Registration is amended to read as follows:

- A. A regular business registration basic fee is one hundred (~~twenty~~) twenty-seven dollars (~~(\$120)~~) (\$127) per twelve-month period.
- B. The basic fee for a nonresident business registration is one hundred (~~twenty~~) twenty-seven dollars (~~(\$120)~~) (\$127) per twelve-month period.
- C. In addition to the basic registration fee, each business must pay an additional fee for each personnel, per license year, as follows (all personnel of a business are charged the same amount corresponding to the respective category of the total number of personnel defined below):
 - 1. Businesses with fewer than six personnel in total: Ten dollars per person.
 - 2. Businesses with six to ten personnel in total: Fifteen dollars per person.
 - 3. Businesses with more than ten personnel in total: Twenty dollars per person.
- D. Whenever there is a change of ownership, the holder of the registration must notify the Washington State business licensing service within thirty days of such event. The new owner must file an application with the Washington State business licensing service to acquire a new registration, as provided in chapter 08.01 SMC.

- E. For businesses qualifying under SMC 08.01.190(A) (low gross income businesses) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee, but all applicable personnel, inspection, or other applicable fees or charges apply in full.
- F. For businesses qualifying under SMC 08.01.190(B) (nonprofit organizations) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee. Nonprofit businesses are exempt from personnel fees.
- G. For businesses qualifying under SMC 08.01.190(C) (social purpose corporations) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee.
- H. For businesses qualifying under SMC 08.01.190(D) (Certified B Corporations) for a reduced registration fee, the reduced business registration fee is one-half the basic registration fee.
- I. Any Certified B Corporation certified by B Lab is exempt from personnel fees.
- J. Annual Fee Adjustment.
Effective January 1, 2011, and the first of January of each year thereafter, the business registration fees set forth in this section shall be adjusted by the Chief Financial Officer by an amount equal to the consumer price index adjustment of the previous July – July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded up to the nearest dollar. In addition, the adjusted fees shall be presented to the City Council for approval and a copy of the approved fees filed with the Chief Financial Officer before becoming effective. The annual fee adjustment provided for in this section shall not apply to the personnel fee stated in SMC 08.02.0206(C).
- K. For businesses qualifying under SMC 08.01.190 E, there shall be no business registration fee.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	ORD C36116
Renews #	

Submitting Dept	WASTEWATER MANAGEMENT	Cross Ref #	
Contact Name/Phone	TREY GEORGE 625-7908	Project #	
Contact E-Mail	JGEORGE@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	2021 STORMWATER ORDINANCE UPDATE		

Agenda Wording

An Ordinance to amend various sections of Chapter 17D.060 and 17D.090, Stormwater Facilities and Erosion and Sediment Control, respectively, as part of work to complete a permit required, state mandated update of stormwater ordinances.

Summary (Background)

To ensure the City's code meets the requirements for the Eastern Washington Phase II Stormwater permit issued to the City by Ecology, City regulations must be updated to require new and redevelopment projects to adhere to minimum technical stormwater requirements and Best Management Practices, include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading, and incorporate mandated inspection requirements of private stormwater ..

Lease? NO	Grant related? NO	Public Works? YES
<u>Fiscal Impact</u>		<u>Budget Account</u>
Neutral \$		#
Select \$		#
Select \$		#
Select \$		#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	GENNETT, RAYLENE	<u>Study Session\Other</u>	PIES Committee
<u>Division Director</u>	FEIST, MARLENE	<u>Council Sponsor</u>	Council President Breean
<u>Finance</u>	ALBIN-MOORE, ANGELA	<u>Distribution List</u>	
<u>Legal</u>	SCHOEDEL, ELIZABETH	hbarnhart@spokanecity.org	
<u>For the Mayor</u>	ORMSBY, MICHAEL	kkeck@spokanecity.org	
<u>Additional Approvals</u>		mhughes@spokanecity.org	
<u>Purchasing</u>		Tax & Licenses	
		rgennett@spokanecity.org	
		eschoedel@spokanecity.org	
		jgeorge@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

facilities. The proposed changes are needed to meet the requirements of the permit.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Stormwater Ordinance Revisions Briefing Paper [PIES Committee]

Division & Department:	City Council
Subject:	Stormwater Ordinances
Date:	9/27/2021
Contact (email & phone):	Trey George Jgeorge@spokanecity.org 625-7908
City Council Sponsor:	Breann Beggs
Executive Sponsor:	Marlene Feist
Committee(s) Impacted:	PIES
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	
Strategic Initiative:	
Deadline:	4 th qtr 2021
Outcome: (deliverables, delivery duties, milestones to meet)	Update Sections 17D.060.030, 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070, 17D.090.110, and 17D.090.210 of the Spokane Municipal Code
Background/History:	
<p>The Eastern Washington Phase II Stormwater Permit requires the City of Spokane to update its municipal code to require projects to adhere to minimum technical requirements and Best Management Practices, reflect and include inspection requirements of private stormwater facilities, and include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading. The proposed changes to the Spokane Municipal Code are added language to meet the intent of the permit.</p>	
Executive Summary:	
<ul style="list-style-type: none"> • Update Section 17D.060.030.B Standard References to add the Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology as a standard reference. • Amend Section 17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved to add a statement to identify that stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSM) and the Stormwater Management Manual for Eastern Washington (SWMMEW). • Revise Section 17D.060.140.E Runoff and Infiltration Controls to include an annual post-construction requirement for new and re-development project properties that disturb an acre or more, or are part of a larger development plan to provide to the City an annual 3rd party certification of onsite stormwater facilities indicating that adequate maintenance has been performed and that the facilities are operating as designed to protect water quality. • Amend Section 17D.060.190 Illicit Discharge(s) to include a sub-section that clearly identifies the responsibility of commercial/industrial facilities and private properties to utilize and maintain structural Best Management Practices (BMPs) as necessary to prevent illicit discharges. • Amend Section 17D.090.070.A Plan Required to include the requirement to provide to the City a Stormwater Pollution Prevention Plan for projects that disturb one acre or more. 	

- Revise Section [17D.090.110 Minimum Plan Requirements](#) to include the requirement for plans to be consistent with the Stormwater Management Manual for Eastern Washington in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements.
- Revise Section [17D.090.210.A.1 City Inspections – Permitted Activities](#) to include the requirement that project sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

Budget Impact:

TOTAL COST:

Approved in current year budget? Yes No N/A

Annual/Reoccurring expenditure? Yes No N/A

If new, specify funding source:

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

Operations Impact:

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

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

Specify changes required: Develop a program in wastewater department to manage private inspection certifications and follow ups.

Known challenges/barriers: Private stormwater facility owners must be made aware of ordinance and inspection requirements.

ORDINANCE NO. C36116

AN ORDINANCE relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date.

WHEREAS, The Eastern Washington Phase II Stormwater Permit contains new requirements for the City with regard to updates to its municipal code.

WHEREAS, the Permit requires the City of Spokane to update its municipal code to require projects to adhere to minimum technical requirements and Best Management Practices necessary to protect water quality by applying the definitions, requirements, and methods in the Stormwater Management Manual for Eastern Washington, or another technical stormwater manual approved by Ecology; and

WHEREAS, the Permit requires the City of Spokane to update its municipal code to reflect and include inspection requirements of private stormwater facilities; and

WHEREAS, the Permit also requires the City of Spokane to update its municipal code to include the application of source control Best Management Practices referenced in the Stormwater Management Manual for Eastern Washington where necessary to prevent illicit discharges; and

WHEREAS, furthermore, the Permit requires the City of Spokane to update its municipal code to require construction phase erosion and sediment controls for new development and redevelopment projects, and include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading;

-- Now, Therefore,

The City of Spokane does ordain:

Section 1: That SMC section 17D.060.030 is amended to read as follows:

17D.060.030 Standards

- A. The ~~((d))~~ Director of Wastewater Management determines stormwater control design standards and regulations (also referenced as "standards"), including those for onsite stormwater facilities, and determines their applicability to particular areas of the City of Spokane, plats and premises, consistent with the legislative findings of this chapter.
- B. Standards References.

The following documents are hereby adopted by reference. They address general requirements and may be modified or supplemented in other specific sections.

1. Standard Specifications of the Washington State ((d))Department of ((t))Transportation, latest edition.
2. General Special Provisions of the City of Spokane, latest edition.
3. City of Spokane Design Standards and Standard Plans, latest edition.
4. The Spokane Regional Stormwater Manual (SRSM), latest edition.
5. Guidance for UIC Wells that Manage Stormwater by Washington State ((d))Department of ((e))Ecology dated December 2006 (Publication Number 05-10-067).
6. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington "208" Program. County engineers office.
7. Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology, latest edition.

The above standard references are on file with the ((d))Director of Wastewater Management

- C. Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.
- D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the *Official Gazette*. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the *Official Gazette* issue in which they are published.

Section 2: That SMC section 17D.060.050 is amended to read as follows:

17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved

- A. Every owner and occupant of premises must install, maintain and keep in good function and order any onsite stormwater facility in accord with applicable requirements. Such requirements may be reflected as conditions of land use or property development in plats, building or special use permits, or other permits, or may be imposed as a consequence of other regulatory action, including code enforcement or nuisance abatement.

B. Stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSM) and the Stormwater Management Manual for Eastern Washington (SWMMEW).

~~((B))~~ C. No party shall obstruct or interfere with the full and efficient function of any onsite stormwater facility.

~~((C))~~ D. Enforcement action taken under this chapter does not affect a right of a party to seek subrogation or further recovery against any other parties determined to be responsible.

Section 3: That SMC section 17D.060.140 is amended to read as follows:

17D.060.140 Runoff and Infiltration Controls

A. Runoff and infiltration controls apply in all areas of the City except where exempt or modified.

B. Unless otherwise specified, street and alley paving projects funded by local improvement districts are exempt from the provisions of SMC 17D.060.130 and SMC 17D.060.140.

C. Drainage plans shall be prepared and submitted for review and acceptance for all proposed plats and land disturbing activities prior to issuance of any permits for site disturbance, including but not limited to grading permits and building permits. The ~~((d))~~ Director of Wastewater Management has authority to waive requirements to the necessity for a drainage plan, but must do so in writing. Factors considered in the evaluation of a waiver request include, but are not limited to:

1. soil characteristics and depth,
2. number of lots,
3. infill development,
4. percent impervious area,
5. pass-through drainage,
6. history and trends of runoff-related problems,
7. depth to ground water.

D. With respect to drainage plans required under subsection (C) of this section:

1. the volume and rate of surface water runoff after new development shall be no greater than the runoff volume and rate leaving the site prior to development, unless the ((d))Director of ((e))Engineering ((s))Services approves the discharge of additional runoff based on a comprehensive drainage plan and down gradient impact study;
 2. drainage plans for development proposals in SDDs shall not rely upon infiltration to accommodate the additional runoff resulting from the proposed development. However, approval to use infiltration in part or in whole may be granted by the ((d))Director of ((e))Engineering ((s))Services upon a showing, after assessing new, existing, and cumulative impacts from prior developments, that no adverse impact to the side, adjacent, or down gradient properties would occur;
 3. drainage plans submitted for development proposals shall comply with the Spokane Regional Stormwater Manual and the City of Spokane Design Standards, as approved by and on file with the ((d))Director of ((e))Engineering ((s))Services, for the design of onsite stormwater facilities, including any limitations applicable to any specific SDD;
 4. drainage plans shall include identification of all properties to be reserved for onsite stormwater facilities and the location of all natural drainage systems.
- E. The developer, property owner, or other responsible, authorized and designated entity acceptable to the ((d))Director of Wastewater Management (e.g., a homeowners association) shall be responsible for accepting and maintaining onsite stormwater facilities. The developer shall provide a perpetual maintenance plan, including funding mechanisms and appropriate financial security for such onsite stormwater facilities acceptable to the ((d))Director of Wastewater Management.
1. Any private stormwater facilities that receive post-construction stormwater runoff from new development or redevelopment projects which (a) were approved in 2011 or later, and (b) whose disturbance was one acre or more, or projects that were less than one acre and are part of a larger common plan of development or sale, shall be inspected annually by a qualified stormwater professional. Private property owners, or other responsible person, authorized and designated entity shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.
- F. New plats shall expressly identify tracts of land devoted to the conveyance and/or disposal of stormwater flows. The location of all on-site stormwater facilities shall meet the requirements of the Spokane Regional Stormwater Manual.

Section 4: That SMC section 17D.060.190 is amended to read as follows:

17D.060.190 Illicit Discharge(s)

A. General Intent and Prohibition.

This section is enacted in compliance with state and federal regulatory requirements in the exercise of local police power. The introduction or discharge of anything into the municipal separate storm sewer system, an MS4 system, in violation of the National Pollutant Discharge Elimination System (NPDES) permit requirements, Eastern Washington Phase II Municipal Stormwater Permit (WAR04-6505) as now or hereafter amended is expressly prohibited.

B. Objectives.

The objectives of this section are:

1. To prevent pollutants as defined in subsection ((E)) (F) of this section and as provided in applicable federal and state regulatory requirements from entering the MS4.
2. To locate, eliminate, and prohibit illicit connections and discharges to the MS4.
3. To improve the quality of the City's stormwater discharges to water bodies.
4. To promote the health, safety, and welfare for workers and the general public, provided, notwithstanding any other provision, no special duty to any special person or class of people shall ever be created. Any duty nonetheless deemed created shall be solely and exclusively a duty to the general public; and
5. To ensure that all dischargers to the City's MS4 as well as all other public drainage systems that convey, manage or dispose of stormwater flows into the City's MS4 comply with the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended and local, state and federal laws and regulations and that sanctions for failure to comply are imposed.

C. Applicability.

This section shall apply to all activities, on public or private property, which may potentially influence the MS4 drainage system in accord with the requirements of the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended. Additionally, permanent and temporary storm water management controls and facilities that flow into the MS4, constructed as part of any activities listed in this section, which are located within the City of Spokane limits, are also subject to this section.

D. Requirement to Implement Best Management Practices.

Owners or operators of commercial/industrial facilities and private property, shall utilize and maintain operational and/or structural Best Management Practices (BMPs) associated with existing land uses and activities, as necessary to prevent illicit discharges, in accordance with the standards referenced in 17D.060.030. The Director of the Wastewater Management Department may require any person responsible for a facility or property which is or may be the source of an illicit discharge to implement additional structural and non-structural BMPs to prevent the discharge of pollutants to the stormwater drainage system.

~~((D))~~ E. Allowable Discharges.

The following types of discharges into the MS4 may be allowed unless the ~~((d))~~ Director of Wastewater Management determines that the discharge causes significant contamination of surface water, stormwater, or ground water.

They are allowed only when the stated conditions are met:

1. Treated storm water from the public right-of-way.
2. Other discharges approved by the ~~((d))~~ Director of Wastewater Management which are in compliance with permit WAR04-6505 or subsequent permits, and determined by the ~~((d))~~ Director of Wastewater Management to not be a significant source of pollution.
3. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4.
4. Unintentional discharges from lawn watering and other irrigation runoff. A discharge is not unintentional if a previous warning has been given or the party to be held responsible knew or should have known of the warning or discharge event.
5. Swimming pool discharges are allowed if dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4; and do not surcharge the City's system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
6. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through public education activities and/or water

conservation efforts. To avoid washing pollutants into the MS4, the City shall minimize the amount of street wash and dust control water uses. At active construction sites, street sweeping shall be performed prior to washing the street.

7. Other non-stormwater discharges. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan approved by the City of Spokane which addresses control of such discharges.
8. discharges resulting from emergency fire fighting activities.

~~(E)~~E. Unlawful Discharges.

It is unlawful for any person to discharge, or cause to be discharged, directly or indirectly any pollutants into surface water, stormwater, ground water or within a stream channel or directly or indirectly into the MS4. Illicit connections to storm drainage systems and surface water bodies include sanitary sewers, process waste water discharge, process water sump pumps, and internal building drains. Pollutants include, but are not limited to, the following:

1. Chemicals, petroleum products, paint, solvents, detergents and degreasers, or other toxic or deleterious materials in concentrations or amounts in violation of federal, state, or local standards or limits.
2. Trash, debris, food waste, human wastes, animal wastes, or refuse.
3. Loose or unstabilized soil, sand, gravel, or other construction materials that erode in an uncontrolled manner (freely or significantly, as distinguished from ordinary bank or soil erosion associated with storm events) into a drainage facility or stream channel.
4. Lawn clippings, fertilizers, leaves, branches, or other landscaping and yard debris deposited in a stream channel or drainage facility; and
5. Turbid water from construction site runoff, concrete or concrete wash out, dewatering, soil boring or other excavation activities.

~~(F)~~G. Enforcement.

Violations of this section shall be enforced as any other violation of this chapter.

Section 5: That SMC section 17D.090.030 is amended to read as follows:

17D.090.030

Referenced

Regulations

- A. Spokane Regional Stormwater Manual (SRSM or Stormwater Manual), as adopted by the City of Spokane and published and maintained by the ((d))Director of ((e))Engineering ((s))Services
- B. Stormwater Management Manual for Eastern Washington (SWMMEW). The SWMMEW is published and maintained by the Washington State department of ecology and supplements the SRSM.
- C. Washington State Standard Specifications for Road and Bridge Construction. The State Supplemental Specifications are published and maintained by the Washington State ((d))Department of ((t))Transportation (WSDOT).
- D. City of Spokane General Special Provisions, as adopted by the City of Spokane and published and maintained by the ((d))Director of ((e))Engineering ((s))Services. These materials supplement and are complimentary to the WSDOT materials.
- E. City of Spokane Design Standards. The City of Spokane Design Standards are published and maintained by the ((d))Director of ((e))Engineering ((s))Services.
- F. Washington State Department of Ecology Construction General Stormwater Permit. Construction sites disturbing one acre or more, and construction projects of less than one acre that are part of a larger common plan of development or sale, must obtain a Construction General Stormwater Permit.

Section 6: That SMC section 17D.090.070 is amended to read as follows:

17D.090.070 Plan Required

- A. A responsible party must submit an erosion and sediment control (ESC) plan or a Stormwater Pollution Prevention Plan (SWPPP) for permitted development projects to the ((d))Director of Wastewater Management for review. ~~((if the disturbance area is:))~~
 - 1. An ESC is required if the disturbance area is:
 - ((4))A. five thousand square feet or greater in area;
 - ((2))B. in a special site per SMC 17D.090.080.
 - 2. A SWPPP is required and must be fully implemented in accordance with the Construction General Stormwater Permit if the disturbance area is:
 - A. one acre or more; or
 - B. is a construction project less than one acre that is part of a larger common plan of development or sale.

- B. An (~~erosion and sediment control~~) ESC plan or SWPPP is not required for work that does not require a City issued permit unless otherwise required by the terms of a compliance order or land use decision.
- C. Where a plan is required, the responsible party shall not commence any construction before the (~~d~~)Director of Wastewater Management has accepted the proposed plan.

Section 7: That SMC section 17D.090.110 is amended to read as follows:

Section 17D.090.110 Minimum Plan Requirements

The following items shall be addressed on erosion and sediment control plans. As site conditions dictate, additional measures relating to erosion and sediment control, as determined by the licensed professional engineer (PE) preparing the plan, shall be addressed in order to meet the intent and purpose of this chapter and to comply with the stated performance standards in SMC 17D.090.180. Furthermore, in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements, Best Management Practices (BMPs) shall be consistent with the Spokane Regional Stormwater Manual (SRSM) and Stormwater Management Manual for Eastern Washington (SWMMEW).

A. Construction Sequence.

Sequence the construction in order to best minimize the potential for erosion and sediment control problems.

B. Clearing Limits Delineation.

Identify and delineate on the plan and in the field all clearing limits, sensitive/critical areas, buffers, trees to be preserved, and drainage courses.

C. Construction Access Route.

Access for construction vehicles should be limited to one route whenever possible. The access route must be stabilized to minimize the tracking of sediment onto roads.

D. Sediment Tapping Measures.

Design and construct sediment ponds and traps, perimeter dikes, sediment barriers, and other on-site sediment trapping BMPs as necessary prior to the start of other ground disturbing activities.

E. Protection of Adjacent Properties/Water Bodies/Public and Private Streets.

Protect adjacent and/or downstream properties, water bodies, public and private streets from erosion and sediment deposition. The intent is to keep sediment on the project site and not allow it to reach adjacent and/or downstream properties, water bodies, and public and private streets. These measures shall be made functional prior to any uplope development taking place.

- F. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule. Permanent ground disturbing activities that do not require a permit may achieve compliance with this schedule by installing and maintaining approved permanent BMPs that meet the purpose of this chapter.
1. Between October 1 and April 30, all denuded sites shall be provided with either temporary or permanent soil stabilization as soon as practicable, but in no case more than five days after ground-disturbing activity occurs.
 2. Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than ten days after ground-disturbing activity occurs.
 3. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
 4. Temporary measures shall be maintained until permanent measures are established. As used herein, "temporary" means approved measures that are not intended to be a final or long-term resolution of compliance requirements.

G. Protection of Inlets.

Protect downstream inlets to drywells, catch basins, and other stormwater management facilities that are functioning during the course of the construction by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.

H. Increased Runoff from Construction Sites.

Consider and mitigate the effects and impacts of increased and concentrated runoff from ground disturbing activities on downstream properties, water bodies, and public and private streets.

I. Washout Site for Concrete Trucks and Equipment.

Designate an on-site location of a slurry pit where concrete trucks and equipment can be washed out. Slurry pits shall not be located in a swale, drainage area, stormwater facility, water body, or in an area where a stormwater facility is proposed.

J. Material Storage/Stockpile.

Identify the location within the proposed ESC plan boundaries for storage or stockpile areas for any soil, earthen, or landscape material which is used or will be used on-site.

K. Cut and Fill Slopes.

Design and construct cut and fill slopes in a manner that will minimize erosion.

L. Stabilization of Temporary Conveyance Channels and Outlets.

Design, construct, and stabilize all temporary on-site conveyance channels to prevent erosion from the velocity of runoff from storms under developed conditions. Design, construct, and stabilize all temporary conveyance system outlets to prevent erosion of stormwater facilities, adjacent stream banks, slopes, and downstream reaches.

M. Dewatering Construction Site.

Design dewatering devices to discharge appropriately to sediment traps or sediment ponds.

N. Control of Pollutants Other than Sediment on Construction Sites.

Control all on-site pollutants (including waste materials and demolition debris) other than sediment in a manner that does not cause contamination of stormwater, groundwater, or aquifer.

O. Removal of Temporary BMPs.

Remove all temporary sediment control BMPs within thirty days after final site stabilization or after the temporary BMPs are no longer needed. Trapped sediment shall be removed from the project site or stabilized on-site. Stabilize disturbed soil areas resulting from removal of the temporary BMPs.

P. Maintenance and Permanent BMPs.

Maintenance of all erosion and sediment control BMPs is required during the ground-disturbing activity. A maintenance schedule for each BMP shall be included in the plan. Regular inspection and maintenance of all erosion and sediment control BMPs is required to ensure successful performance of the BMPs. Permanent BMPs shall be included on the plan to ensure that successful transition from temporary BMPs to permanent BMPs occurs.

Section 8: That SMC section 17D.090.110 is amended to read as follows:

17D.090.210 City Inspections – Permitted Activities

A. The ((d))Director of Wastewater Management may conduct the following inspections on permitted development activities. It shall be the duty of the responsible party to notify the ((d))Director of Wastewater Management at the appropriate inspection phase as set forth below. Inspections of erosion and sediment control measures may occur with other inspections being conducted on the development or construction project.

1. Pre-construction Inspection.

The ((d))Director of Wastewater Management may conduct inspections after initial, temporary erosion and sediment control measures have been put in place and prior to any ground disturbance in addition to that necessary for the installation of the erosion, sediment, and pollutant control measures. When the development is being conducted in phases, this inspection shall occur at the beginning of each phase. Any sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

2. Permanent Measures Inspection.

The ((d))Director of Wastewater Management may conduct inspections after permanent measures are put in place. When the development is being conducted in phases, this inspection shall occur after permanent measures have been installed for each phase.

3. Interim Inspections.

The ((d))Director of Wastewater Management may conduct other inspections not specifically addressed above to determine compliance with this chapter.

4. Final Erosion Control Inspection.

For special sites as defined in SMC 17D.090.080, an inspection shall be conducted after construction completion to determine the effectiveness of permanent erosion and sediment control measures. This inspection shall be conducted six months after construction completion or at other times directed by the ((d))Director of Wastewater Management. This inspection may be conducted at sites other than special sites as determined by the ((d))Director of Wastewater Management.

B. Where the ((d))Director of Wastewater Management has determined that special site conditions exist, the ((d))Director of Wastewater Management may designate a special inspector to monitor erosion and sediment control at that site. The special inspector shall be qualified to perform such monitoring.

Section 9: Effective Date:

This ordinance shall take effect and be in force on _____, 2021.

Passed by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



City of Spokane Municipal Code Update: Stormwater Ordinances

Trey George, Environmental Analyst
Wastewater Management Dept.

Stormwater Happens

“Stormwater runoff is....Number 1 water pollution problem in the urban areas of our state, and it causes and contributes to flooding.”

[Ecology publication #07-10-058]



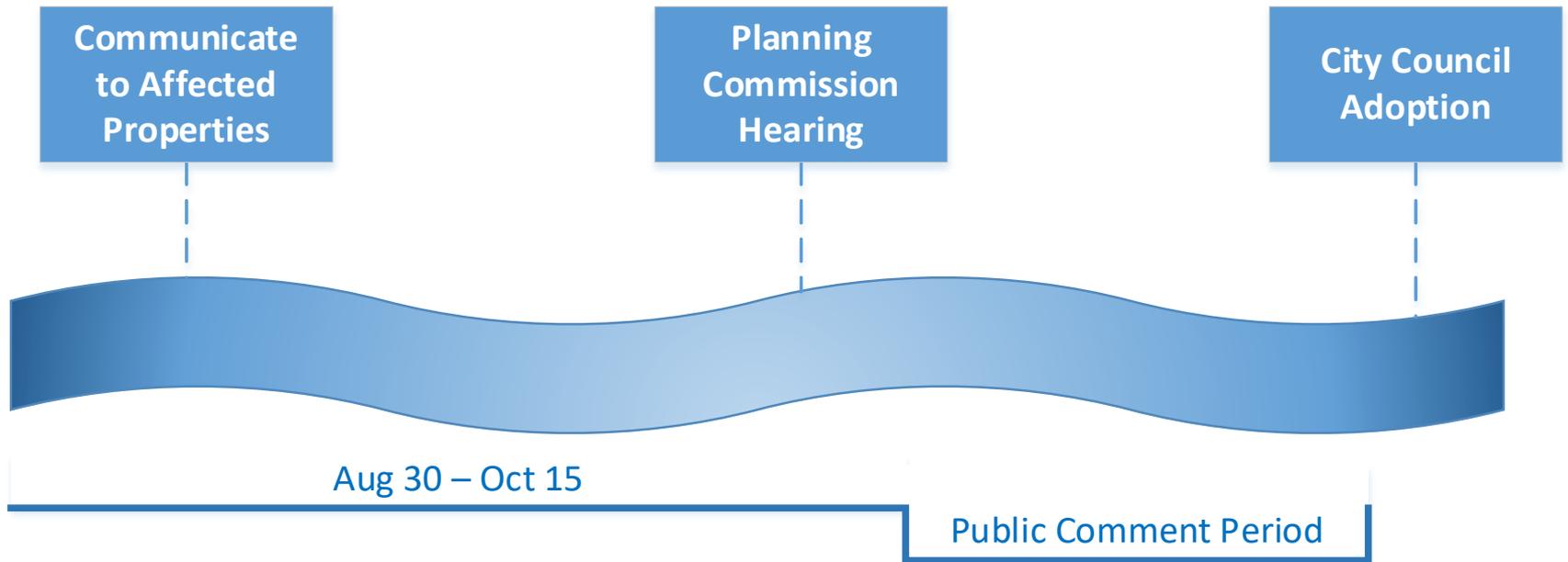
Eastern Washington Phase II Municipal Stormwater Permit

- **Issued by Washington Department of Ecology**
 - Permit #WAR046505
 - Authorizes the City of Spokane to discharge stormwater from the Municipal Separate Stormwater Sewer System (MS4) to surface waters and groundwaters of the State of Washington.
 - The geographic area of coverage is the entire incorporated area of the City
 - With exception of Combined Sewer Overflow Basins

Purpose of Update

- The City of Spokane's proposed amendments to the stormwater code will:
 - Comply with the Eastern Washington Phase II Municipal Stormwater Permit,
 - Provide clarity for projects and properties that must manage stormwater, and
 - Provide water quality protection to local waters of the State.

Timeline



Proposed Changes

- Updated Section [17D.060.030.B Standard References](#) to add the Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology as a standard reference.
- Amended Section [17D.060.050 Duties of Property Owners and Occupants – Others – Private Rights Reserved](#) to add a statement to identify that stormwater facilities shall be installed with adherence to the Best Management Practices referenced in the Spokane Regional Stormwater Manual (SRSW) and the Stormwater Management Manual for Eastern Washington (SWMMEW).
- Amended Section [17D.060.190 Illicit Discharge\(s\)](#) to include sub-section that clearly identifies the responsibility of commercial/industrial facilities and private properties to utilize and maintain structural Best Management Practices (BMPs) as necessary to prevent illicit discharges.

Proposed Changes, cont'd

- Amended Section [17D.090.070.A Plan Required](#) to include the requirement to provide to the City a Stormwater Pollution Prevention Plan for projects that disturb one acre or more.
- Revised Section [17D.090.110 Minimum Plan Requirements](#) to include the requirement for plans to be consistent with the Stormwater Management Manual for Eastern Washington in order to reduce the discharge of pollutants to the maximum extent practicable, and to satisfy all known, available and reasonable methods of prevention, control and treatment requirements.
- Revised Section [17D.090.210.A.1 City Inspections – Permitted Activities](#) to include the requirement that project sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.

Proposed Changes, cont'd

- Revised Section [17D.060.140.E Runoff and Infiltration Controls](#) to include an annual post-construction requirement for new and re-development project properties that disturb an acre or more, or are part of a larger development plan to provide to the City an annual 3rd party certification of onsite stormwater facilities indicating that adequate maintenance has been performed and that the facilities are operating as designed to protect water quality.

Proposed SMC 17D.060.140.E.1

(Runoff Infiltration and Controls)

“Any onsite stormwater facilities shall be inspected annually by a qualified stormwater professional. Private property owners or other responsible person, authorized and designated entity shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.”

- Qualified Stormwater Professional means:
 - Licensed to do business in the State of Washington
 - Possesses the knowledge and skills to assess potential impacts to stormwater quality
 - PG, PE, and/or CESCL, among others, or applicable education and experience

What Does Maintenance Entail?

CLEARING BLOCKED INLETS
allows stormwater to enter swale



TRIMMING, THINNING & MOWING
Keeps vegetation healthy & provides space for stormwater



REMOVING SEDIMENT & DEBRIS
Promotes infiltration while keeping vegetation healthy



Legislative Process

- Anticipated Hearing/Meeting Dates:
 - Planning Commission Hearing
 - September 22, 2021
 - PIES Committee Meeting
 - September 27, 2021
 - City Council Hearing
 - October 25, 2021

(Dates are subject to change)

Public Participation

- SEPA [Determination of Non Significance](#)
- Stormwater Ordinance [Webpage](#)
- City Stormwater [Blog](#)
- Planning Commission [Public Notice Legal Ads](#)
- Notification letter mailed to known affected commercial/development properties
- Upcoming City Council Public Notice Legal Ads

Contact Information

- eMail comments to:

jgeorge@spokanecity.org

- Comment by mail to

Attn: Trey George,
909 E. Sprague Ave,
Spokane, WA 99202.



Questions?



Bishop, Stephanie

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Tuesday, September 28, 2021 3:26 PM
To: George, Trey; Cathcart, Michael
Cc: Mayor; Beggs, Breean; Burke, Kate M.; 'Gordon Hester'; Blackwell, Shae; Schoedel, Elizabeth; Gennett, Raylene
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Trey,

I appreciate the quick response and clarification on Hutton's Head Start building.

Although, my confidence in the City of Spokane as it relates to fairly administering policy especially with new ordinances isn't done on science therefore leading to a system that is less than a 100% accurate. I realize you are the messenger but I feel that the elected officials on this email chain should be willing to ask some serious questions about accuracy and equity when this ordinance goes in front of the Council on October 25th.

Thank you,
Chud

Chud Wendle

Executive Director
Hutton Settlement Children's Home
www.huttonsettlement.org
facebook.com/huttonsettlement
Office > [509.838.2789](tel:509.838.2789)
Cell > [509.595.3147](tel:509.595.3147)

From: George, Trey <jgeorge@spokanecity.org>
Sent: Tuesday, September 28, 2021 1:51 PM
To: Chud Wendle <chudwendle@huttonsettlement.org>; Cathcart, Michael <mcathcart@spokanecity.org>
Cc: Mayor <mayor@spokanecity.org>; Beggs, Breean <bbeggs@spokanecity.org>; Burke, Kate M. <kateburke@spokanecity.org>; Gordon Hester <gordonh@kiemlehagood.com>; Blackwell, Shae <sblackwell@spokanecity.org>; Schoedel, Elizabeth <eschoedel@spokanecity.org>; Gennett, Raylene <rgennett@spokanecity.org>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

Chud,

Thank you for your feedback on the proposed ordinance. The informational notices that were sent out were sent to the property addresses that were in the City's construction permitting records. The records were used to develop a list of properties that meet the criteria for inspection as proposed in the ordinance. The criteria are:

- 1) construction on new development or redevelopment projects occurring after 2011,
- 2) the construction site is greater than 1 acre, or less than one acre and part of a larger common development or sale, and
- 3) there is a post-construction stormwater facility for the site.

The list was generated by stormwater inspectors who are familiar with the permitting system based on the criteria above. If the records were unclear, some properties were placed on the list as an abundance of caution to ensure that no applicable properties were missed. The property at 3704 N Nevada does not meet the criteria. The proposed ordinance does not apply to that site. The property inadvertently received the public notification of the proposed inspection requirements.

It is unfortunate that you received the notice from the occupants at the property too late to attend the Planning Commission hearing. However, it is not too late to provide testimony on this ordinance. The proposed ordinance is still in the review, and scheduled to be discussed at the October 25th City Council Hearing. You can still follow the public involvement process and provide written testimony for the Council to consider. If you by email me your statement, I will provide it to Council with the proposed ordinance documentation. Thanks again for your involvement with the legislative process.

Thanks,
Trey

James George III (Trey) | Environmental Analyst
Direct 509.625.7908 | Mobile 509.904.5013
jgeorge@spokanecity.org

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Tuesday, September 28, 2021 1:21 PM
To: Cathcart, Michael <mcathcart@spokanecity.org>
Cc: George, Trey <jgeorge@spokanecity.org>; Mayor <mayor@spokanecity.org>; Beggs, Breean <bbeggs@spokanecity.org>; Burke, Kate M. <kateburke@spokanecity.org>; Gordon Hester <gordonh@kiemlehagood.com>; Blackwell, Shae <sblackwell@spokanecity.org>
Subject: Re: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The inspection. Between fire, fire sprinkler, hood range, security, and back flow I have 8 different inspections per year. To add another inspection for drainage swales is ridiculous. When he said that the cost could be up to \$2k I choked.

In addition, I'm familiar with several property owners that have property over 1 acre with 208's that didn't get a letter. Head start is on .7 acres which is below the 1 acre threshold trey suggested which minimizes the confidence I have in how they identified which properties they sent letters to.

Sent from my iPhone

On Sep 28, 2021, at 1:16 PM, Cathcart, Michael <mcathcart@spokanecity.org> wrote:

Chud,

Can you help me understand which aspects of the proposal that Hutton is most worried about? I'm fairly certain that I share those concerns. Happy to chat more about it. (Adding Shae to help find a time).

Michael Cathcart | City Council Member
Spokane's 1st District!

Disclaimer: This email and any replies are a public record.

On Sep 28, 2021, at 11:27 AM, Chud Wendle <chudwendle@huttonsettlement.org> wrote:

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Trey,

Thanks for the email. I left a pretty frustrated and emotional voicemail for you as I'm very perplexed on the process on how we got here without any public comments. To this point, we have not been able to provide any public testimony and/or ask questions directly. To be led down a path that we would be able to testify yesterday only to wait for 90 minutes to hear a rushed report is not the way the public process works.

I would welcome the opportunity to meet in person at the site of the referenced property with our Councilmembers that represent this area as well as the Mayor and Council President.

Thanks,
Chud

Chud Wendle

Executive Director
Hutton Settlement Children's Home
www.huttonsettlement.org
facebook.com/huttonsettlement
Office > [509.838.2789](tel:509.838.2789)
Cell > [509.595.3147](tel:509.595.3147)

From: George, Trey <jgeorge@spokanecity.org>
Sent: Tuesday, September 28, 2021 11:17 AM
To: Chud Wendle <chudwendle@huttonsettlement.org>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

Hi Chud,

Thanks for your feedback. I'm looking into the records for the Nevada property to see if it is applicable to the inspections and should have some information for you by the end of the day. I'll get back to you shortly.

Thanks,
Trey

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Monday, September 27, 2021 3:02 PM
To: George, Trey <jgeorge@spokanecity.org>
Cc: 'Jessica Laughery' <jessicalaughery@huttonsettlement.org>; Beggs, Breean <bbeggs@spokanecity.org>; Cathcart, Michael <mcathcart@spokanecity.org>; kburke@spokanecity.org; Mayor <mayor@spokanecity.org>; Gordon Hester <gordonh@kiemlehagood.com>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good afternoon, Trey,

I appreciate you letting me know about the PIES Committee briefing this afternoon. After waiting until 2:45pm (90 minutes from when you suggested I join), I finally was able to hear your presentation on the Stormwater Ordinance. As I shared with you the letter you stated you sent out on August 30th actually was not sent to the building owner but to the tenant. I did not receive the letter until Friday, September 24th (2 days after the initial hearing). I was led to believe that we would be able to give input on this ordinance and unfortunately that was not the case.

Hutton Settlement owns over 20 commercial properties in Spokane County in addition to property in Kennewick and in Kootenai County. Couple of questions regarding the ordinance: 1) How did you identify 350 properties? (Please note that I reached out to many other property owners with over 1 acre properties and none had received this letter), 2) how many storm water inspectors are licensed in Spokane as we speak, and 3) assuming the ordinance is passed at the October council meeting when will this go into place?

Couple of notes about this property: 1) The property sits on .7 acres and you stated during the presentation during the PIES meeting that you identified properties over 1 acre, 2) the property that you have note is for Head Start which I would welcome the opportunity to have you onsite to tour this property that Hutton completely redeveloped in 2019, and 3) we converted over a ¼ of the original property from parking lot to a playground for the children.

I would welcome the opportunity to meet with you to discuss further. I'm frustrated with your communication to the property owners and what appears to be a "pick and choose" of properties not based on the criteria you stated but most likely based on previous permits in the system. I have copied the Council President, council members from District 1 where this property is located, the Mayor and our team from Hutton including our property manager.

I look forward to meeting with you as soon as possible to discuss.

Regards,
Chud

Chud Wendle
Executive Director

Hutton Settlement Children's Home

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Cell > [509.595.3147](tel:509.595.3147)

From: George, Trey <jgeorge@spokanecity.org>
Sent: Friday, September 24, 2021 2:41 PM
To: Chud Wendle <chudwendle@huttonsettlement.org>
Cc: 'Jessica Laughery' <jessicalaughery@huttonsettlement.org>
Subject: RE: Stormwater Treatment Facility inspection - 3704 N Nevada

Hi Chud,

Thanks for reaching out and participating in the legislative process. The PIES Committee will be held at 1:15 on Monday September 27th, 2021. The agenda will have information on how to attend. You can find the agenda here:

<https://my.spokanecity.org/bcc/committees/public-infrastructure-environment-and-sustainability/>.

What is the appropriate address to send notifications to for the stormwater areas at Logan-Lidgerwood Head Start at 3704 N Nevada?

Thanks,
Trey

James George III (Trey) | Environmental Analyst

Direct 509.625.7908 | Mobile 509.904.5013

jgeorge@spokanecity.org

From: Chud Wendle <chudwendle@huttonsettlement.org>
Sent: Friday, September 24, 2021 2:06 PM
To: George, Trey <jgeorge@spokanecity.org>
Cc: 'Jessica Laughery' <jessicalaughery@huttonsettlement.org>
Subject: Stormwater Treatment Facility inspection - 3704 N Nevada

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Trey,

I'm following up a voicemail that I left you regarding a letter that you sent to our tenant, Logan-Lidgerwood Head Start at 3704 N Nevada. I'm the Executive Director of the Hutton Settlement which is the landlord of this building. It is my understanding that a proposed ordinance including an annual inspection/certification requirement is being moved forward. I would welcome the opportunity to discuss this proposed ordinance and share how ridiculous I believe this ordinance is. I just received the letter because it did not go directly to the property owner so I missed the Planning Commission meeting this week. The letter state that there is a PIES Committee meeting on September 27th but does not include a time. Could you please provide the details of this meeting as I'm assuming that when it goes to City Council on October 25th the votes will be lined up.

I can be reached at our office 838-2789 or my cell at 509-595-3147.

Thank you,
Chud

Chud Wendle

Executive Director
Hutton Settlement Children's Home

www.huttonsettlement.org

facebook.com/huttonsettlement

Office > [509.838.2789](tel:509.838.2789)

Cell > [509.595.3147](tel:509.595.3147)

Bishop, Stephanie

From: George, Trey
Sent: Thursday, September 23, 2021 7:31 AM
To: David Hanson
Cc: office@landlordassoc.org
Subject: RE: private wastewater management facility comments from David Hanson

David,

Thank you for your comments on the letter notification regarding annual inspections on private stormwater facilities. I will submit it to the record.

Thanks,
Trey

James George III (Trey) | Environmental Analyst
Direct 509.625.7908 | Mobile 509.904.5013
jgeorge@spokanecity.org

From: David Hanson <davelhanson@hotmail.com>
Sent: Wednesday, September 22, 2021 4:54 PM
To: George, Trey <jgeorge@spokanecity.org>
Cc: office@landlordassoc.org
Subject: private wastewater management facility comments from David Hanson

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Dear City Council and James George III (Trey),

I was surprised to read about the new regulations on private storm water management.

Here are my comments to share at your meetings:

It is nice to have a fancy name like, "Private stormwater management system facility." For reference, you are talking about a triple city lot with 5 rental units that are certified for low income rents at 514 S Scott Street. And now you tell me I have a "Private storm water management system facility" on my property. Bull Ka Ka! I have an 80' long ditch along one side of my property with some trees and plants where the water from the driveway runs off. The only reason you call it a "Private storm water management system facility" is to somehow screw the little guy just once more.

Now maybe we need third party verification for my ditch? Maybe they have a hefty fee and need approval licensing and fees for Spokane wastewater to give this third party verification? What a hoax. Pay someone to inspect my 80' ditch.

How about the fact that with COVID-19, little landlords like me have not been receiving the rent on our properties because the Governor and Mayor trumpet nobody needs to pay rents? To heck with the landlord and property owner. Did it ever occur to the government that Landlords make payments on these properties- that we worked hard on weekends for two years developing this much needed housing in Spokane? Not to mention we pay taxes, utilities, maintenance and insurance on these properties, as well.

Practically, if these "ditches" need inspection I have a few ideas.

#1. Have someone from the City drive by yearly and inspect or certify the ditch. Why place the burden on the property owner for this odious task? Likely these city workers only put in 40 hour weeks not like us government hated entrepreneur landlords who work 40 hours and then about 10 hours on their rental units.

#2 Allow property owners to certify and send some photos of the property.

The City of Spokane is always talking about, "We need more housing!" and especially these same bureaucrats say, "We need more **affordable** housing." At the same time, these same bureaucrats want to punish and penalize the people providing housing with any opportunity they can get.

I soon may sell my properties and get out of this business like many other of the good folks who help provide housing in Spokane.

Sincerely,
David Hanson
514 S Scott Street
Spokane, WA 99202

Bishop, Stephanie

From: Churchill, Jackie
Sent: Monday, September 20, 2021 4:50 PM
To: George, Trey; Beck, Amanda
Cc: Schoedel, Elizabeth
Subject: Bill Garry Written Public Comment
Attachments: CityPlanCommission stormwater hearing.odt

Hello Trey,

Mr. Garry ended up just emailing me his written public comment. It's attached.

Thanks,
Jackie

From: b&j <bjgarry3520@comcast.net>
Sent: Monday, September 20, 2021 4:46 PM
To: Churchill, Jackie <jchurchill@spokanecity.org>
Subject: RE: Plan Commission Meeting Link

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Jackie,

Attached is the letter from Hillside Park Owners Association relating to the proposed ordinance to have yearly inspections of all private stormwater management facilities.

Thanks for your help in getting this to the Plan Commission on Wednesday. I have also sent it to Lori Kinnear.

Bill Garry

Sent from [Mail](#) for Windows

From: [Churchill, Jackie](#)
Sent: Monday, September 20, 2021 4:33 PM
To: [b&j](#)
Subject: RE: Plan Commission Meeting Link

Hello,

You can send me an email with the letter attached.

Thank you,

Jackie

From: b&j <bjgarry3520@comcast.net>
Sent: Monday, September 20, 2021 12:18 PM
To: Churchill, Jackie <jchurchill@spokanecity.org>
Subject: RE: Plan Commission Meeting Link

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Jackie Churchill,

Thanks for the info. I would like to send a letter with written comments for the hearing on Wednesday as well as give oral testimony. Should I send the letter via an email with a file attached to you, or do you need a pdf with my signature?

Thanks,
Bill Garry

Sent from [Mail](#) for Windows

From: [Churchill, Jackie](#)
Sent: Monday, September 20, 2021 8:17 AM
To: bjgarry3520@comcast.net
Subject: Plan Commission Meeting Link

Good Morning Mr. Garry,

The link to the September 22 Plan Commission meeting is below. Also you may sign up to testify by following this [link](#) which will take you to a google forms document where you can indicate that you would like to testify during the Stormwater hearing.

The Plan Commission agenda can be found online on the [City Plan Commission website](#) under the 'agendas' tab as well.

If you have any further questions or concerns, please feel free to reach out.

Thank you,

Jackie Churchill

When it's time, join the Webex meeting here.

[Join meeting](#)

More ways to join:

Join from the meeting link

<https://spokanecity.webex.com/spokanecity/j.php?MTID=m51554fc8ba08abf6006ad2db31416fc2>

Join by meeting number

Meeting number (access code): 146 443 9763

Meeting password: PlanCommission

Tap to join from a mobile device (attendees only)

+1-408-418-9388,,1464439763## United States Toll

Join by phone

+1-408-418-9388 United States Toll

[Global call-in numbers](#)

Join from a video system or application

Dial [1464439763@spokanecity.webex.com](tel:1464439763@spokanecity.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial [1464439763.spokanecity@lync.webex.com](tel:1464439763.spokanecity@lync.webex.com)



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Hillside Park Owners Association

**3227 W Excell Lane
Spokane, WA 99208**

Board of Trustees

Bill Garry, President
Ben Markham, Secretary
Gary Jablonski, Treasurer
and Vice-President
Bruce Ottmar, at large

September 20, 2021

Plan Commission
City of Spokane
808 W Spokane Falls Blvd.
Spokane, WA 99201

RE: Hearing on September 22, 2021, regarding inspection requirements for Stormwater facilities

Dear Plan Commission:

We have received a letter from your Wastewater Management Department with information that a proposed ordinance may require yearly inspection of all stormwater treatment facilities. Our Hillside Park PUD has a passive system for handling stormwater runoff that has been approved by the City and existed since 2000 when the first homes were built. It has never had water in it except for when a storm washes debris and mud into our streets from the City's road to the Midbank water tank located above and accessed from our property. We spend a lot of time and money removing this debris and mud from our streets and system. At no time has stormwater ever left this property. Several residents have lived here since the beginning of the PUD, and they can testify to the system's performance.

We believe the yearly inspection requirements would be onerous and unduly expensive. If there is a problem with an existing stormwater treatment facility the City should then require an inspection and abatement as necessary with details from the facility's performance in a storm. How else would anyone actually say how a system is faulty without a test from a storm? Inspection without testing is not effective, and is very expensive.

Now that we know the City's road is obviously a known polluter, there should be some resolution of that problem first. We have requested the City spread gravel on their dirt road, which did happen, and which did reduce the amount of debris and mud that comes from their road in a storm. There is, however, no actual stormwater management facility to prevent untreated stormwater from entering our property.

Thank you for allowing this opportunity to comment.

Sincerely,

Bill Garry



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	ORD C36117
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING & ECONOMIC DEVELOPMENT
Contact Name/Phone	AMANDA BECK 625-6414
Contact E-Mail	ABECK@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0650 - 2021 FLOODPLAIN MANAGEMENT TEXT AMENDMENT - 17A.020

Agenda Wording

An Ordinance to amend various sections of Chapter 17A.020, Definitions, as part of work to complete a state mandated update of floodplain regulations.

Summary (Background)

The proposed amendments coincide with updates to Chapter 17E.030, Floodplain Management, as part of a City-initiated update to floodplain regulations that are state mandated updates to the Spokane Municipal Code. The amendments to Chapter 17A.020 include clarifying language defining elements of the floodplain and adding new definitions as directed by FEMA. This amendment must be completed by December 31, 2021 for the City to remain a NFIP participating community.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Budget Account

Approvals

Dept Head	MEULER, LOUIS
Division Director	BECKER, KRIS
Finance	ORLOB, KIMBERLY
Legal	RICHMAN, JAMES
For the Mayor	ORMSBY, MICHAEL

Council Notifications

Study Session\Other	7/12 UE
Council Sponsor	CM Lori Kinnear

Additional Approvals

Purchasing	jrichman@spokanecity.org
	sbishop@spokanecity.org
	jchurchill@spokanecity.org
	lmeuler@spokanecity.org
	smacdonald@spokanecity.org

Briefing Paper

Urban Experience Committee

Division & Department:	Business and Development — Planning Services
Subject:	Floodplain Management Update of SMC 17E.030
Date:	July 12, 2021
Author (email & phone):	Amanda Beck; abeck@spokanecity.org ; 509-625-6414
City Council Sponsor:	CM Kinnear
Executive Sponsor:	Louis Meuler, Planning Director
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	RCW 43.21C, RCW 86.16, WAC 197-11, Shaping Spokane Comprehensive Plan Chapter 9.
Strategic Initiative:	Urban Experience - River Connection; Innovative Infrastructure - Resiliency.
Deadline:	December 31, 2021
Outcome:	Mandated update of Spokane Municipal Code 17E.030.
Background and History:	
<p>Local governments are responsible for managing development in floodplains under the National Flood Insurance Program (NFIP), which is overseen by the Federal Emergency Management Agency (FEMA). The Washington Department of Ecology is the state lead for floodplain management. In December 2019, Ecology revised the state’s <i>FEMA Model Ordinance</i> to incorporate new minimum regulations.</p> <p>FEMA’s National Flood Insurance Program nationally maps floodplains, outlines federal regulations for management, and provides insurance for buildings within floodplains. FEMA offers insurance to residents in participating communities that agree to enforce minimum NFIP standards. The regulated area is called the Special Flood Hazard Area and this includes the 100 year floodplain and the floodway. There is a 100-year floodplain along Latah Creek and the Spokane River.</p> <p>Amending the Unified Development Code to comply with Ecology changes will achieve:</p> <ul style="list-style-type: none"> • Compliance with the appropriate Code of Federal Regulations (CFR), RCWs, and WACs; • Be consistent with the Comprehensive Plan and City development regulations; and • Allow appropriate use and enjoyment of land within the floodplain while protecting life and property. 	
Executive Summary:	
<p>The City-initiated amendment to SMC 17A.020 and 17E.030 is state mandated and proposed amendments focus on compliance with state and federal regulatory changes. Amendments will go through review with Ecology, internal staff, and partner agencies. The City is required to complete an amendment of its floodplain management regulations to comply with state changes by December 31, 2021.</p>	
Budget Impact:	
<p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Other budget impacts: Not applicable</p>	
Operations Impact:	
<p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Specify changes required: Dept. of Ecology review → City Council legislative action.</p> <p>Known challenges/barriers: None.</p>	

ORDINANCE NO. C36117

AN ORDINANCE relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

WHEREAS, the City complied with RCW 36.70A.370 in the adoption of this Ordinance; and

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a Determination of Non-Significance (“DNS”) was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

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

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission’s Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission’s entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17A.020.010 SMC is amended to read as follows:

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

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

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) (“Primary Structure”).

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
- 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

T. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

V. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

((V)) W. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

((W)) X. [Deleted]

((X)) Y. [Deleted]

((Y)) Z. [Deleted]

((Z)) AA. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) AB. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

((AB)) AC. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

- b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

~~((AG))~~ AD. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

- 1. Holder of fee title or a life estate;
- 2. Holder of purchaser's interest in a sale contract in good standing;
- 3. Holder of seller's interest in a sale contract in breach or in default;
- 4. Grantor of deed of trust;
- 5. Presumptively, a legal owner and a taxpayer of record;
- 6. Fiduciary representative of an owner;
- 7. Person having a right of possession or control; or
- 8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

~~((AD))~~ AE. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

~~((AE))~~ AF. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

~~((AF))~~ AG. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

~~((AG))~~ AH. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

~~((AH))~~ AI. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

((~~AI~~) AJ. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

((~~AJ~~) AK. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

((~~AK~~) AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

((~~AL~~) AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

((~~AM~~) AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

((~~AN~~) AO. ((A))Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

((A~~Q~~)) AP. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

((A~~P~~)) AQ. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

((A~~Q~~)) AR. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

((A~~R~~)) AS. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

((A~~S~~)) AT. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

((A~~T~~)) AU. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

((AU)) AV. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

((AV)) AW. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

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

B. Balloon Sign.

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

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

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

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

((4.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

~~((2. Designation on maps always includes the letters A or V.))~~

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((J)) J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((J)) K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

((K)) L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

((L)) M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((M)) N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((N)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((O)) P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.
5. Shared-use pathway.

((P)) Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((Z)) AA. Building Base.

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

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AG)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 3. That Section 17A.020.040 SMC is amended to read as follows:

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires

a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. “Decibel (dB)” means the measure of sound pressure or intensity.

E. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City’s option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.

The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.

H. Density.

The number of housing units per acre as permitted by the zoning code.

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

K. Design Departure.

Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter [17G.030 SMC](#), Design Departures.

L. Design Criteria.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The provisions are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.

The design review board is defined in chapter [4.13 SMC](#). The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design criteria for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline

development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((Activity-))– Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

U. Development Approval.

Any recommendation or approval for development required or permitted by this code.

V. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

W. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

X. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

Y. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

AA. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

AB. Directional Sign.

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

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

AD. Discharge (n).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

AE. Discharge (v).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

AG. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

AH. Disturbance Area.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

AI. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

AJ. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
2. Small Domestic Animals.
- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
 - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - v. No horned rams shall be permitted as a small livestock.
 - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
 - d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

AO. Drift Cell.

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

AP. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

AQ. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

AR. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

17A.020.060 “F” Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is

either entirely or substantially prefabricated or assembled at a place other than a building site.]

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

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

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these

natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

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

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters; ((or))

((2-)) b. The unusual and rapid accumulation of runoff of surface waters from any source((-)); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

~~((S))~~ V. Floodway.

1. ~~((The area, as identified in the shoreline master program, that either:))~~ As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

~~((T))~~ W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached

accessory structures (without living space), detached accessory structures (without living space).

((U)) X. ((Flood-proofing)) Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

((V)) Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

((W)) Z. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((Y)) AB. Freestanding Sign.

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

((Z)) AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

17A.020.080 “H” Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height

of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in [chapter 17E.030 SMC](#), any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

((L)) O. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) Q. House.

A detached dwelling unit located on its own lot.

((O)) R. Household.

A housekeeping unit consisting of:

3. an individual;
4. two or more related persons as defined in [SMC 17A.020.180\(M\)](#);
5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
6. adult family homes as defined under Washington State law; or
7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

((P)) S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((S)) V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or “repair” means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

E. Marquee Sign.

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

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

((H)) I. Mining.

The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.

((I)) J. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

((J)) K. Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

((K)) L. Mitigation – Mitigation Sequencing.

The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((L)) M. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) N. Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

((N)) O. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

((O)) P. Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated," "panelized," and "factory-built" units.

((P)) Q. Modulation.

A measured and proportioned inflection in a building's face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

((Q)) R. Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

((R)) S. Monument.

A physical survey monument as shown in the City's standard plans.

((S)) T. Monument Sign.

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

((T)) U. Multi-family Residential Building.

A common wall dwelling or apartment house that consists of three or more dwelling units.

((U)) V. Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

((V)) W. Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

((W)) X. MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

Section 17A.020.140 “N” Definitions

- A. National Pollutant Discharge Elimination System (NPDES).
The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.
- B. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.
- C. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- D. Native Vegetation.
Plant species, which are indigenous to the planning area.
- E. Natural Location of Drainage Systems.
The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.
- F. New Construction – Floodplain.
~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures

for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association’s flammable and combustible liquids code.

I. “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. “Noise reduction coefficient (NRC)” means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City’s shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

- O. Nonconforming Development.
An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.
- P. Nonconforming Sign.
[See SMC 17C.240.015.](#)
- Q. Nonconforming Situation.
A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.
- R. Nonconforming Use.
A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.
- S. Non-water Oriented Uses.
A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.
- T. Noxious Weeds.
Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.
- U. Nursing Home.
A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.
 1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
 2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

- A. Salmonid.
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. Sandwich Board Sign.
[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of

oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms “Shoreline protection measure” and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

AD. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AE. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AF. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AG. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AH. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AI. Short Plat – Preliminary.

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

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

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

AL. Sign – Animated Sign.

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

AM. Sign – Electronic Message Center Sign.

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

AN. Sign Face.

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

AO. Sign – Flashing Sign.

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

AP. Sign Maintenance.

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

AQ. Sign – Off-premises.

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

AR. Sign Repair.

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

AS. Sign Structure.

See SMC 17C.240.015.

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AX. Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
 - a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AY. Site, Parent.

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

AZ. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

BA. SMC.

The Spokane Municipal Code, as amended.

Spokane Municipal Code Amendment

Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, and 17A.020.190

BB. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BC. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BD. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BE. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in [SMC 17D.060.130](#).

BF. Special Event Sign.

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

BG. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BH. Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

BI. Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BJ. Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BK. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BL. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BM. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

((BQ)) BR. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

((BR)) BS. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

((BS)) BT. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BT)) BU. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BU)) BV. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

((BV)) BW. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

((BW)) BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((BX)) BY. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

((BY)) BZ. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

((BZ)) CA. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

((GA)) CB. Street.

See "Public Way" ([SMC 17A.020.160](#)).

((GB)) CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), "P" [Definitions](#).

((GG)) CD. Street Frontage.

The lot line abutting a street.

((GD)) CE. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((GE)) CF. Structural Alteration.

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

((GF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,

- e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.
 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

((GG)) CH. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

((GH)) CI. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

((GI)) CJ. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

((GJ)) CK. Sublevel Construction Controls.

Design and construction requirements provided in [SMC 17F.100.090](#).

((GK)) CL. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

((GL)) CM. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the ~~((assessed))~~ market value of the structure before the damage occurred.

((GM)) CN. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

((GN)) CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural

part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- 4. The term does not, however, include either any:
 - a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Alteration of a “historic structure” (~~listed on the National Register of Historic or State Inventory of Historic Places~~), provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

~~(GO)~~ CP. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with [SMC 17D.050A.040\(U\)](#).

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City Plan Commission
Subject:	Floodplain Management Text Amendment
Staff Contact:	Amanda Beck, AICP, Assistant Planner II (509) 625-6414 abeck@spokanecity.org
Report Date:	September 13, 2021
Hearing Date:	September 22, 2021
Recommendation:	Approval

I. SUMMARY

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. The text amendment is intended to align the City's floodplain regulations with state and federal regulations, which have undergone recent changes.

II. BACKGROUND

Congress initiated the National Flood Insurance Program (NFIP) in 1968 under the National Flood Insurance Act to relieve the burden of disaster relief on the national treasury, and state and local tax bases. The NFIP is administered by the Federal Insurance Administration (FIA), which is part of the Federal Emergency Management Agency (FEMA). In 1973 Congress added several provisions to strengthen the NFIP under the Flood Disaster Protection Act. Through the provision of the 1973 act FEMA has been able to provide additional incentives to communities to join the program by substantially increasing the amount of flood insurance coverage available and providing penalties for communities and individuals that choose not to join the NFIP that are subsequently flooded.

The National Flood Insurance Program makes available affordable flood insurance to residents within communities that adopt approved floodplain management regulations. Communities that do not participate in the NFIP do not qualify for certain flood disaster relief.

The City of Spokane entered into the NFIP emergency program in 1973, and the following year the FIA provided a Flood Hazard Boundary Map which was a preliminary delineation of flood hazard areas within the City. By 1980 the City was accepted in the NFIP regular program and received its initial Flood Insurance Rate Maps (FIRMs) by 1982. In 2010, FEMA conducted an updated Flood Insurance Study of Spokane County which effectively updated all of the FIRMs for Spokane County. FIRMs delineate areas adjacent to rivers or other bodies of water that are subjected to flood risks and an insurance rate is determined for each area. The 100-year flood determines the geographic jurisdiction of NFIP-related programs. FEMA's new Digital FIRMs (DFIRMs) delineate flood insurance rate zones, limits of the 100-year floodway and floodplain, and often the limits to the 500-year floodplain as well.

The Department of Ecology is the state lead for floodplain management and FEMA's partner in enforcing floodplain management for Washington State. State statutes that address flood hazard management are outlined in Title 86 of the Revised Code of Washington, particularly [RCW 86.16](#) Floodplain Management, as well as [Chapter 173-158](#) of the Washington Administrative Code, and the Growth Management Act ([RCW 36.70A](#)).

Ecology updated the Flood Damage Prevention Ordinance Washington Model (commonly referred to as the *FEMA Model Ordinance*) on December 9, 2019. Additionally, in 2020 FEMA announced two significant policy changes. First, FEMA Policy #104-008-03 released February 2020 put forward updated design and performance standards for agricultural and accessory structures located within the Special Flood Hazard Areas (SFHAs, or the floodplain). Second, in August 2020 FEMA rescinded Region X's fish enhancement structures in the floodway policy, which had been enacted to allow for the completion of habitat restoration or fish habitat enhancement projects by allowing communities a rise in the floodway for fish habitat restoration/enhancement projects. This policy was applicable for FEMA Region X covering Washington, Oregon, Idaho, and Alaska.

Changes in FEMA policy, and subsequently to the Code of Federal Regulations [Title 44](#), as well as revisions to the minimum State requirements contained in the *FEMA Model Ordinance* necessitate a review of the Spokane Municipal Code to ensure that adopted regulations meet both federal and state changes. As such, City staff have been working with Ecology to review SMC Chapters 17A.020 and 17E.030 to ensure the City is compliant, and to continue participation in the NFIP. The last review of City regulations was completed in 2013 in conjunction with the Department of Ecology. Ecology staff conducted a FEMA Community Assistance Visit for a comprehensive assessment of the City's floodplain regulations to ensure compliance with the NFIP requirements, and the City's regulations were deemed in compliance.

III. PROCESS

TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendment requires a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

ROLE OF CITY COUNCIL

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

COMMUNITY ENGAGEMENT

To ensure broad dissemination of a proposal and its alternatives, public meetings or other provisions for public comment and discussion should be held for text amendments. This also ensures that proposed amendments meet both City and State guidelines concerning public engagement.

City staff held internal and external opportunities for the public to review the proposed changes, as noted below:

- A project page on the City website with up-to-date information about events and project progress (<https://my.spokanecity.org/projects/2021-floodplain-management-update/>)
- Urban Experience Committee briefing (July 12, 2021)
- Plan Commission Workshop (July 14, 2021)
- Internal review group (July 27, 2021)
- Inclusion at the Community Assembly (August 5, 2021)
- City [blog post](#) highlighting the virtual open house (July 26, 2021)
- Virtual open house held via Webex (August 19, 2021)
- Plan Commission Workshop (September 8, 2021)

PUBLIC NOTIFICATION AND SEPA REVIEW

As outlined in Section 17G.025.010 SMC, proposals to amend the UDC shall be noticed in the *Official Gazette* and to interested parties prior to the Plan Commission review, and this shall include the SEPA checklist. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required to be completed.

This application was properly noticed pursuant to Section 17G.025.010(E). See Exhibit 2 for the SEPA Determination of Nonsignificance. Noted below are the public noticing activities:

- Notice of Intent to Adopt submitted to the Department of Commerce (June 21, 2021)
- Notice of Intent to Adopt pursuant to 17G.025.010 SMC, which included the SEPA Checklist, emailed to City departments, Local, County, Tribal, and State contacts (August 13, 2021)
- SEPA Determination of Nonsignificance (DNS) issued (September 2, 2021), the comment period ended on September 16, 2021
- Notice of Public Hearing for the Plan Commission was published in the *Spokesman-Review* on September 8 and 15, 2021.

COMMENTS RECEIVED

Written and emailed comments received are provided to the Plan Commission. At the time of this writing staff has not received any comments on the proposed text amendment.

IV. ANALYSIS

PROPOSAL DESCRIPTION

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. Due to revisions from the Federal Emergency Management Agency (FEMA), and updates from the Department of Ecology to the Washington State *FEMA Model Ordinance*, the City is required to update floodplain regulations no later than December 31, 2021. As the state lead for floodplain management, City staff worked closely with Ecology to complete this review and amendment.

This proposed text amendment is to the Unified Development Code (UDC) Chapter 17A.020 Sections [17A.020.010](#) "A" Definitions, [17A.020.020](#) "B" Definitions, [17A.020.040](#) "D" Definitions, [17A.020.060](#) "F" Definitions, [17A.020.080](#) "H" Definitions, [17A.020.130](#) "M" Definitions, , [17A.020.140](#) "N" Definitions, and [17A.020.190](#) "S" Definitions; and Chapter 17E.030 Sections [17E.030.030](#) Floodplain Management Purpose, [17E.030.050](#) General Provisions, [17E.030.060](#) Establishment of Development Permit, [17E.030.070](#) Designation of the Local Administrator, [17E.030.080](#) Duties and Responsibilities of the Local Administrator, [17E.030.090](#) Variance Procedure - Hearing Examiner, [17E.030.100](#) Variances, [17E.030.120](#) Resource Material, [17E.030.130](#) General Standards, [17E.030.140](#) Specific Standards, [17E.030.150](#) Before Regulatory Floodway, [17E.030.160](#) Floodways, and [17E.030.170](#) Standards for Shallow Flooding Areas (AO Zones). The text amendment is intended to align the City's floodplain regulations with State and Federal regulations, which have undergone recent changes. Floodplain regulations are meant to allow appropriate use and enjoyment of land within the floodplain while protecting life and property.

See Exhibit 1 for the draft ordinance with strike-through text and proposed changes.

FINAL REVIEW CRITERIA

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission as well as the approval criteria outlined in the Code. The applicable criteria are shown below in ***bold italic*** with staff analysis following each criteria.

A. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

The proposed text amendment is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Land Use Policy LU 5.4 – Natural Features and Habitat Protection. Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

Staff Analysis: Meeting the FEMA and Department of Ecology minimum standards to manage development within the floodplain will ensure structures within the floodplain are built to withstand flood events, while protecting the ecosystem benefits of the floodplain, creating a more resilient community. Updating the City's regulations also ensures continued participation in the National Flood Insurance Program.

Natural Environment Goal 19 – Flood Hazard Management. Protect life and property from flooding and erosion by directing development away from flood hazard areas.

Staff Analysis: The City of Spokane has flood hazard areas that are subject to periodic inundation that may result in loss of life and property, cause health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Updating the Floodplain Management regulations ensures that existing and future structures are retrofitted or built to withstand flood events according to the 100-year flood plain or their corresponding flood zone, while maintaining the ability of the floodplain to absorb excess water along Latah Creek and the Spokane River.

Shoreline Master Program Goal SMP 6 – Flood Hazard Reduction. *Prevent and minimize flood damage in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.*

Staff Analysis: Flood losses may be caused by the cumulative effect of obstructions in areas of the floodplain that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to losses during flood events. Part of this review and update with the Department of Ecology is to ensure that the City's internal review process of permits confirms structures meet these minimum requirements while assessing the impact to the floodplain and Spokane's wetlands through the project level SEPA reviews and consistency with other development regulations (e.g. Critical Areas, the Shoreline Master Program, Building Code).

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

Staff Analysis: The City's floodplain regulations are written to protect life and safety by ensuring that our community is building and recovering safer, stronger, and smarter. Two core premises guide regulation. First, mapping and understanding flood risk within the community. The first component is necessary to then apply a regulatory criterion for development in identified flood-prone areas to avoid or minimize flood damage. Floodplain management mitigates for the impact of flooding on development (e.g. to minimize damage to buildings) and the effects of development on flooding (e.g. to avoid increasing flood levels or diverting floodwater onto adjacent properties).

V. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendment satisfies the applicable criteria for approval as set forth in Section [17G.025.010](#) SMC. To comply with RCW 36.70A.370 the proposed text amendment has been evaluate to ensure proposed changes do not result in unconstitutional takings of private property. Additionally, this is a State mandated update to City regulations to continue participation in FEMA's National Flood Insurance Program.

VI. RECOMMENDED ACTION

Staff recommends **approval of the proposed text amendment.**

VII. LIST OF EXHIBITS

1. Draft Ordinance
2. SEPA Determination of Nonsignificance
3. WA State Model Ordinance Checklist

ORDINANCE NO. _____

AN ORDINANCE relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

WHEREAS, the City complied with RCW 36.70A.370 in the adoption of this Ordinance; and

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a Determination of Non-Significance (“DNS”) was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

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

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission’s Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission’s entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17A.020.010 SMC is amended to read as follows:

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

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

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) (“Primary Structure”).

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
- a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

T. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

V. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

((V)) W. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

((W)) X. [Deleted]

((X)) Y. [Deleted]

((Y)) Z. [Deleted]

((Z)) AA. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) AB. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

((AB)) AC. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

- b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

~~((AG))~~ AD. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

~~((AD))~~ AE. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

~~((AE))~~ AF. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

~~((AF))~~ AG. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

~~((AG))~~ AH. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

~~((AH))~~ AI. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

((~~AI~~)) AJ. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

((~~AJ~~)) AK. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

((~~AK~~)) AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

((~~AL~~)) AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

((~~AM~~)) AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

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4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

((~~AN~~)) AO. ((A))Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

~~((AQ))~~ AP. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

~~((AP))~~ AQ. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

~~((AQ))~~ AR. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AR))~~ AS. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~((AS))~~ AT. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((AT))~~ AU. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

((AU)) AV. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

((AV)) AW. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

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

B. Balloon Sign.

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

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

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

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

((4.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

~~((2. Designation on maps always includes the letters A or V.))~~

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((J)) J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((K)) K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

((L)) L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

((M)) M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((N)) N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((O)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((P)) P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.
5. Shared-use pathway.

((Q)) Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((Z)) AA. Building Base.

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

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AG)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 3. That Section 17A.020.040 SMC is amended to read as follows:

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires

a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. “Decibel (dB)” means the measure of sound pressure or intensity.

E. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City’s option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.

The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.

H. Density.

The number of housing units per acre as permitted by the zoning code.

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

K. Design Departure.

Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter [17G.030 SMC](#), Design Departures.

L. Design Criteria.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The provisions are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.

The design review board is defined in chapter [4.13 SMC](#). The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design criteria for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline

development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((Activity))– Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

U. Development Approval.

Any recommendation or approval for development required or permitted by this code.

V. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

W. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

X. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

Y. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

AA. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

AB. Directional Sign.

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

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

AD. Discharge (n).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

AE. Discharge (v).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

AG. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

AH. Disturbance Area.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

AI. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

AJ. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
2. Small Domestic Animals.
- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
 - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - v. No horned rams shall be permitted as a small livestock.
 - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
 - d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

AO. Drift Cell.

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

AP. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

AQ. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

AR. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

17A.020.060 “F” Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is

either entirely or substantially prefabricated or assembled at a place other than a building site.]

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

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

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these

natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

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

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters; ((or))

((2-)) b. The unusual and rapid accumulation of runoff of surface waters from any source((-)); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

~~((S))~~ V. Floodway.

1. ~~((The area, as identified in the shoreline master program, that either:))~~ As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

~~((T))~~ W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached

accessory structures (without living space), detached accessory structures (without living space).

((U)) X. ((Flood-proofing)) Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

((V)) Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

((W)) Z. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((Y)) AB. Freestanding Sign.

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

((Z)) AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

17A.020.080 “H” Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height

of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in [chapter 17E.030 SMC](#), any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

((L)) Q. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) Q. House.

A detached dwelling unit located on its own lot.

((O)) R. Household.

A housekeeping unit consisting of:

3. an individual;
4. two or more related persons as defined in [SMC 17A.020.180\(M\)](#);
5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
6. adult family homes as defined under Washington State law; or
7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

((P)) S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((S)) V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or “repair” means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

E. Marquee Sign.

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

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

((H)) I. Mining.

The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.

((I)) J. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

((J)) K. Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

((K)) L. Mitigation – Mitigation Sequencing.

The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((L)) M. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) N. Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

((N)) O. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

((O)) P. Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated," "panelized," and "factory-built" units.

((P)) Q. Modulation.

A measured and proportioned inflection in a building's face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

((Q)) R. Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

((R)) S. Monument.

A physical survey monument as shown in the City's standard plans.

((S)) T. Monument Sign.

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

((T)) U. Multi-family Residential Building.

A common wall dwelling or apartment house that consists of three or more dwelling units.

((U)) V. Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

((V)) W. Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

((W)) X. MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

Section 17A.020.140 “N” Definitions

- A. National Pollutant Discharge Elimination System (NPDES).
The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.
- B. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.
- C. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- D. Native Vegetation.
Plant species, which are indigenous to the planning area.
- E. Natural Location of Drainage Systems.
The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.
- F. New Construction – Floodplain.
~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures

for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association’s flammable and combustible liquids code.

I. “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. “Noise reduction coefficient (NRC)” means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City’s shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

- O. Nonconforming Development.
An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.
- P. Nonconforming Sign.
[See SMC 17C.240.015.](#)
- Q. Nonconforming Situation.
A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.
- R. Nonconforming Use.
A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.
- S. Non-water Oriented Uses.
A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.
- T. Noxious Weeds.
Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.
- U. Nursing Home.
A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.
 1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
 2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

- A. Salmonid.
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. Sandwich Board Sign.
[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of

oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

AD. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AE. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AF. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AG. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AH. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AI. Short Plat – Preliminary.

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

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

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

AL. Sign – Animated Sign.

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

AM. Sign – Electronic Message Center Sign.

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

AN. Sign Face.

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

AO. Sign – Flashing Sign.

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

AP. Sign Maintenance.

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

AQ. Sign – Off-premises.

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

AR. Sign Repair.

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

AS. Sign Structure.

See SMC 17C.240.015.

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AX. Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
 - a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AY. Site, Parent.

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

AZ. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

BA. SMC.

The Spokane Municipal Code, as amended.

Spokane Municipal Code Amendment

Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, and 17A.020.190

BB. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BC. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BD. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BE. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in [SMC 17D.060.130](#).

BF. Special Event Sign.

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

BG. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BH. Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

BI. Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BJ. Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BK. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BL. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BM. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

((BQ)) BR. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

((BR)) BS. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

((BS)) BT. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BT)) BU. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BU)) BV. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

((BV)) BW. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

((BW)) BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((BX)) BY. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

((BY)) BZ. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

((BZ)) CA. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

((GA)) CB. Street.

See "Public Way" ([SMC 17A.020.160](#)).

((GB)) CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), "P" Definitions.

((GG)) CD. Street Frontage.

The lot line abutting a street.

((GD)) CE. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((GE)) CF. Structural Alteration.

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

((GF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,

- e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.
 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

((GG)) CH. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

((GH)) CI. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

((GI)) CJ. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

((GJ)) CK. Sublevel Construction Controls.

Design and construction requirements provided in [SMC 17F.100.090](#).

((GK)) CL. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

((GL)) CM. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the ((~~assessed~~)) market value of the structure before the damage occurred.

((GM)) CN. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

((GN)) CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural

part of the building commences, whether or not that alteration affects the external dimensions of the structure.

4. The term does not, however, include either any:
- a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Alteration of a “historic structure” (~~(listed on the National Register of Historic or State Inventory of Historic Places)~~), provided the alteration will not preclude the structure’s continued designation as a “historic structure.”

~~((C))~~ CP. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with [SMC 17D.050A.040\(U\)](#).

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

ORDINANCE NO. _____

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

WHEREAS, the City complied with RCW 36.70A.370 in the adoption of this Ordinance; and

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a Determination of Non-Significance (“DNS”) was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

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

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission’s Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission’s entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

Section 17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled “The Flood Insurance Study for Spokane County, Washington and Incorporated Areas” dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The

Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [SMC 17E.030.050\(B\)](#). The permit shall be for all structures including manufactured homes, as defined in [chapter 17A.020 SMC](#) and for all development, including fill and other activities also as defined in [chapter 17A.020 SMC](#).

B. A pre-development conference as set forth in [chapter 17G.060 SMC](#) is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in [SMC 17E.030.050\(B\)](#).

C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-);
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [SMC 17E.030.130\(\(-\);](#)
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-);
5. A completed critical areas checklist as established at [chapter 17G.060 SMC\(\(-\);](#)
6. A completed environmental checklist, unless the ~~((local administrator))~~ Floodplain Administrator as designated in [SMC 17E.030.070](#) has determined that the project is categorically exempt from [chapter 17E.050 SMC](#); ~~and~~
7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
8. ~~((All))~~ Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are

required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in [chapter 17G.060 SMC](#).

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in [SMC 8.02.066\(F\)](#).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) Floodplain Administrator to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

Section 17E.030.080 Duties and Responsibilities of the ((Local)) Floodplain Administrator

A. The duties and responsibilities of the ((local administrator)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:

1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
2. that all ((necessary)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
3. that the site is reasonably safe from flooding;
4. ((if)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of [SMC 17E.030.160](#) are met((-));
5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
6. notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data in “A” Zones.

When base flood elevation data has not been provided (“A” Zones) in accordance with [SMC 17E.030.050](#), the (~~local administrator~~) Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer [SMC 17E.050.140](#) and [SMC 17E.050.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the (~~local administrator~~) Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the (~~local administrator~~) Floodplain Administrator shall:
 - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in [SMC 17E.030.060](#).
3. The (~~local administrator~~) Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required in [SMC 17E.030.160\(A\)](#) (No Rise Standard).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. The (~~local administrator~~) Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
2. The (~~local administrator~~) Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.

The (~~local administrator~~) Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [SMC 17E.030.090](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in [chapter 17G.060 SMC](#).
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 1. danger that materials may be swept onto other lands to the injury of others

2. danger to life and property due to flooding or erosion damage;
 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. importance of the services provided by the proposed facility to the community;
 5. necessity to the facility of a waterfront location, where applicable;
 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. compatibility of the proposed use with existing and anticipated development;
 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 12. cumulative impact of additional requests of like actions in the area; and
 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The (~~local administrator~~) Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in [SMC 17G.060.170\(E\)](#) are met. In addition to [SMC 17G.060.170\(E\)](#), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with [SMC 17E.030.050](#).~~

~~((8.)) 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.~~

B. Variances will be processed as set forth in [Table 17G.060-3](#).

C. The fees for processing a variance are set forth in [SMC 8.02.066\(G\)](#).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

~~((Section 17E.030.120 Resource Material))~~

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

~~A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.~~

~~G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))~~

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
 - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
 - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 (~~(, 9/85~~)") is adopted by reference for further manufactured home anchoring techniques.

~~((B. AO Zone Drainage.~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

~~((C.))~~ **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

~~E. ((Subdivision Proposals))~~ Development and Subdivision Proposals.

~~((All subdivisions proposals shall:~~

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))~~

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation

data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

~~((F. Review of Building Permits.~~

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of [SMC 17E.030.140\(A\)\(3\)](#), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~((this chapter,))~~ Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement,

elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2-))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their~~

~~development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in [SMC 17E.030.080](#);~~

~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;))~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.

b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:

i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

i. Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in [SMC 17E.030.080](#);
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [SMC 17E.030.140\(A\)\(3\)](#).

~~((5-))~~ 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved ((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites)) on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:
 - ~~((a. outside of a manufactured home park or subdivision;~~
 - ~~b. in a new manufactured home park or subdivision;~~
 - ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
 - ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

- ~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH,~~

~~AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~

- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
- ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.)~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and
- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with [SMC 17E.030.060\(C\)](#) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites (~~within zones A1-30, AH, AO and AE on the City's flood insurance rate map~~) are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ((within zones A1-30 and AE on the City's FIRM,)) unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in [SMC 17E.030.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ((increasing)) increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ((assessed)) market value of the structure either:
 - a. before the repair or reconstruction is started; or
 - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health,

sanitary or safety code specification (~~(which)~~) that have been identified by the local code enforcement official and (~~(which)~~) are the minimum necessary to assure safe living conditions (~~(or to structures identified as historic places)~~) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [SMC 17E.030.130](#) ~~((and))~~ , [17E.030.140](#) , and [17E.030.130\(F\)](#) .

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
 - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in [SMC 17E.030.140\(B\)\(3\)](#).~~~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:
 - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
 - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
 - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes ([SMC 17E.030.130\(A\)\(2\)](#)).~~~~

~~B. Essential Public Facilities.))~~

- ~~1. Construction of ((new)) essential public facilities, as defined in [SMC 17C.190.530](#), or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.~~

2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. (~~Essential public facilities~~) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All (~~essential public~~) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 2 – SEPA DETERMINATION OF NONSIGNIFICANCE

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Floodplain Management Text Amendment

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: This proposal will amend the Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically “A” Definitions, “B” Definitions, “D” Definitions, “F” Definitions, “H” Definitions, “M” Definitions, and “S” Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This proposal has a City-wide impact, with focus on floodplains within the City’s jurisdiction including lands along Latah Creek and the Spokane River. The text amendment is to ensure compliance with changes in federal and state laws. Details on the project will be made available at the website: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5:00 p.m. on September 16, 2021 if they are intended to alter the DNS.

Responsible Official: Louis Meuler

Position/Title: Interim Director, Planning Services **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: September 2, 2021 **Signature:** *Louis Meuler*
:Louis Meuler (Sep 2, 2021 11:14 PDT)

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is 12:00 p.m. on September 23, 2021 (21 days from the date of the signing of this DNS). This appeal must be on forms provided by the Responsible Official, make specific factual objections, and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

A. BACKGROUND

1. **Name of proposed project:** Floodplain Management Text Amendment
2. **Applicant:** City of Spokane – Planning Services
Address: 808 W. Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6500
3. **Agent or Primary Contact:** Amanda Beck, Assistant Planner II
Address: 808 W. Spokane Falls Boulevard Email: abeck@spokanecity.org
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6414
4. **Location of Project:**
This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane boundary. The City of Spokane is located in Spokane County.
5. **Date checklist prepared:** June 21, 2021
6. **Agency requesting checklist:** City of Spokane, Washington
7. **Proposed timing or schedule (including phasing, if applicable):**
Begin text amendment process in June 2021, with City Council approval no later than December 31, 2021.
8. a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
Amendments will be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in Federal and State statutes and regulations. Any future amendments would be after a Community Assistance Contact (CAC) or Community Assistance Visit (CAV) CAC or CAV with Ecology, to comply with minimum NFIP regulations.
- b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain:**
Yes, the City of Spokane owns land including parks and administrative buildings within the City limits, or “affected geographical area” of this proposal.
9. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
FEMA flood insurance study of Spokane County completed in 2010, Critical Areas ordinances that were updated in 2017, the Shoreline Master Program Periodic Review amending SMC 17E.060 adopted in April 2021, and the Shaping Spokane Comprehensive Plan update in 2017. As a non-project action amending the municipal code to comply with changes in Federal and State regulations, no specific studies have been conducted for this action.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Floodplain Development Permits subject to Floodplain Management regulations are likely within the City. Additional SEPA project-level review will be conducted at the time such proposals are submitted and will be subject to threshold determinations.

11. List any government approvals or permits that will be needed for your proposal, if known:

Plan Commission public hearing and recommendation followed by City Council public hearings and final approval of the ordinance amending Chapter 17E.030. These legislative actions are all expected in 2021.

12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

To comply with changes to the Washington State FEMA Model Ordinance, the City has initiated a text amendment to ensure compliance with Federal and State floodplain regulations and changes affecting all floodplains and floodways within its jurisdiction. The intent of this ordinance is to protect public health and safety, public and private property within floodplains, decrease insurance loss claims due to flooding, and to protect the functions and value of floodplains.

This proposal will amend Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically “A” Definitions, “B” Definitions, “D” Definitions, “F” Definitions, “H” Definitions, “M” Definitions, and “S” Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. The exact amendments to the code are available online at the following address: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

13. Location of the proposal:

This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? Yes No

The General Sewer Service Area? Yes No

The Priority Sewer Service Area? Yes No

The City of Spokane? Yes No

15. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

- (1) **Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).**

Not applicable, this is a non-project action and will not directly result in any direct modification of such systems.

- (2) **Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?**

N/A, this is a non-project action.

- (3) **What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.**

N/A, this is a non-project action.

- (4) **Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?**

N/A, this is a non-project action.

b. **Stormwater**

- (1) **What are the depths on the site to groundwater and to bedrock (if known)?**

Varies throughout the City.

- (2) **Will stormwater be discharged into the ground? If so, describe any potential impacts.**

N/A

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. **General description of the site (check one):**

Flat Rolling Hilly Steep slopes Mountainous

Other: While slopes in the City vary, this is a non-project code amendment that will not directly modify the topology of the City.

- b. **What is the steepest slope on the site (approximate percent slope)?**

N/A, this is a non-project action.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

N/A (non-project action)

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

N/A (non-project action)

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

As a non-project action, the proposal will not require any fill or export of soils.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

N/A (non-project action)

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)?**

N/A (non-project action)

- h. **Proposed measures to reduce or control erosion or other impacts to the earth, if any:**

None.

2. Air

- a. **What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable, this is a non-project action.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

N/A (non-project action)

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None.

3. Water

- a. **Surface Water:**

(1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

The Spokane River and Latah Creek fall within the City's jurisdiction. Various private and public ponds and lakes are situated within the City as well as a number of ephemeral drainages.

- (2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable, this is a non-project action.

- (3) **Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None, (non-project action)

- (4) **Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known.**

N/A (non-project action)

- (5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This proposal is an amendment to the floodplain regulations, concerning modification of floodplain standards and codes in the City to accommodate changes in State and Federal regulations. It is a non-project action and applicable City-wide.

- (6) **Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No (non-project action)

b. Groundwater:

- (1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

No (non-project action)

- (2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None (non-project action). The City requires that all development connect to existing sewer service at time of development/update.

c. Water Runoff (Including Stormwater):

(1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater is collected, treated, and disposed of via various methods in the City, subject to the requirements of [Chapter 13.03 Sewers, Article III General Requirements](#) SMC.

(2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A (non-project action)

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No (non-project action)

d. Proposed Measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.

None

4. Plants

a. Check the type(s) of vegetation found on the site:

Deciduous trees: alder maple aspen Other: Answer

Evergreen trees: fir cedar pine Other: Answer

shrubs grass pasture crop or grain

orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: Answer

Water plants: water lily eelgrass milfoil

Other:

Any other types of vegetation: Note that this is a City-wide non-project action and would not directly alter or affect the various plants and trees located in the City.

b. What kind and amount of vegetation will be removed or altered?

None (non-project action)

c. List threatened and endangered species known to be on or near the site:

None (non-project action)

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None (non-project action)

e. List all noxious weeds and invasive species known to be on or near the site:

None (non-project action)

5. Animals

a. Check *and* List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk heron eagle songbirds Other:

Mammals: deer bear elk beaver Other:

Fish: bass salmon trout herring shellfish

Other:

N/A, note this is a non-project action and would not directly alter or affect the various wildlife found in the City.

b. List any threatened or endangered animal species known to be on or near the site.

None (non-project action)

c. Is the site part of a migration route? If so, explain.

Various migratory birds transit through the city as part of normal migration patterns.

d. Proposed measures to preserve or enhance wildlife, if any:

None (non-project action)

e. List any invasive animal species known to be on or near the site.

None (non-project action)

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, this is a non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe:

No (non-project action)

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None (non-project action)

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

Not applicable, this is a non-project action.

- (1) Describe any known or possible contamination at the site from present or past uses.**

N/A (non-project action)

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

N/A (non-project action)

- (3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

None (non-project action)

- (4) Describe special emergency services that might be required.**

None (non-project action)

- (5) Proposed measures to reduce or control environmental health hazards, if any:**

None (non-project action)

b. Noise:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

The city experiences typical noises present in any urban environment, including aircraft noise from operations at two airports and Fairchild Air Force Base. However, as a non-project amendment to the SMC the urban noise environment won't affect the proposal.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

None (non-project action)

- (3) Proposed measure to reduce or control noise impacts, if any:**

None (non-project action)

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The City contains a full range of urban land uses—as described in the Comprehensive Plan and Zoning Map. The proposal is a non-project action that will not directly modify or affect these uses.

- b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

There are some farmlands in the City of Spokane, mainly located in the Latah/Hangman neighborhood in the southwest quadrant of the City. However, as a non-project proposal impacts to these uses are not expected.

- 1) **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

No (non-project action)

- c. **Describe any structures on the site.**

Varies throughout the City (non-project action)

- d. **Will any structures be demolished? If so, which?**

No (non-project action)

- e. **What is the current zoning classification of the site?**

Varies (non-project action)

- f. **What is the current comprehensive plan designation of the site?**

Varies (non-project action)

- g. **If applicable, what is the current shoreline master program designation of the site?**

The City includes various jurisdictional shoreline areas along the Spokane River. However, the proposal will not affect the standards or policies applied to those areas.

- h. **Has any part of the site been classified as a critical area by the city or the county? If so, specify.**

This is a non-project action that applies to the entire City, including parts classified as Critical Areas. The critical areas ordinance in SMC 17E applies to floodplains and would apply to any action within those and other critical areas.

- i. **Approximately how many people would reside or work in the completed project?**

N/A (non-project action)

- j. **Approximately how many people would the completed project displace?**

None (non-project action)

k. Proposed measures to avoid or reduce displacement impacts, if any:

None (non-project action)

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This proposed amendment would bring the City's regulations into compliance with recent changes to Federal and State regulations, which would not conflict with the Shaping Spokane Comprehensive Plan but would in fact support many of the goals outlined in Chapter 9: Natural Environment.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None (non-project action)

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None (non-project action)

b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.

None (non-project action)

c. Proposed measures to reduce or control housing impacts, if any:

None (non-project action)

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable, this is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

None (non-project action)

c. Proposed measures to reduce or control aesthetic impacts, if any:

None (non-project action)

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None (non-project action)

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No (non-project action)

- c. **What existing off-site sources of light or glare may affect your proposal?**

None (non-project action)

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None (non-project action)

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

The City contains numerous formal and informal recreational opportunities. As a non-project amendment to floodplain codes, no impacts to these resources are expected.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No (non-project action)

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

None (non-project action)

13. Historic and cultural preservation

- a. **Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.**

The City contains various structures either listed or eligible for listing in both the national and local historic registers. However, as a non-project amendment to the floodplain standards in the SMC no impact to these structures is expected.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

There exist within the City certain areas that qualify as tribal or historic uses. However, as a non-project amendment to code this proposal is not expected to affect them.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

None. (non-project action)

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None (non-project action)

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The city is served by a comprehensive network of streets, highways, and freeways. As a non-project amendment to code, the proposal will not affect them.

- b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop.**

Yes, Spokane Transit Authority serves the entire City and wider region with various routes.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

None (non-project action)

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

No (non-project action)

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.**

No (non-project action)

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).**

None

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe.**

No (non-project action)

- h. Proposed measures to reduce or control transportation impacts, if any:**

None (non-project action)

15. Public services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No, this proposal should not result in an increased need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any:**

N/A

16. Utilities

- a. **Check utilities currently available at the site:**

electricity natural gas water refuse service

telephone sanitary sewer septic system

Other: Not applicable, this is a non-project action.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed:**

None (non-project action)

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: September 2, 2021 Signature: Amanda Beck

Project Proponent (Please print or type):

Name: City of Spokane Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6500 Spokane, WA, 99201

Checklist Preparer (If different from proponent):

Name: Amanda Beck Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6414 Spokane, WA, 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Tirrell Black

Based on this staff review of the environmental checklist and other pertinent information, staff concludes that:

- A. There are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. Probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. There are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal is a state mandated update to floodplain regulations to comply with federal and state changes. These changes are largely intended to update terms and requirements already in place for actions within floodplains and to clarify responsibility and intent of existing requirements. No direct action or change to the physical environment is required by these changes. Accordingly, the proposal will not result in direct changes to water, air, or toxic/hazardous substances discharge. Nor will the proposal require the creation of any new or increased noise in the City.

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As described in answer 1 above, the proposal is unlikely to require any change to the existing environment and thus will be unlikely to affect plants, animals, fish, or marine life. The intent of floodplain regulations is to protect or conserve the ecological systems of floodplains, as well as protect life and property.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

As discussed above, the proposal will not develop or cause to be developed any uses or structures requiring energy resources. The changes are intended to increase protection of natural resources like surface waters while protecting structures from the detrimental impacts of flooding and water infiltration. Accordingly, the proposal has a beneficial impact on natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks,

wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?

The clarifications proposed under this text amendment would bring the City's regulations into compliance with the Endangered Species Act (44 CFR § 60.3(a)2) and other updated Federal and State requirements, with the intent to protect and/or conserve the water-dependent ecosystems relied upon by endangered species.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposed text amendment would not affect shoreline use or use of lands within the floodplain, except to ensure that regulations would meet Federal and State regulations for floodplain management, including minimum requirements of the National Flood Insurance Program (NFIP), so it is unlikely incompatible use would be encouraged by this amendment.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not modify requirements for the planning, permitting, or construction of transportation or public services or utilities except in cases where those items are to be developed in or near floodplains. In those cases, the proposal directly updates regulations guiding such actions to ensure compliance with the latest Federal and State requirements for floodplain protection.

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

The floodplain text amendment brings City regulations into compliance with Federal and State laws, including the Growth Management Act, and ensures the City's regulations remain consistent with adopted local plans. This amendment is to comply with recent changes to the FEMA Model Ordinance, and recent policy changes enacted by FEMA.

WA State Model Ordinance

2/24/2021 Version

Evaluation Sheet

Locality: _____

Reviewer: _____

Ordinance No.: _____

Review Date: _____

Ordinance Date: _____

Reason for Review: _____

Flood Zones: A AE/A1-30 Floodway AO (Appx. A) V (Appx B) VE/V1-30 (Appx. B)

Puget Sound BiOp Door 3 Yes No

CRS Level: _____

Criteria & Model Ordinance Reference	Comments and References
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives	<i>(Not mandatory to adopt section 1.0)</i>
<p>1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:</p>	<p>This language is included in the approving ordinance adopted by the Spokane City Council.</p>
<p>1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.</p>	<p>This language is included in the approving ordinance adopted by the Spokane City Council, and also SMC 17E.030.020.</p>

<p>1.3 Statement of Purpose</p> <p>It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief. 	<p>Mirrored language is included in SMC 17E.030.030, only lacking item #9.</p>
<p>1.4 Methods of Reducing Flood Losses</p> <p>In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <ol style="list-style-type: none"> 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. 	<p>This language is included in SMC 17E.030.040.</p>

Section 2.0 – Definitions	Included		<p align="center">44 CFR 59.1</p> <p><i>*Terms with one asterisk are a specific minimum requirement and typically must be adopted.</i></p> <p><i>Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage, and to give this ordinance the most reasonable application.</i></p>
	Yes	No	
*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.	Yes		Language included in SMC 17A.020.010
Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.	Yes		Similar language existing in SMC 17A.020.010
Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.	Yes		Similar language existing in SMC 17A.020.010
*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".	Yes		Existing language updated to read: "The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Special Flood Hazard Area is synonymous in meaning with the phrase "area of special flood hazard."
ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.		No	Definition not included in SMC 17A.020.010
*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").	Yes		Language included in SMC 17A.020.020
*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.	Yes		Language added to SMC 17A.020.020 with this ordinance
*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.	Yes		Similar language existing in SMC 17A.020.020
Building: See "Structure."	Yes		Definition in SMC 17A.020.020
Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.		No	Definition not included in SMC 17A.020.020

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.	Yes		Similar language existing SMC 17A.020.020
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.		No	Definition not included in SMC 17A.020.030 as Spokane is not a coastal municipality
Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.	Yes		Similar language existing in SMC 17A.020.030
*Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.	Yes		Language included in SMC 17A.020.040
Elevated Building: For insurance purposes, a non- basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.	Yes		Language included in SMC 17A.020.050
Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).		No	Definition not included in SMC 17A.020.050
Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.		No	Definition not included in SMC 17A.020.050
Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.	Yes		Definition included in SMC 17A.020.050

<p>Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).</p>	Yes		Definition included in SMC 17A.020.050
<p>Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.</p>		No	Definition not included in SMC 17A.020.060
<p>*Flood or Flooding:</p> <ol style="list-style-type: none"> 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: <ol style="list-style-type: none"> a) The overflow of inland or tidal waters. b) The unusual and rapid accumulation or runoff of surface waters from any source. c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition. 	Yes		Existing language in SMC 17A.020.060 updated to required language
<p>*Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).</p>	Yes		Language added to SMC 17A.020.060 with this ordinance
<p>*Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).</p>	Yes		Language added to SMC 17A.020.060 with this ordinance

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."	Yes		Language added to SMC 17A.020.060 with this ordinance
*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.	Yes		Language added to SMC 17A.020.060 with this ordinance
Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.		No	Language not included in SMC 17A.020.060
*Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."	Yes		Language added to SMC 17A.020.060 in addition to definition required for Washington Shoreline Management Act
*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.	Yes		Language added to SMC 17A.020.060 with this ordinance
*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.	Yes		Language added to SMC 17A.020.080 with this ordinance

<p>*Historic structure: Any structure that is:</p> <ol style="list-style-type: none"> 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 5) By an approved state program as determined by the Secretary of the Interior, or 6) Directly by the Secretary of the Interior in states without approved programs. 	Yes		Language added to SMC 17A.020.080 with this ordinance
<p>*Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).</p>	Yes		<p>Similar definition exists in SMC 17A.020.120:</p> <p>“The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.”</p>
<p>Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”</p>	Yes		Similar definition exists in SMC 17A.020.130
<p>Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>	Yes		Similar definition exists in SMC 17A.020.130
<p>*Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.</p>	Yes		Definition added to SMC 17A.020.130 with this ordinance

<p>*New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.</p>	Yes		Definition in SMC 17A.020.140 updated with required language
<p>New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.</p>	Yes		Similar definition exists in SMC 17A.020.140
<p>One-hundred-year flood or 100-year flood: See “Base flood.”</p>		No	Cross-referenced definition not included in SMC 17A.020.150, rely on SMC 17A.020.020
<p>Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.</p>		No	definition not included in SMC 17A.020.180
<p>*Recreational Vehicle: A vehicle,</p> <ol style="list-style-type: none"> 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable by a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. 	Yes		Definition included in SMC 17A.020.180

<p>*Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p>	<p>Yes</p>	<p>Definition added to SMC 17A.020.190 with this ordinance</p>
<p>*Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.</p>	<p>Yes</p>	<p>Definition added to existing language in SMC 17A.020.190 with this ordinance</p>
<p>*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p>	<p>Yes</p>	<p>Definition updated with this ordinance</p>
<p>*Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the reconstruction, rehabilitation, addition, or other improvement is started. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:</p> <ol style="list-style-type: none"> 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." 	<p>Yes</p>	<p>Definition updated and modified with this ordinance</p>

Revised: February 2021

*Variance: A grant of relief by a community from the terms of a floodplain management regulation.	Yes		Existing language in SMC 17A.020.220: "A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC."
Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.	Yes		Similar language exists in SMC 17A.020.230
Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.		No	Language not included in SMC 17A.020.230

Section 3.0 – General Provisions	Code of Federal Regulations Requirement
<p>3.1 Lands to Which This Ordinance Applies</p> <p>This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.</p>	<p>(44 CFR 59.22(a))</p> <p>Included in SMC 17E.030.050(A)</p>
<p>3.2 Basis for Establishing the Areas of Special Flood Hazard</p> <p>The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for {exact title of study}" dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}.</p> <p>The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.</p>	<p>Mandatory 44 CFR 60.3 (preamble) and 44 CFR 60.2(h)</p> <p>Language included in SMC 17E.030.050(B)</p>
<p>3.3 Compliance</p> <p>All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.</p>	<p>Mandatory (44 CFR 60.2(h))</p> <p>Language added to SMC 17E.030.050</p>
<p>3.4 Penalties For Noncompliance</p> <p>No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ___ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the ___ from</p>	<p>Mandatory (44 CFR 60.2(h))</p> <p>Language included in SMC 17E.030.180</p>

Revised: February 2021

<p>taking such other lawful action as is necessary to prevent or remedy any violation.</p>	
<p>3.5 Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.</p>	<p>Included in SMC 17E.030.050(D)</p>
<p>3.6 Interpretation In the interpretation and application of this ordinance, all provisions shall be:</p> <ol style="list-style-type: none"> 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes. 	<p><i>Recommended language</i> Included in SMC 17E.030.050(E)</p>
<p>3.7 Warning And Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.</p>	<p><i>Recommended language</i> Included in SMC 17E.030.050(F)</p>
<p>3.8 Severability This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.</p>	<p><i>Mandatory (44 CFR 60.1(b))</i> <i>The severability cause may be included in the adopting ordinance and left uncodified.</i> Added to SMC 17E.030.050</p>

<p>Section 4.0 – Administration</p>	
<p>4.1 Establishment of Development Permit 4.1-1 Development Permit Required A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”</p>	<p><i>Mandatory (44 CFR 60.3(b)(1))</i></p> <p>Existing in SMC 17E.030.060</p>
<p>4.1-2 Application for Development Permit Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:</p> <ol style="list-style-type: none"> 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and <p>Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.</p>	<p><i>The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory.</i></p> <p><i>Elevation Certificates are not mandatory outside of Community Rating System communities but are highly recommended.</i></p> <p>Updated language in SMC 17E.030.060(C)</p>
<p>4.2 Designation of the Floodplain Administrator The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.</p>	<p><i>Mandatory (44 CFR 59.22(b)(1))</i></p> <p>Similar language exists in SMC 17E.030.070</p>

<p>4.3 Duties & Responsibilities of the Floodplain Administrator</p> <p>Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to:</p>	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Included in SMC 17E.030.080</p>
<p>4.3-1 Permit Review</p> <p>Review all development permits to determine that:</p> <ol style="list-style-type: none"> 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met. 5) Notify FEMA when annexations occur in the Special Flood Hazard Area. 	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Updated language in SMC 17E.030.080(A)</p>
<p>4.3-2 Use of Other Base Flood Data (In A and V Zones)</p> <p>When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD,</p> <p>the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.</p>	<p><i>Mandatory (44 CFR 60.3(b)(4))</i></p> <p>Language included in SMC 17E.030.080(B)</p>
<p>4.3-3 Information to be Obtained and Maintained</p> <ol style="list-style-type: none"> 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. 2) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. 3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: <ol style="list-style-type: none"> a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. b) Maintain the flood proofing certifications required in Section 4.1-2(3). 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. 	<p><i>Required verbatim per (44 CFR 60.3 (b)(5))</i></p> <p><i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(e)(2))</i> <i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(b)(5)(ii))</i> <i>(44 CFR 60.3(b)(5)(iii))</i> <i>(44 CFR 60.3(d)(3))</i> <i>(44 CFR 60.6(a)(6))</i> <i>(44 CFR 60.3(b)(5)(iii))</i></p> <p>Updated language in SMC 17E.030.080(C) except for 4.3-3(2)</p>

<p>4.3-4 Alteration of Watercourses</p> <p>Whenever a watercourse is to be altered or relocated:</p> <ol style="list-style-type: none"> 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	<p><i>Mandatory per (44CFR 60.3(b)(6)) and (44CFR 60.3(b)(7))</i></p> <p>Updated language in SMC 17E.030.080(D)</p>
<p>4.3-5 Interpretation of FIRM Boundaries</p> <p>Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.</p>	<p><i>This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted per (44 CFR 59-76)</i></p> <p>Updated language in SMC 17E.030.080(E)</p>
<p>4.3-6 Review of Building Permits</p> <p>Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i>. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.</p> <p>(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)</p>	<p><i>Mandatory per (44 CFR 60.3(a)(3))</i></p> <p>Language added from other section of SMC to be included in SMC 17E.030.080(F)</p>
<p>4.3-7 Changes to Special Flood Hazard Area</p> <p>If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.</p>	<p><i>Recommended.</i></p> <p><i>However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents.</i></p> <p>Language added to 17E.030.080</p>

<p>Section 5.0 – Provisions for Flood Hazard Reduction</p>	<p><i>(Section 5.0 is required)</i></p>
<p>5.1 General Standards In all areas of special flood hazards, the following standards are required:</p>	<p>Language exists in SMC 17E.030.130</p>
<p>5.1-1 Anchoring 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.</p>	<p><i>Mandatory per (44 CFR 60.3(a)(b)), (44 CFR 60.3(a)(3)(i)), and (44 CFR 60.3(b)(8))</i> <i>Refer to guidebook FEMA-85, “Manufactured Home Installation in Flood Hazard Areas.”</i> Language updated in SMC 17E.030.130(A)</p>
<p>5.1-2 Construction Materials and Methods 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(a)(3)(ii-iv))</i> Language exists in SMC 17E.030.130</p>
<p>5.1-3 Storage of Materials and Equipment 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.</p>	<p><i>Recommended</i> Language added to SMC 17E.030.130</p>
<p>5.1-4 Utilities 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.</p>	<p><i>Mandatory per (44 CFR 60.3(a)(5)(6))</i> <i>WAC 173-160-171 prohibits new water wells in floodways.</i> Language exists in SMC 17E.030.130(D) including reference to WAC</p>

<p>5.1-5 Development and Subdivision Proposals</p> <p>All development, including subdivisions, shall:</p> <ol style="list-style-type: none"> 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application. 	<p style="text-align: center;"><i>Mandatory</i> <i>(44 CFR 60.3(a)(4) and (b)(3))</i></p> <p>Language updated in SMC 17E.030.130(E)</p>
<p>5.2 Specific Standards</p> <p>In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:</p>	<p style="text-align: center;"><i>Mandatory per (44 CFR 60.3(c)(1))</i> <i>(Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)</i></p> <p style="text-align: center;">Included in SMC 17E.030.140</p>
<p>5.2-1 Residential Construction</p> <ol style="list-style-type: none"> 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria: <ol style="list-style-type: none"> a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 	<p style="text-align: center;"><i>Mandatory per</i> <i>(44 CFR 60.3(c)(2) and (5)), (44 CFR 60.3(c)(7)),</i> <i>(44 CFR 60.3(b)(2)), (44 CFR 60.3(e)), and</i> <i>(44 CFR 60.3(c)(5))</i></p> <p>Language updated in SMC 17E.030.140(A), excluding language in 5.2-1(2) and (4)</p>

<p>that they permit the automatic entry and exit of floodwater.</p> <p>d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.</p> <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p>	
<p>5.2-2 Nonresidential Construction</p> <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:</p> <ol style="list-style-type: none"> 1) Meet the standards in Section 5.2-1, or 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: <ol style="list-style-type: none"> a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(3); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5); <p>(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)</p>	<p><i>Mandatory per (44 CFR 60.3(c)(3) and (4))</i></p> <p><i>Nonresidential construction must meet the requirements of subsection 1 or 2.</i></p> <p>Language updated in SMC 17E.030.140(B)</p>

<p>5.2-3 Manufactured Homes</p> <p>1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*.</p> <p>This applies to manufactured homes:</p> <ul style="list-style-type: none"> a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and <p>2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:</p> <ul style="list-style-type: none"> a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 	<p><i>Mandatory per(44 CFR 60.3(c)(6)(12))</i></p> <p><i>* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.</i></p> <p>Updated language in SMC 17E.030.140(C) to read: “All manufactured homes to be placed or substantially improved on sites within the City’s Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:</p> <ul style="list-style-type: none"> a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and c. comply with SMC 17E.030.060(C) in completing an Elevation Certificate with the other necessary permits.”
<p>5.2-4 Recreational Vehicles</p> <p>Recreational vehicles placed on sites are required to either:</p> <ul style="list-style-type: none"> 1) Be on the site for fewer than 180 days, or 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 3) Meet the requirements of 5.2-3, above. 	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(14))</i></p> <p>Language exists in SMC 17E.030.140(D)</p>
<p>5.2-5 Enclosed Area Below the Lowest Floor</p> <p>If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(5))</i></p> <p>Added language to SMC 17E.030.140</p>

<p>5.2-6 Small Accessory Structures (Detached Garages & Small Storage Structures)</p> <p>For A Zones (A, AE, A1-30, AH, AO):</p> <p>1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) Use of the small accessory structure must be limited to parking of vehicles or limited storage; b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials; c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE; e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in Section 5.4-1; f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. <p>2) In V, VE, V1-30, and VO flood zones, small accessory structures constructed pursuant to this section may be no more than 100 square feet in size.</p> <p>3) Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.</p> <p>4) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	<p style="text-align: center;"><i>Recommended</i></p> <p>Not included in SMC, Spokane does not have AO Zones.</p>
<p>5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways</p> <p>In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.</p>	<p style="text-align: center;"><i>Mandatory</i> (44 CFR 60.3(c)(10))</p> <p>Language included in SMC 17E.030.150</p>

<p>5.4 Floodways</p> <p>Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:</p>	<p><i>(More restrictive language for floodway development per RCW 86.16)</i></p> <p>Language exists in SMC 17E.030.160</p>
<p>5.4-1 No Rise Standard</p> <p>Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(d)(3))</i></p> <p>Updated language in SMC 17E.030.160(A)</p>
<p>5.4-2 Residential Construction in Floodways</p> <p>Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.</p> <p>1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:</p> <ol style="list-style-type: none"> a) The new farmhouse is a replacement for an existing farmhouse on the same farm site; b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the 	<p><i>Mandatory (RCW 86.16.041)</i></p> <p><i>Subsections 1 and 2 can be eliminated at local option.</i></p> <p>Updated language in SMC 17E.030.160(B) and added language for Replacement of Farmhouses in Floodway as SMC 17E.030.160(C) and Substantially Damaged Residences in Floodway in SMC 17E.030.160(D)</p>

improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2) Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

<ul style="list-style-type: none"> v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system. vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. 	
<p>5.4-3 All Other Building Standards Apply in the Floodway</p> <p>If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provision For Flood Hazard Reduction.</p>	<p style="text-align: center;"><i>Mandatory (44 CFR 60.3(d)(1-4)</i></p> <p style="text-align: center;">Language included in SMC 17E.030.160(E)</p>
<p>5.5 General Requirements for Other Development</p> <p>All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:</p> <ol style="list-style-type: none"> 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. 	<p style="text-align: center;"><i>Optional Provision</i></p> <p style="text-align: center;">Language added to SMC 17E.030.130</p>

<p>5.6 Critical Facility</p> <p>Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.</p>	<p style="text-align: center;"><i>Optional Provision</i></p> <p style="text-align: center;">Language updated in SMC 17E.030.170</p>
<p>5.7 Livestock Sanctuary Areas</p> <p>Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.</p>	<p><i>Required by RCW 86.16.190. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.</i></p> <p style="text-align: center;">Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.</p> <p style="text-align: center;">Livestock are permitted in the RA Zone, so language added to SMC 17E.030.140 with elevation requirement concurring with section to require 2 feet above BFE</p>

<p>Section 6.0 - Variances</p>	
<p>Variances from the floodplain management standards shall only be issued if meeting all of the applicable criteria in sections 6.1 and 6.2. Variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.</p>	<p style="text-align: center;"><i>Recommended</i></p> <p style="text-align: center;">Conditions for consideration of a variance is included in SMC 17E.030.100, and duties of the Hearing Examiner are outlined in SMC 17E.030.090</p>

6.1 Requirements for Variances

- 1) Variances shall only be issued:
 - a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d) Upon a showing of good and sufficient cause;
 - e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 **{or the numbering system used by the community}** of this ordinance in the definition of "Functionally Dependent Use."
- 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- 3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 **{or the numbering system used by the community}** of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

*Recommended. However, any variance provisions need to meet the standards in
44 CFR 60.6*

Language included and updated in
SMC 17E.030.100

<p>6.2 Variance Criteria</p> <p>1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:</p> <p>a) The danger that materials may be swept onto other lands to the injury of others;</p> <p>b) The danger to life and property due to flooding or erosion damage;</p> <p>c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;</p> <p>d) The importance of the services provided by the proposed facility to the community;</p> <p>e) The necessity to the facility of a waterfront location, where applicable;</p> <p>f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;</p> <p>g) The compatibility of the proposed use with existing and anticipated development;</p> <p>h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;</p> <p>i) The safety of access to the property in time of flood for ordinary and emergency vehicles;</p> <p>j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,</p> <p>f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Language included and updated in SMC 17E.030.090</p>
<p>6.3 Additional Requirements for the Issuance of a Variance</p> <p>1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</p> <p>a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and</p> <p>b. Such construction below the BFE increases risks to life and property.</p> <p>2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</p> <p>3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.</p> <p>Variations as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Similar language included and updated in SMC 17E.030.100</p>

<p>financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.</p>	
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<p>APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)</p>	<p>(44 CFR 60.3(c)7, 8 and 11)</p>
<p>Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:</p> <ol style="list-style-type: none"> 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: <ol style="list-style-type: none"> a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(2). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: <ol style="list-style-type: none"> a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(c)(7), all other Appendix A standards are mandatory IF there are Mapped AO zones in the community.</i></p> <p><i>44 CFR 60.3(c)(8)(i), 44 CFR 60.3(c)(8)(ii), and 44 CFR 60.3(c)(11)</i></p> <p>Not included in SMC as the City of Spokane does not have AO Zones.</p>

c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.2-3).	
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APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2 – 8)
<p>Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:</p> <ol style="list-style-type: none"> 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that: <ol style="list-style-type: none"> a) Elevation: <ol style="list-style-type: none"> i. Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii). 2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information. 3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide. 4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(e)(4), all other standards in Appendix B are mandatory if the community has any V1-30, VE or V zones mapped on its FIRM.</i></p> <p><i>44 CFR 60.3(e)(4), 44 CFR 60.3(e)(4)(i), 44 CFR 60.3(e)(4)(ii), 44 CFR 60.3(e)(2), 44 CFR 60.3(e)(3), 44 CFR 60.3(e)(5), 44 CFR 60.3(e)(5)(i), 44 CFR 60.3(e)(6), 44 CFR 60.3(e)(7), 44 CFR 60.3(e)(8)(i-iv), and 44 CFR 60.3(e)(9)(i-iii)</i></p> <p>Not included in the SMC as the City of Spokane does not have V Zones, the municipality is not a coastal city.</p>

floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
 - a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either:

- | | |
|--|--|
| <ul style="list-style-type: none">a) Be on the site for fewer than 180 consecutivedays, orb) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; orc) Meet the requirements of subsections (1) through (6) of this section. | |
|--|--|



Agenda Sheet for City Council Meeting of:
10/18/2021

Date Rec'd	10/6/2021
Clerk's File #	ORD C36118
Renews #	

Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	
Contact Name/Phone	AMANDA BECK 625-6414	Project #	
Contact E-Mail	ABECK@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 - 2021 FLOODPLAIN MANAGEMENT TEXT AMENDMENT - 17E.030		

Agenda Wording

An Ordinance to amend various sections of Chapter 17E.030, Floodplain Management, as part of work to complete a state mandated update of floodplain regulations.

Summary (Background)

The proposed amendments coincide with updates to Chapter 17A.020, Definitions, as part of a City-initiated update to floodplain regulations that are state mandated updates to the Spokane Municipal Code. The amendments to Chapter 17E.030 include clarifying requirements for floodplain development, updating references to best practice guidance from FEMA, and updating base flood elevation requirements among other items.

Lease? NO	Grant related? NO	Public Works? NO
Fiscal Impact		Budget Account

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	MEULER, LOUIS	Study Session\Other	7/12 UE
Division Director	BECKER, KRIS	Council Sponsor	CM Lori Kinnear
Finance	ORLOB, KIMBERLY	Distribution List	
Legal	RICHMAN, JAMES	abeck@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	tblack@spokanecity.org	
Additional Approvals		jrichman@spokanecity.org	
Purchasing		sbishop@spokanecity.org	
		jchurchill@spokanecity.org	
		lmeuler@spokanecity.org	
		smacdonald@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

This amendment must be completed by December 31, 2021 for the City to remain a NFIP participating community.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

Briefing Paper

Urban Experience Committee

Division & Department:	Business and Development — Planning Services
Subject:	Floodplain Management Update of SMC 17E.030
Date:	July 12, 2021
Author (email & phone):	Amanda Beck; abeck@spokanecity.org ; 509-625-6414
City Council Sponsor:	CM Kinnear
Executive Sponsor:	Louis Meuler, Planning Director
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment:	RCW 43.21C, RCW 86.16, WAC 197-11, Shaping Spokane Comprehensive Plan Chapter 9.
Strategic Initiative:	Urban Experience - River Connection; Innovative Infrastructure - Resiliency.
Deadline:	December 31, 2021
Outcome:	Mandated update of Spokane Municipal Code 17E.030.
Background and History:	
<p>Local governments are responsible for managing development in floodplains under the National Flood Insurance Program (NFIP), which is overseen by the Federal Emergency Management Agency (FEMA). The Washington Department of Ecology is the state lead for floodplain management. In December 2019, Ecology revised the state’s <i>FEMA Model Ordinance</i> to incorporate new minimum regulations.</p> <p>FEMA’s National Flood Insurance Program nationally maps floodplains, outlines federal regulations for management, and provides insurance for buildings within floodplains. FEMA offers insurance to residents in participating communities that agree to enforce minimum NFIP standards. The regulated area is called the Special Flood Hazard Area and this includes the 100 year floodplain and the floodway. There is a 100-year floodplain along Latah Creek and the Spokane River.</p> <p>Amending the Unified Development Code to comply with Ecology changes will achieve:</p> <ul style="list-style-type: none"> • Compliance with the appropriate Code of Federal Regulations (CFR), RCWs, and WACs; • Be consistent with the Comprehensive Plan and City development regulations; and • Allow appropriate use and enjoyment of land within the floodplain while protecting life and property. 	
Executive Summary:	
<p>The City-initiated amendment to SMC 17A.020 and 17E.030 is state mandated and proposed amendments focus on compliance with state and federal regulatory changes. Amendments will go through review with Ecology, internal staff, and partner agencies. The City is required to complete an amendment of its floodplain management regulations to comply with state changes by December 31, 2021.</p>	
Budget Impact:	
<p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Other budget impacts: Not applicable</p>	
Operations Impact:	
<p>Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes No <input type="checkbox"/></p> <p>Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Specify changes required: Dept. of Ecology review → City Council legislative action.</p> <p>Known challenges/barriers: None.</p>	

ORDINANCE NO. C36118

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

WHEREAS, the City complied with RCW 36.70A.370 in the adoption of this Ordinance; and

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a Determination of Non-Significance (“DNS”) was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

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

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission’s Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission’s entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

Section 17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The

Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [SMC 17E.030.050\(B\)](#). The permit shall be for all structures including manufactured homes, as defined in [chapter 17A.020 SMC](#) and for all development, including fill and other activities also as defined in [chapter 17A.020 SMC](#).

B. A pre-development conference as set forth in [chapter 17G.060 SMC](#) is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in [SMC 17E.030.050\(B\)](#).

C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-);
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [SMC 17E.030.130](#)(-);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-);
5. A completed critical areas checklist as established at [chapter 17G.060 SMC](#)(-);
6. A completed environmental checklist, unless the ~~((local administrator))~~ Floodplain Administrator as designated in [SMC 17E.030.070](#) has determined that the project is categorically exempt from [chapter 17E.050 SMC](#); and
7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
8. ~~((All))~~ Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are

required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in [chapter 17G.060 SMC](#).

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in [SMC 8.02.066\(F\)](#).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) Floodplain Administrator to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

Section 17E.030.080 Duties and Responsibilities of the ((Local)) Floodplain Administrator

A. The duties and responsibilities of the ((local administrator)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:

1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
2. that all ((necessary)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
3. that the site is reasonably safe from flooding;
4. ((if)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of [SMC 17E.030.160](#) are met((-));
5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
6. notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data in “A” Zones.

When base flood elevation data has not been provided (“A” Zones) in accordance with [SMC 17E.030.050](#), the (~~local administrator~~) Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer [SMC 17E.050.140](#) and [SMC 17E.050.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the (~~local administrator~~) Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the (~~local administrator~~) Floodplain Administrator shall:
 - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in [SMC 17E.030.060](#).
3. The (~~local administrator~~) Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required in [SMC 17E.030.160\(A\)](#) (No Rise Standard).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. The (~~local administrator~~) Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
2. The (~~local administrator~~) Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.

The (~~local administrator~~) Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [SMC 17E.030.090](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in [chapter 17G.060 SMC](#).
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 1. danger that materials may be swept onto other lands to the injury of others

2. danger to life and property due to flooding or erosion damage;
 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. importance of the services provided by the proposed facility to the community;
 5. necessity to the facility of a waterfront location, where applicable;
 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. compatibility of the proposed use with existing and anticipated development;
 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 12. cumulative impact of additional requests of like actions in the area; and
 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The ~~((local administrator))~~ Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in [SMC 17G.060.170\(E\)](#) are met. In addition to [SMC 17G.060.170\(E\)](#), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with [SMC 17E.030.050](#).~~

~~((8.)) 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.~~

B. Variances will be processed as set forth in [Table 17G.060-3](#).

C. The fees for processing a variance are set forth in [SMC 8.02.066\(G\)](#).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

~~((Section 17E.030.120 Resource Material))~~

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

~~A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.~~

~~G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))~~

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
 - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
 - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 (~~(-9/85)~~)" is adopted by reference for further manufactured home anchoring techniques.

~~((B. AO Zone Drainage-~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

~~((C.))~~ B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. ((Subdivision Proposals)) Development and Subdivision Proposals.

~~((All subdivisions proposals shall:~~

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))~~

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation

data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

~~((F. Review of Building Permits.~~

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of [SMC 17E.030.140\(A\)\(3\)](#), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~((this chapter,))~~ Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement,

elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2.))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their~~

~~development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in [SMC 17E.030.080](#);~~

~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;))~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.

b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:

i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

i. Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in [SMC 17E.030.080](#);
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [SMC 17E.030.140\(A\)\(3\)](#).

~~((5.))~~ 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved ((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites)) on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:
 - ~~((a. outside of a manufactured home park or subdivision;~~
 - ~~b. in a new manufactured home park or subdivision;~~
 - ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
 - ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

- ~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH,~~

~~AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~

- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
- ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.)~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and
- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with [SMC 17E.030.060\(C\)](#) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites (~~within zones A1-30, AH, AO and AE on the City's flood insurance rate map~~) are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ((within zones A1-30 and AE on the City's FIRM,)) unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in [SMC 17E.030.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ((increasing)) increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ((assessed)) market value of the structure either:
 - a. before the repair or reconstruction is started; or
 - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project-of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health,

sanitary or safety code specification (~~(which)~~) that have been identified by the local code enforcement official and (~~(which)~~) are the minimum necessary to assure safe living conditions (~~(or to structures identified as historic places)~~) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [SMC 17E.030.130](#) ~~((and))~~ [17E.030.140](#), and [17E.030.130\(F\)](#).

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
 - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in [SMC 17E.030.140\(B\)\(3\)](#).~~~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:
 - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
 - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
 - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes ([SMC 17E.030.130\(A\)\(2\)](#)).~~~~

~~B. Essential Public Facilities.))~~

- ~~1. Construction of ((new)) essential public facilities, as defined in [SMC 17C.190.530](#), or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.~~

2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. (~~Essential public facilities~~) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All (~~essential public~~) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE 2021 FLOODPLAIN MANAGEMENT TEXT AMENDMENT**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed by the 2021 Floodplain Management text amendment. The proposal amends the Unified Development Code (UDC) Chapter 17A.020 Sections 17A.020.010 “A” Definitions, 17A.020.020 “B” Definitions, 17A.020.040 “D” Definitions, 17A.020.060 “F” Definitions, 17A.020.080 “H” Definitions, 17A.020.130 “M” Definitions, 17A.020.140 “N” Definitions, and 17A.020.190 “S” Definitions; and Chapter 17E.030 Sections 17E.030.030 Floodplain Management Purpose, 17E.030.050 General Provisions, 17E.030.060 Establishment of Development Permit, 17E.030.070 Designation of the Local Administrator, 17E.030.080 Duties and Responsibilities of the Local Administrator, 17E.030.090 Variance Procedure - Hearing Examiner, 17E.030.100 Variances, 17E.030.120 Resource Material, 17E.030.130 General Standards, 17E.030.140 Specific Standards, 17E.030.150 Before Regulatory Floodway, 17E.030.160 Floodways, and 17E.030.170 Standards for Shallow Flooding Areas (AO Zones).

FINDINGS OF FACT:

- A. The Floodplain Management review and update is State mandated and was completed by the City of Spokane in close collaboration with the Department of Ecology. This proposal is narrowly focused to achieve compliance with changes to the State *FEMA Model Ordinance*, and Federal changes put forth by the Federal Emergency Management Agency (FEMA).
- B. Authority of the City of Spokane to regulate development within the floodplain is based upon RCW 86.16.020. This amendment was developed by the City to comply with Chapter 173-158 WAC, which outlines the State’s minimum floodplain management requirements.
- C. The review and update of City regulations ensures the City meets minimum requirements to continue participation in the National Flood Insurance Program administered by FEMA.
- D. The proposed text amendment aligns with the following adopted Shaping Spokane Comprehensive Plan goals and policies:
 1. Chapter 9 Natural Environment, Goal 19 – Flood Hazard Management directs policy that protects life and property from flooding and erosion by directing development away from flood hazard areas;
 2. Chapter 3 Land Use, Policy LU 5.4 – Natural Features and Habitat Protection outlines that development should be accomplished in a manner that protects significant natural features and wildlife habitat; and
 3. Chapter 14 Shorelines, Goal 6 – Flood Hazard Reduction guides development such that flood damage is minimized or prevented in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.

Findings of Fact, Conclusion, and Recommendation
2021 Floodplain Management Text Amendment

- E. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- F. On June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- G. A State Environmental Protection Act (SEPA) Determination of Nonsignificance was issued by Planning Services on September 2, 2021 and a 14-day comment period commenced September 2 through September 16, 2021. No comments were received during the comment period.
- H. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- I. The City's floodplain management update was reviewed against the Department of Ecology *FEMA Model Ordinance* and the Code of Federal Regulations Title 44.
- J. Information on the text amendment was presented to the public, neighboring jurisdictions, and partner agencies in a virtual Open House held via Webex on August 19, 2021. The Urban Development Committee was briefed on July 12, 2021 and the Community Assembly was briefed on September 5, 2021.
- K. A legal notice of public hearing was published in the *Spokesman-Review* on September 8 and 15, 2021.
- L. The Plan Commission held a public hearing on September 22, 2021 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

1. The Plan Commission has reviewed all public testimony received during the public hearing.
2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the amendment to the Unified Development Code proposed by the 2021 Floodplain Management Text Amendment, by unanimous vote, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendment to Chapter 17A.020 SMC and Chapter 17E.030 SMC.


Todd Beyreuther (Sep 27, 2021 17:05 PDT)

**Todd Beyreuther, President
Spokane Plan Commission**

Sep 27, 2021

09-22-2021_PC Findings and Conclusions

Final Audit Report

2021-09-28

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STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City Plan Commission
Subject:	Floodplain Management Text Amendment
Staff Contact:	Amanda Beck, AICP, Assistant Planner II (509) 625-6414 abeck@spokanecity.org
Report Date:	September 13, 2021
Hearing Date:	September 22, 2021
Recommendation:	Approval

I. SUMMARY

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. The text amendment is intended to align the City's floodplain regulations with state and federal regulations, which have undergone recent changes.

II. BACKGROUND

Congress initiated the National Flood Insurance Program (NFIP) in 1968 under the National Flood Insurance Act to relieve the burden of disaster relief on the national treasury, and state and local tax bases. The NFIP is administered by the Federal Insurance Administration (FIA), which is part of the Federal Emergency Management Agency (FEMA). In 1973 Congress added several provisions to strengthen the NFIP under the Flood Disaster Protection Act. Through the provision of the 1973 act FEMA has been able to provide additional incentives to communities to join the program by substantially increasing the amount of flood insurance coverage available and providing penalties for communities and individuals that choose not to join the NFIP that are subsequently flooded.

The National Flood Insurance Program makes available affordable flood insurance to residents within communities that adopt approved floodplain management regulations. Communities that do not participate in the NFIP do not qualify for certain flood disaster relief.

The City of Spokane entered into the NFIP emergency program in 1973, and the following year the FIA provided a Flood Hazard Boundary Map which was a preliminary delineation of flood hazard areas within the City. By 1980 the City was accepted in the NFIP regular program and received its initial Flood Insurance Rate Maps (FIRMs) by 1982. In 2010, FEMA conducted an updated Flood Insurance Study of Spokane County which effectively updated all of the FIRMs for Spokane County. FIRMs delineate areas adjacent to rivers or other bodies of water that are subjected to flood risks and an insurance rate is determined for each area. The 100-year flood determines the geographic jurisdiction of NFIP-related programs. FEMA's new Digital FIRMs (DFIRMs) delineate flood insurance rate zones, limits of the 100-year floodway and floodplain, and often the limits to the 500-year floodplain as well.

The Department of Ecology is the state lead for floodplain management and FEMA's partner in enforcing floodplain management for Washington State. State statutes that address flood hazard management are outlined in Title 86 of the Revised Code of Washington, particularly [RCW 86.16](#) Floodplain Management, as well as [Chapter 173-158](#) of the Washington Administrative Code, and the Growth Management Act ([RCW 36.70A](#)).

Ecology updated the Flood Damage Prevention Ordinance Washington Model (commonly referred to as the *FEMA Model Ordinance*) on December 9, 2019. Additionally, in 2020 FEMA announced two significant policy changes. First, FEMA Policy #104-008-03 released February 2020 put forward updated design and performance standards for agricultural and accessory structures located within the Special Flood Hazard Areas (SFHAs, or the floodplain). Second, in August 2020 FEMA rescinded Region X's fish enhancement structures in the floodway policy, which had been enacted to allow for the completion of habitat restoration or fish habitat enhancement projects by allowing communities a rise in the floodway for fish habitat restoration/enhancement projects. This policy was applicable for FEMA Region X covering Washington, Oregon, Idaho, and Alaska.

Changes in FEMA policy, and subsequently to the Code of Federal Regulations [Title 44](#), as well as revisions to the minimum State requirements contained in the *FEMA Model Ordinance* necessitate a review of the Spokane Municipal Code to ensure that adopted regulations meet both federal and state changes. As such, City staff have been working with Ecology to review SMC Chapters 17A.020 and 17E.030 to ensure the City is compliant, and to continue participation in the NFIP. The last review of City regulations was completed in 2013 in conjunction with the Department of Ecology. Ecology staff conducted a FEMA Community Assistance Visit for a comprehensive assessment of the City's floodplain regulations to ensure compliance with the NFIP requirements, and the City's regulations were deemed in compliance.

III. PROCESS

TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendment requires a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

ROLE OF CITY COUNCIL

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

COMMUNITY ENGAGEMENT

To ensure broad dissemination of a proposal and its alternatives, public meetings or other provisions for public comment and discussion should be held for text amendments. This also ensures that proposed amendments meet both City and State guidelines concerning public engagement.

City staff held internal and external opportunities for the public to review the proposed changes, as noted below:

- A project page on the City website with up-to-date information about events and project progress (<https://my.spokanecity.org/projects/2021-floodplain-management-update/>)
- Urban Experience Committee briefing (July 12, 2021)
- Plan Commission Workshop (July 14, 2021)
- Internal review group (July 27, 2021)
- Inclusion at the Community Assembly (August 5, 2021)
- City [blog post](#) highlighting the virtual open house (July 26, 2021)
- Virtual open house held via Webex (August 19, 2021)
- Plan Commission Workshop (September 8, 2021)

PUBLIC NOTIFICATION AND SEPA REVIEW

As outlined in Section 17G.025.010 SMC, proposals to amend the UDC shall be noticed in the *Official Gazette* and to interested parties prior to the Plan Commission review, and this shall include the SEPA checklist. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required to be completed.

This application was properly noticed pursuant to Section 17G.025.010(E). See Exhibit 2 for the SEPA Determination of Nonsignificance. Noted below are the public noticing activities:

- Notice of Intent to Adopt submitted to the Department of Commerce (June 21, 2021)
- Notice of Intent to Adopt pursuant to 17G.025.010 SMC, which included the SEPA Checklist, emailed to City departments, Local, County, Tribal, and State contacts (August 13, 2021)
- SEPA Determination of Nonsignificance (DNS) issued (September 2, 2021), the comment period ended on September 16, 2021
- Notice of Public Hearing for the Plan Commission was published in the *Spokesman-Review* on September 8 and 15, 2021.

COMMENTS RECEIVED

Written and emailed comments received are provided to the Plan Commission. At the time of this writing staff has not received any comments on the proposed text amendment.

IV. ANALYSIS

PROPOSAL DESCRIPTION

This City-initiated text amendment is a State mandated review and update to the City's floodplain regulations. Proposed amendments would affect sections of Chapter 17A.020, Definitions, and various sections of Chapter 17E.030, Floodplain Management. Due to revisions from the Federal Emergency Management Agency (FEMA), and updates from the Department of Ecology to the Washington State *FEMA Model Ordinance*, the City is required to update floodplain regulations no later than December 31, 2021. As the state lead for floodplain management, City staff worked closely with Ecology to complete this review and amendment.

This proposed text amendment is to the Unified Development Code (UDC) Chapter 17A.020 Sections [17A.020.010](#) "A" Definitions, [17A.020.020](#) "B" Definitions, [17A.020.040](#) "D" Definitions, [17A.020.060](#) "F" Definitions, [17A.020.080](#) "H" Definitions, [17A.020.130](#) "M" Definitions, , [17A.020.140](#) "N" Definitions, and [17A.020.190](#) "S" Definitions; and Chapter 17E.030 Sections [17E.030.030](#) Floodplain Management Purpose, [17E.030.050](#) General Provisions, [17E.030.060](#) Establishment of Development Permit, [17E.030.070](#) Designation of the Local Administrator, [17E.030.080](#) Duties and Responsibilities of the Local Administrator, [17E.030.090](#) Variance Procedure - Hearing Examiner, [17E.030.100](#) Variances, [17E.030.120](#) Resource Material, [17E.030.130](#) General Standards, [17E.030.140](#) Specific Standards, [17E.030.150](#) Before Regulatory Floodway, [17E.030.160](#) Floodways, and [17E.030.170](#) Standards for Shallow Flooding Areas (AO Zones). The text amendment is intended to align the City's floodplain regulations with State and Federal regulations, which have undergone recent changes. Floodplain regulations are meant to allow appropriate use and enjoyment of land within the floodplain while protecting life and property.

See Exhibit 1 for the draft ordinance with strike-through text and proposed changes.

FINAL REVIEW CRITERIA

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission as well as the approval criteria outlined in the Code. The applicable criteria are shown below in ***bold italic*** with staff analysis following each criteria.

A. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

The proposed text amendment is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

Land Use Policy LU 5.4 – Natural Features and Habitat Protection. Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

Staff Analysis: Meeting the FEMA and Department of Ecology minimum standards to manage development within the floodplain will ensure structures within the floodplain are built to withstand flood events, while protecting the ecosystem benefits of the floodplain, creating a more resilient community. Updating the City's regulations also ensures continued participation in the National Flood Insurance Program.

Natural Environment Goal 19 – Flood Hazard Management. Protect life and property from flooding and erosion by directing development away from flood hazard areas.

Staff Analysis: The City of Spokane has flood hazard areas that are subject to periodic inundation that may result in loss of life and property, cause health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Updating the Floodplain Management regulations ensures that existing and future structures are retrofitted or built to withstand flood events according to the 100-year flood plain or their corresponding flood zone, while maintaining the ability of the floodplain to absorb excess water along Latah Creek and the Spokane River.

Shoreline Master Program Goal SMP 6 – Flood Hazard Reduction. *Prevent and minimize flood damage in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.*

Staff Analysis: Flood losses may be caused by the cumulative effect of obstructions in areas of the floodplain that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to losses during flood events. Part of this review and update with the Department of Ecology is to ensure that the City's internal review process of permits confirms structures meet these minimum requirements while assessing the impact to the floodplain and Spokane's wetlands through the project level SEPA reviews and consistency with other development regulations (e.g. Critical Areas, the Shoreline Master Program, Building Code).

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

Staff Analysis: The City's floodplain regulations are written to protect life and safety by ensuring that our community is building and recovering safer, stronger, and smarter. Two core premises guide regulation. First, mapping and understanding flood risk within the community. The first component is necessary to then apply a regulatory criterion for development in identified flood-prone areas to avoid or minimize flood damage. Floodplain management mitigates for the impact of flooding on development (e.g. to minimize damage to buildings) and the effects of development on flooding (e.g. to avoid increasing flood levels or diverting floodwater onto adjacent properties).

V. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendment satisfies the applicable criteria for approval as set forth in Section [17G.025.010](#) SMC. To comply with RCW 36.70A.370 the proposed text amendment has been evaluate to ensure proposed changes do not result in unconstitutional takings of private property. Additionally, this is a State mandated update to City regulations to continue participation in FEMA's National Flood Insurance Program.

VI. RECOMMENDED ACTION

Staff recommends **approval of the proposed text amendment.**

VII. LIST OF EXHIBITS

1. Draft Ordinance
2. SEPA Determination of Nonsignificance
3. WA State Model Ordinance Checklist

ORDINANCE NO. _____

AN ORDINANCE relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

WHEREAS, the City complied with RCW 36.70A.370 in the adoption of this Ordinance; and

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a Determination of Non-Significance (“DNS”) was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

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

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission’s Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission’s entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17A.020.010 SMC is amended to read as follows:

17A.020.010 “A” Definitions

A. Abandoned Sign Structure.

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

B. Aboveground Storage Tank or AST.

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.

C. Accepted.

A project for which the required plans have been found to be technically adequate.

D. Accessory Dwelling Unit (ADU).

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. “Mother-in-law apartments,”
2. “Accessory apartments,” or
3. “Second units.”

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) (“Primary Structure”).

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
 - f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.

An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
 - 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. All Weather Surface.

A road surface which emergency vehicles and typical passenger vehicles can pass in all types of weather. If unpaved, the top course should be six inches minimum of compacted crushed rock meeting standards for a roadway surface.

S. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

T. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

U. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

V. Alteration of Watercourse.

Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

((V)) W. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

((W)) X. [Deleted]

((X)) Y. [Deleted]

((Y)) Z. [Deleted]

((Z)) AA. API 653.

The American Petroleum Institute's standards for tank inspection, repair, alteration, and reconstruction.

((AA)) AB. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

((AB)) AC. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

- b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

~~((AG))~~ AD. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

- 1. Holder of fee title or a life estate;
- 2. Holder of purchaser's interest in a sale contract in good standing;
- 3. Holder of seller's interest in a sale contract in breach or in default;
- 4. Grantor of deed of trust;
- 5. Presumptively, a legal owner and a taxpayer of record;
- 6. Fiduciary representative of an owner;
- 7. Person having a right of possession or control; or
- 8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

~~((AD))~~ AE. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

~~((AE))~~ AF. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

~~((AF))~~ AG. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

~~((AG))~~ AH. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

~~((AH))~~ AI. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

~~((A))~~ AJ. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,
4. Total hardness,
5. Chloride,
6. Nitrate-nitrogen, and
7. Phosphorus.

~~((AJ))~~ AK. Archaeological Areas and Historical Sites.

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

~~((AK))~~ AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

~~((AL))~~ AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

~~((AM))~~ AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

~~((AN))~~ AO. ~~((A))~~Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

~~((AQ))~~ AP. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#), or
3. "Collector Arterial" – [SMC 17A.020.030](#).

~~((AP))~~ AQ. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

~~((AQ))~~ AR. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AR))~~ AS. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~((AS))~~ AT. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((AT))~~ AU. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

((AU)) AV. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

((AV)) AW. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

17A.020.020 “B” Definitions

A. Backed Sign.

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

B. Balloon Sign.

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

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.

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

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

((4.)) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”

~~((2. Designation on maps always includes the letters A or V.))~~

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

((J)) J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

((J)) K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

((K)) L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

((L)) M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

((M)) N. Best Available Science.

Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.

((N)) O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((O)) P. Bicycle Facilities

Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:

1. Bike-Friendly Route.
2. Shared lane.
3. Neighborhood Greenway.
4. Bicycle lane, both striped and physically protected.
5. Shared-use pathway.

((P)) Q. Binding Site Plan – Final.

A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((Z)) AA. Building Base.

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

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AG)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 3. That Section 17A.020.040 SMC is amended to read as follows:

17A.020.040 “D” Definitions

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires

a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. “Decibel (dB)” means the measure of sound pressure or intensity.

E. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City’s option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.

The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.

H. Density.

The number of housing units per acre as permitted by the zoning code.

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

K. Design Departure.

Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter [17G.030 SMC](#), Design Departures.

L. Design Criteria.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The provisions are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.

The design review board is defined in chapter [4.13 SMC](#). The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design criteria for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline

development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

T. Development ((Activity))– Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

U. Development Approval.

Any recommendation or approval for development required or permitted by this code.

V. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

W. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

X. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

Y. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

AA. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

AB. Directional Sign.

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

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

AD. Discharge (n).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

AE. Discharge (v).

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

AG. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

AH. Disturbance Area.

In the context of chapter [17D.090 SMC](#) or chapter [17D.060 SMC](#), this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

AI. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

AJ. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
 - b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
 - c. Bovines under ten months in age.
 - d. Sheep, goats, and swine under three months in age are not included when counting large animals.
2. Small Domestic Animals.
- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
 - b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
 - c. Small livestock are defined as:
 - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
 - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 - v. No horned rams shall be permitted as a small livestock.
 - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
 - d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

AL. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

AM. Dredge Spoil.

The material removed by dredging.

AN. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

AO. Drift Cell.

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

AP. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

AQ. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

AR. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

17A.020.060 “F” Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is

either entirely or substantially prefabricated or assembled at a place other than a building site.]

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

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

G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these

natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter [17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

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

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland waters; ((or))

((2-)) b. The unusual and rapid accumulation of runoff of surface waters from any source((-)); or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

((S)) V. Floodway.

1. ((The area, as identified in the shoreline master program, that either:)) As identified in the Shoreline Master Program:, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

((T)) W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached

accessory structures (without living space), detached accessory structures (without living space).

((U)) X. ((Flood-proofing)) Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

((V)) Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

((W)) Z. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

((X)) AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

((Y)) AB. Freestanding Sign.

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

((Z)) AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

17A.020.080 “H” Definitions

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height

of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

((K)) L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

((J)) M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in [chapter 17E.030 SMC](#), any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

((L)) Q. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

((M)) P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

((N)) Q. House.

A detached dwelling unit located on its own lot.

((O)) R. Household.

A housekeeping unit consisting of:

3. an individual;
4. two or more related persons as defined in [SMC 17A.020.180\(M\)](#);
5. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
6. adult family homes as defined under Washington State law; or
7. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
8. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
9. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
10. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

((P)) S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

((Q)) T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

((R)) U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

((S)) V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

17A.020.130 “M” Definitions

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or “repair” means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Manufactured Home.

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.

D. Manufactured Home Park.

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

E. Marquee Sign.

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

F. Marsh.

A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

G. Mean Annual Flow.

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.

H. Mean Sea Level.

For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

~~((H))~~ I. Mining.

The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.

~~((I))~~ J. Minor Arterials

A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.

~~((J))~~ K. Mitigation – Mitigate.

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

~~((K))~~ L. Mitigation – Mitigation Sequencing.

The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

~~((L))~~ M. Mobile Home.

A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((M)) N. Mobile Home Park.

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

((N)) O. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.

A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

((O)) P. Modular Home.

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “pre-fabricated,” “panelized,” and “factory-built” units.

((P)) Q. Modulation.

A measured and proportioned inflection in a building’s face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.

((Q)) R. Monitoring.

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.

((R)) S. Monument.

A physical survey monument as shown in the City's standard plans.

((S)) T. Monument Sign.

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

((T)) U. Multi-family Residential Building.

A common wall dwelling or apartment house that consists of three or more dwelling units.

((U)) V. Multiple Containment.

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.
2. The volume within the containment system must be at least as large as the primary container.
3. Containment layers may be separated by an interstitial space.

((V)) W. Municipal Separate Storm Sewer System (MS4).

A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
2. designed or used for collecting or conveying stormwater;
3. which is not a combined sewer; and
4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.

((W)) X. MUTCD.

The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

Section 17A.020.140 “N” Definitions

- A. National Pollutant Discharge Elimination System (NPDES).
The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.
- B. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.
- C. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- D. Native Vegetation.
Plant species, which are indigenous to the planning area.
- E. Natural Location of Drainage Systems.
The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.
- F. New Construction – Floodplain.
~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures

for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association’s flammable and combustible liquids code.

I. “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. “Noise reduction coefficient (NRC)” means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City’s shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,
5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

- O. Nonconforming Development.
An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.
- P. Nonconforming Sign.
[See SMC 17C.240.015.](#)
- Q. Nonconforming Situation.
A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.
- R. Nonconforming Use.
A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.
- S. Non-water Oriented Uses.
A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.
- T. Noxious Weeds.
Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.
- U. Nursing Home.
A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.
 1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
 2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

17A.020.190 “S” Definitions

- A. Salmonid.
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. Sandwich Board Sign.
[See SMC 17C.240.015.](#)

C. Scrub-shrub Wetland.

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. Secondary Containment.

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

H. SEPA Rules.

Chapter 197-11 WAC adopted by the department of ecology.

I. Service Area.

A geographic area defined by the City, which encompasses public facilities that are part of a plan.

J. Serviceable.

Means presently useable.

K. Setback.

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.
2. "Rear setback" means a setback that is measured from a rear lot line.
3. "Side setback" means a setback that is measured from a side lot line.
4. "Street setback" means a setback that is measured from a street lot line.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of

oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. Shall.

Unless the context indicates otherwise, the term “shall” means:

1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. The future tense of the verb “to be.”

O. Shallow Groundwater.

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

P. Shared Use Pathway.

A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

[See SMC 17E.020.090](#), Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See "Shorelands."

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under [SMC 17E.060.300](#) and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations ([chapter 17E.060 SMC](#)),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms “Shoreline protection measure” and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms

AD. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AE. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

AF. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AG. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

AH. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AI. Short Plat – Preliminary.

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

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

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

AL. Sign – Animated Sign.

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

AM. Sign – Electronic Message Center Sign.

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

AN. Sign Face.

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

AO. Sign – Flashing Sign.

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

AP. Sign Maintenance.

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

AQ. Sign – Off-premises.

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

AR. Sign Repair.

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

AS. Sign Structure.

See SMC 17C.240.015.

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AX. Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
 - a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

AY. Site, Parent.

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

AZ. Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

BA. SMC.

The Spokane Municipal Code, as amended.

Spokane Municipal Code Amendment

Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, and 17A.020.190

BB. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BC. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

BD. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

BE. Special Drainage District (SDD).

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in [SMC 17D.060.130](#).

BF. Special Event Sign.

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

BG. Species of Concern.

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

BH. Specified Anatomical Areas.

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

BI. Specified Sexual Activities.

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BJ. Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

BK. Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BL. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

BM. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

BN. Standard Plans.

Refers to the City of Spokane's standard plans.

BO. Standard References

Standard engineering and design references identified in [SMC 17D.060.030](#).

BP. Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

((BP)) BQ. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

((BQ)) BR. State Endangered Species.

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

((BR)) BS. State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

((BS)) BT. State Sensitive Species.

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BT)) BU. State Threatened Species.

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

((BU)) BV. Stealth Facilities.

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

((BV)) BW. Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

((BW)) BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((BX)) BY. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

((BY)) BZ. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

((BZ)) CA. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

((GA)) CB. Street.

See "Public Way" ([SMC 17A.020.160](#)).

((GB)) CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), "P" [Definitions](#).

((GG)) CD. Street Frontage.

The lot line abutting a street.

((GD)) CE. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

((GE)) CF. Structural Alteration.

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

((GF)) CG. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
 - a. Buildings,
 - b. Decks,
 - c. Fences,
 - d. Towers,

- e. Flag poles,
 - f. Signs, and
 - g. Other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.
 3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

~~((GG))~~ CH. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

~~((GH))~~ CI. Subdivision.

A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

~~((GI))~~ CJ. Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

~~((GJ))~~ CK. Sublevel Construction Controls.

Design and construction requirements provided in [SMC 17F.100.090](#).

~~((GK))~~ CL. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

~~((GL))~~ CM. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the ~~((assessed))~~ market value of the structure before the damage occurred.

~~((GM))~~ CN. Substantial Development.

For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

~~((GN))~~ CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.
2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural

part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- 4. The term does not, however, include either any:
 - a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Alteration of a "historic structure" (~~(listed on the National Register of Historic or State Inventory of Historic Places)~~), provided the alteration will not preclude the structure's continued designation as a "historic structure."

~~((C))~~ CP. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with [SMC 17D.050A.040\(U\)](#).

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

ORDINANCE NO. _____

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

WHEREAS, the flood hazard areas of the City of Spokane are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, as a condition of participation in the National Flood Insurance Program (NFIP), the City of Spokane is required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP and State of Washington minimum floodplain management regulations; and

WHEREAS, adoption of floodplain regulations consistent with state and federal rules can reduce annual flood insurance premiums for City residents; and

WHEREAS, the most recent update to the City's floodplain regulations occurred in 2011; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology recently prepared an updated Flood Damage Prevention Ordinance Washington Model that includes all the minimum standards required as a condition of participation in the NFIP; and

WHEREAS, in order to maintain participation in the NFIP and allow City of Spokane residents to obtain flood insurance and other types of federal disaster aid, the City must adopt an updated floodplain ordinance that meets current state and NFIP standards by December 31, 2021; and

WHEREAS, the City complied with RCW 36.70A.370 in the adoption of this Ordinance; and

WHEREAS, on June 21, 2021 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the UDC pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared and a Determination of Non-Significance (“DNS”) was issued on September 2, 2021, for the proposed amendment. The fourteen-day public comment period ended on September 16, 2021; and

WHEREAS, the Plan Commission held a workshop session to study the proposed amendment on July 14, 2021 and September 8, 2021; and

WHEREAS, prior to the Plan Commission public hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman-Review on September 8 and 15, 2021. The proposed UDC amendment was available for public review on the Planning and Development Services website at <https://my.spokanecity.org/projects/2021-floodplain-management-update/>; and

WHEREAS, on September 22, 2021 the City Plan Commission held a public hearing on the proposed UDC amendment and heard testimony from the public; and

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

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of minor and clarifying amendments to the Spokane Municipal Code regarding floodplain regulations, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the Plan Commission’s Findings of Fact, Conclusions, and Recommendations regarding the 2021 Floodplain Management Text Amendment, together with the Plan Commission’s entire files relating to the same, are hereby incorporated into this ordinance.

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

Section 17E.030.030 Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

Section 17E.030.050 General Provisions

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The

Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department.

The best available information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

C. Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

Section 17E.030.060 Establishment of Development Permit

A. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [SMC 17E.030.050\(B\)](#). The permit shall be for all structures including manufactured homes, as defined in [chapter 17A.020 SMC](#) and for all development, including fill and other activities also as defined in [chapter 17A.020 SMC](#).

B. A pre-development conference as set forth in [chapter 17G.060 SMC](#) is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in [SMC 17E.030.050\(B\)](#).

C. Application for Floodplain Development Permit.

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-);
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in [SMC 17E.030.130](#)(-);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-);
5. A completed critical areas checklist as established at [chapter 17G.060 SMC](#)(-);
6. A completed environmental checklist, unless the ~~((local administrator))~~ Floodplain Administrator as designated in [SMC 17E.030.070](#) has determined that the project is categorically exempt from [chapter 17E.050 SMC](#); ~~and~~
7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
8. ~~((All))~~ Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are

required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.

D. Fee Processing.

Floodplain development permits shall be processed as set forth in [chapter 17G.060 SMC](#).

E. Fee Schedule.

The fees for processing a floodplain development permit are set forth in [SMC 8.02.066\(F\)](#).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

Section 17E.030.070 Designation of the ((Local)) Floodplain Administrator

The director of planning services and/or his or her designee is hereby appointed as ((local administrator)) Floodplain Administrator to administer ((and)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

Section 17E.030.080 Duties and Responsibilities of the ((Local)) Floodplain Administrator

A. The duties and responsibilities of the ((local administrator)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:

1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
2. that all ((necessary)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((and))
3. that the site is reasonably safe from flooding;
4. ((if)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of [SMC 17E.030.160](#) are met((-));
5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-)); and
6. notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data in “A” Zones.

When base flood elevation data has not been provided (“A” Zones) in accordance with [SMC 17E.030.050](#), the (~~local administrator~~) Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer [SMC 17E.050.140](#) and [SMC 17E.050.160](#).

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the (~~local administrator~~) Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the (~~local administrator~~) Floodplain Administrator shall:
 - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
 - b. maintain the flood proofing certifications required in [SMC 17E.030.060](#).
3. The (~~local administrator~~) Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
4. Certification required in [SMC 17E.030.160\(A\)](#) (No Rise Standard).
5. Records of all variance actions, including justification for their issuance.
6. Improvement and damage calculations.

D. Alteration of Watercourses.

Whenever a watercourse is to be altered or relocated:

1. The (~~local administrator~~) Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
2. The (~~local administrator~~) Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.

The (~~local administrator~~) Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [SMC 17E.030.090](#). Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.

F. Review of Building Permits

1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

G. Changes to Special Flood Hazard Area (SFHA)

1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

Section 17E.030. Variance Procedure – Hearing Examiner

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in [chapter 17G.060 SMC](#).
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 1. danger that materials may be swept onto other lands to the injury of others

2. danger to life and property due to flooding or erosion damage;
 3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. importance of the services provided by the proposed facility to the community;
 5. necessity to the facility of a waterfront location, where applicable;
 6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. compatibility of the proposed use with existing and anticipated development;
 8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
 12. cumulative impact of additional requests of like actions in the area; and
 13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The (~~local administrator~~) Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

Section 17E.030.100 Variances

A. Conditions.

A variance shall be granted if conditions set forth in [SMC 17G.060.170\(E\)](#) are met. In addition to [SMC 17G.060.170\(E\)](#), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
 - a. showing of good and sufficient cause;
 - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7.)) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with [SMC 17E.030.050](#).~~

~~((8.)) 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.~~

B. Variances will be processed as set forth in [Table 17G.060-3](#).

C. The fees for processing a variance are set forth in [SMC 8.02.066\(G\)](#).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

~~((Section 17E.030.120 Resource Material))~~

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

~~A. "Guideline and Specification for Contractors," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~B. "Floodplain Management Conferences," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~C. "Guide for Ordinance Development," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~D. "Coordination During Flood Insurance Studies," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~E. "The Floodway: A Guide for Community Permit Officials," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~F. "Floodplain Management Handbook for Local Administrators," Washington State Department of Ecology.~~

~~G. "Program for Map Changes by Letter," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~H. "Appeals, Revisions, and Amendments to Flood Insurance Maps," Federal Emergency Management Agency, Federal Insurance Administration.~~

~~I. "Base Flood Elevation Determination," Federal Emergency Management Agency, Federal Insurance Administration.))~~

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

Section 17E.030.130 General Standards

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

A. Anchoring.

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
 - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
 - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
 - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
 - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 (~~(-9/85)~~)" is adopted by reference for further manufactured home anchoring techniques.

~~((B. AO Zone Drainage.~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

~~((C.))~~ B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or

located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Storage of Materials and Equipment

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. ~~((Subdivision Proposals))~~ Development and Subdivision Proposals.

~~((All subdivisions proposals shall:~~

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
- ~~5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))~~

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation

data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

~~((F. Review of Building Permits.~~

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of [SMC 17E.030.140\(A\)\(3\)](#), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

Section 17E.030.140 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~((this chapter,))~~ Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement,

elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.

2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2.))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
 - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
 - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their~~

~~development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in [SMC 17E.030.080](#);~~

~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;))~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.

b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:

i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

i. Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in [SMC 17E.030.080](#);
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in [SMC 17E.030.140\(A\)\(3\)](#).

~~((5-))~~ 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved ((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites)) on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:
 - ~~((a. outside of a manufactured home park or subdivision;~~
 - ~~b. in a new manufactured home park or subdivision;~~
 - ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
 - ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~

- ~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH,~~

~~AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~

- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
- ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.)~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and
- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with [SMC 17E.030.060\(C\)](#) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites (~~within zones A1-30, AH, AO and AE on the City's flood insurance rate map~~) are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ~~((within zones A1-30 and AE on the City's FIRM,))~~ unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

Section 17E.030.160 Floodways

Located within areas of special flood hazard established in [SMC 17E.030.050](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ~~((increasing))~~ increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ~~((assessed))~~ market value of the structure either:
 - a. before the repair or reconstruction is started; or
 - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health,

sanitary or safety code specification (~~(which)~~) that have been identified by the local code enforcement official and (~~(which)~~) are the minimum necessary to assure safe living conditions (~~(or to structures identified as historic places)~~) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially

damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [SMC 17E.030.130](#) ~~((and))~~ , [17E.030.140](#) , and [17E.030.130\(F\)](#) .

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones))) Essential Public and Critical Facilities within Special Flood Hazard Areas

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
 - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in [SMC 17E.030.140\(B\)\(3\)](#).~~~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:
 - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
 - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
 - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes ([SMC 17E.030.130\(A\)\(2\)](#)).~~~~

~~B. Essential Public Facilities.))~~

- ~~1. Construction of ((new)) essential public facilities, as defined in [SMC 17C.190.530](#), or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.~~

2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. (~~Essential public facilities~~) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All (~~essential public~~) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 2 – SEPA DETERMINATION OF NONSIGNIFICANCE

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Floodplain Management Text Amendment

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: This proposal will amend the Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically “A” Definitions, “B” Definitions, “D” Definitions, “F” Definitions, “H” Definitions, “M” Definitions, and “S” Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This proposal has a City-wide impact, with focus on floodplains within the City’s jurisdiction including lands along Latah Creek and the Spokane River. The text amendment is to ensure compliance with changes in federal and state laws. Details on the project will be made available at the website: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5:00 p.m. on September 16, 2021 if they are intended to alter the DNS.

Responsible Official: Louis Meuler

Position/Title: Interim Director, Planning Services **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: September 2, 2021 **Signature:** ; Louis Meuler (Sep 2, 2021 11:14 PDT)

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is 12:00 p.m. on September 23, 2021 (21 days from the date of the signing of this DNS). This appeal must be on forms provided by the Responsible Official, make specific factual objections, and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

A. BACKGROUND

1. **Name of proposed project:** Floodplain Management Text Amendment
2. **Applicant:** City of Spokane – Planning Services
Address: 808 W. Spokane Falls Boulevard
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6500
3. **Agent or Primary Contact:** Amanda Beck, Assistant Planner II
Address: 808 W. Spokane Falls Boulevard Email: abeck@spokanecity.org
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6414
4. **Location of Project:**
This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane boundary. The City of Spokane is located in Spokane County.
5. **Date checklist prepared:** June 21, 2021
6. **Agency requesting checklist:** City of Spokane, Washington
7. **Proposed timing or schedule (including phasing, if applicable):**
Begin text amendment process in June 2021, with City Council approval no later than December 31, 2021.
8. a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
Amendments will be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in Federal and State statutes and regulations. Any future amendments would be after a Community Assistance Contact (CAC) or Community Assistance Visit (CAV) CAC or CAV with Ecology, to comply with minimum NFIP regulations.
- b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain:**
Yes, the City of Spokane owns land including parks and administrative buildings within the City limits, or “affected geographical area” of this proposal.
9. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:**
FEMA flood insurance study of Spokane County completed in 2010, Critical Areas ordinances that were updated in 2017, the Shoreline Master Program Periodic Review amending SMC 17E.060 adopted in April 2021, and the Shaping Spokane Comprehensive Plan update in 2017. As a non-project action amending the municipal code to comply with changes in Federal and State regulations, no specific studies have been conducted for this action.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Floodplain Development Permits subject to Floodplain Management regulations are likely within the City. Additional SEPA project-level review will be conducted at the time such proposals are submitted and will be subject to threshold determinations.

11. List any government approvals or permits that will be needed for your proposal, if known:

Plan Commission public hearing and recommendation followed by City Council public hearings and final approval of the ordinance amending Chapter 17E.030. These legislative actions are all expected in 2021.

12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

To comply with changes to the Washington State FEMA Model Ordinance, the City has initiated a text amendment to ensure compliance with Federal and State floodplain regulations and changes affecting all floodplains and floodways within its jurisdiction. The intent of this ordinance is to protect public health and safety, public and private property within floodplains, decrease insurance loss claims due to flooding, and to protect the functions and value of floodplains.

This proposal will amend Spokane Municipal Code (SMC): Chapter 17A.020 Definitions, specifically “A” Definitions, “B” Definitions, “D” Definitions, “F” Definitions, “H” Definitions, “M” Definitions, and “S” Definitions; and Chapter 17E.030 Floodplain Management Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. The exact amendments to the code are available online at the following address: <https://my.spokanecity.org/projects/2021-floodplain-management-update/>.

13. Location of the proposal:

This is a City-wide non-project legislative action; it would apply to all floodplains and floodway areas within the City of Spokane.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? Yes No

The General Sewer Service Area? Yes No

The Priority Sewer Service Area? Yes No

The City of Spokane? Yes No

15. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

- (1) **Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).**

Not applicable, this is a non-project action and will not directly result in any direct modification of such systems.

- (2) **Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?**

N/A, this is a non-project action.

- (3) **What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.**

N/A, this is a non-project action.

- (4) **Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?**

N/A, this is a non-project action.

b. **Stormwater**

- (1) **What are the depths on the site to groundwater and to bedrock (if known)?**

Varies throughout the City.

- (2) **Will stormwater be discharged into the ground? If so, describe any potential impacts.**

N/A

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. **General description of the site (check one):**

Flat Rolling Hilly Steep slopes Mountainous

Other: While slopes in the City vary, this is a non-project code amendment that will not directly modify the topology of the City.

- b. **What is the steepest slope on the site (approximate percent slope)?**

N/A, this is a non-project action.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

N/A (non-project action)

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

N/A (non-project action)

- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

As a non-project action, the proposal will not require any fill or export of soils.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

N/A (non-project action)

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)?**

N/A (non-project action)

- h. **Proposed measures to reduce or control erosion or other impacts to the earth, if any:**

None.

2. Air

- a. **What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable, this is a non-project action.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

N/A (non-project action)

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None.

3. Water

- a. **Surface Water:**

(1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

The Spokane River and Latah Creek fall within the City's jurisdiction. Various private and public ponds and lakes are situated within the City as well as a number of ephemeral drainages.

- (2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable, this is a non-project action.

- (3) **Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None, (non-project action)

- (4) **Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known.**

N/A (non-project action)

- (5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This proposal is an amendment to the floodplain regulations, concerning modification of floodplain standards and codes in the City to accommodate changes in State and Federal regulations. It is a non-project action and applicable City-wide.

- (6) **Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No (non-project action)

b. Groundwater:

- (1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

No (non-project action)

- (2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None (non-project action). The City requires that all development connect to existing sewer service at time of development/update.

c. Water Runoff (Including Stormwater):

(1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater is collected, treated, and disposed of via various methods in the City, subject to the requirements of [Chapter 13.03 Sewers, Article III General Requirements](#) SMC.

(2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A (non-project action)

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No (non-project action)

d. **Proposed Measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

None

4. Plants

a. **Check the type(s) of vegetation found on the site:**

Deciduous trees: alder maple aspen Other: Answer

Evergreen trees: fir cedar pine Other: Answer

shrubs grass pasture crop or grain

orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: Answer

Water plants: water lily eelgrass milfoil

Other:

Any other types of vegetation: Note that this is a City-wide non-project action and would not directly alter or affect the various plants and trees located in the City.

b. **What kind and amount of vegetation will be removed or altered?**

None (non-project action)

c. **List threatened and endangered species known to be on or near the site:**

None (non-project action)

d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

None (non-project action)

e. List all noxious weeds and invasive species known to be on or near the site:

None (non-project action)

5. Animals

a. Check *and* List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk heron eagle songbirds Other:

Mammals: deer bear elk beaver Other:

Fish: bass salmon trout herring shellfish

Other:

N/A, note this is a non-project action and would not directly alter or affect the various wildlife found in the City.

b. List any threatened or endangered animal species known to be on or near the site.

None (non-project action)

c. Is the site part of a migration route? If so, explain.

Various migratory birds transit through the city as part of normal migration patterns.

d. Proposed measures to preserve or enhance wildlife, if any:

None (non-project action)

e. List any invasive animal species known to be on or near the site.

None (non-project action)

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, this is a non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe:

No (non-project action)

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None (non-project action)

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

Not applicable, this is a non-project action.

- (1) Describe any known or possible contamination at the site from present or past uses.**

N/A (non-project action)

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

N/A (non-project action)

- (3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

None (non-project action)

- (4) Describe special emergency services that might be required.**

None (non-project action)

- (5) Proposed measures to reduce or control environmental health hazards, if any:**

None (non-project action)

b. Noise:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

The city experiences typical noises present in any urban environment, including aircraft noise from operations at two airports and Fairchild Air Force Base. However, as a non-project amendment to the SMC the urban noise environment won't affect the proposal.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

None (non-project action)

- (3) Proposed measure to reduce or control noise impacts, if any:**

None (non-project action)

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The City contains a full range of urban land uses—as described in the Comprehensive Plan and Zoning Map. The proposal is a non-project action that will not directly modify or affect these uses.

- b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

There are some farmlands in the City of Spokane, mainly located in the Latah/Hangman neighborhood in the southwest quadrant of the City. However, as a non-project proposal impacts to these uses are not expected.

- 1) **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

No (non-project action)

- c. **Describe any structures on the site.**

Varies throughout the City (non-project action)

- d. **Will any structures be demolished? If so, which?**

No (non-project action)

- e. **What is the current zoning classification of the site?**

Varies (non-project action)

- f. **What is the current comprehensive plan designation of the site?**

Varies (non-project action)

- g. **If applicable, what is the current shoreline master program designation of the site?**

The City includes various jurisdictional shoreline areas along the Spokane River. However, the proposal will not affect the standards or policies applied to those areas.

- h. **Has any part of the site been classified as a critical area by the city or the county? If so, specify.**

This is a non-project action that applies to the entire City, including parts classified as Critical Areas. The critical areas ordinance in SMC 17E applies to floodplains and would apply to any action within those and other critical areas.

- i. **Approximately how many people would reside or work in the completed project?**

N/A (non-project action)

- j. **Approximately how many people would the completed project displace?**

None (non-project action)

k. Proposed measures to avoid or reduce displacement impacts, if any:

None (non-project action)

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This proposed amendment would bring the City's regulations into compliance with recent changes to Federal and State regulations, which would not conflict with the Shaping Spokane Comprehensive Plan but would in fact support many of the goals outlined in Chapter 9: Natural Environment.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None (non-project action)

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None (non-project action)

b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.

None (non-project action)

c. Proposed measures to reduce or control housing impacts, if any:

None (non-project action)

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable, this is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

None (non-project action)

c. Proposed measures to reduce or control aesthetic impacts, if any:

None (non-project action)

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None (non-project action)

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No (non-project action)

- c. **What existing off-site sources of light or glare may affect your proposal?**

None (non-project action)

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None (non-project action)

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

The City contains numerous formal and informal recreational opportunities. As a non-project amendment to floodplain codes, no impacts to these resources are expected.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No (non-project action)

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

None (non-project action)

13. Historic and cultural preservation

- a. **Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.**

The City contains various structures either listed or eligible for listing in both the national and local historic registers. However, as a non-project amendment to the floodplain standards in the SMC no impact to these structures is expected.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

There exist within the City certain areas that qualify as tribal or historic uses. However, as a non-project amendment to code this proposal is not expected to affect them.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

None. (non-project action)

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None (non-project action)

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The city is served by a comprehensive network of streets, highways, and freeways. As a non-project amendment to code, the proposal will not affect them.

- b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop.**

Yes, Spokane Transit Authority serves the entire City and wider region with various routes.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

None (non-project action)

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

No (non-project action)

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.**

No (non-project action)

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours)).**

None

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe.**

No (non-project action)

- h. Proposed measures to reduce or control transportation impacts, if any:**

None (non-project action)

15. Public services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No, this proposal should not result in an increased need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any:**

N/A

16. Utilities

- a. **Check utilities currently available at the site:**

electricity natural gas water refuse service

telephone sanitary sewer septic system

Other: Not applicable, this is a non-project action.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed:**

None (non-project action)

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: September 2, 2021 Signature: Amanda Beck

Project Proponent (Please print or type):

Name: City of Spokane Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6500 Spokane, WA, 99201

Checklist Preparer (If different from proponent):

Name: Amanda Beck Address: 808 W. Spokane Falls Boulevard
Phone: 509-625-6414 Spokane, WA, 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Tirrell Black

Based on this staff review of the environmental checklist and other pertinent information, staff concludes that:

- A. There are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. Probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. There are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal is a state mandated update to floodplain regulations to comply with federal and state changes. These changes are largely intended to update terms and requirements already in place for actions within floodplains and to clarify responsibility and intent of existing requirements. No direct action or change to the physical environment is required by these changes. Accordingly, the proposal will not result in direct changes to water, air, or toxic/hazardous substances discharge. Nor will the proposal require the creation of any new or increased noise in the City.

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As described in answer 1 above, the proposal is unlikely to require any change to the existing environment and thus will be unlikely to affect plants, animals, fish, or marine life. The intent of floodplain regulations is to protect or conserve the ecological systems of floodplains, as well as protect life and property.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

As discussed above, the proposal will not develop or cause to be developed any uses or structures requiring energy resources. The changes are intended to increase protection of natural resources like surface waters while protecting structures from the detrimental impacts of flooding and water infiltration. Accordingly, the proposal has a beneficial impact on natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks,

wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?

The clarifications proposed under this text amendment would bring the City's regulations into compliance with the Endangered Species Act (44 CFR § 60.3(a)2) and other updated Federal and State requirements, with the intent to protect and/or conserve the water-dependent ecosystems relied upon by endangered species.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposed text amendment would not affect shoreline use or use of lands within the floodplain, except to ensure that regulations would meet Federal and State regulations for floodplain management, including minimum requirements of the National Flood Insurance Program (NFIP), so it is unlikely incompatible use would be encouraged by this amendment.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not modify requirements for the planning, permitting, or construction of transportation or public services or utilities except in cases where those items are to be developed in or near floodplains. In those cases, the proposal directly updates regulations guiding such actions to ensure compliance with the latest Federal and State requirements for floodplain protection.

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

The floodplain text amendment brings City regulations into compliance with Federal and State laws, including the Growth Management Act, and ensures the City's regulations remain consistent with adopted local plans. This amendment is to comply with recent changes to the FEMA Model Ordinance, and recent policy changes enacted by FEMA.

WA State Model Ordinance

2/24/2021 Version

Evaluation Sheet

Locality: _____

Reviewer: _____

Ordinance No.: _____

Review Date: _____

Ordinance Date: _____

Reason for Review: _____

Flood Zones: A AE/A1-30 Floodway AO (Appx. A) V (Appx B) VE/V1-30 (Appx. B)

Puget Sound BiOp Door 3 Yes No

CRS Level: _____

Criteria & Model Ordinance Reference	Comments and References
Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives	<i>(Not mandatory to adopt section 1.0)</i>
<p>1.1 Statutory Authorization The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the {Decision Making Body} of {Community Name}, does ordain as follows:</p>	<p>This language is included in the approving ordinance adopted by the Spokane City Council.</p>
<p>1.2 Findings of Fact The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadvertently anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.</p>	<p>This language is included in the approving ordinance adopted by the Spokane City Council, and also SMC 17E.030.020.</p>

<p>1.3 Statement of Purpose</p> <p>It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:</p> <ol style="list-style-type: none"> 1) Protect human life and health; 2) Minimize expenditure of public money for costly flood control projects; 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; 4) Minimize prolonged business interruptions; 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas; 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; 7) Notify potential buyers that the property is in a Special Flood Hazard Area; 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and 9) Participate in and maintain eligibility for flood insurance and disaster relief. 	<p>Mirrored language is included in SMC 17E.030.030, only lacking item #9.</p>
<p>1.4 Methods of Reducing Flood Losses</p> <p>In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <ol style="list-style-type: none"> 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction; 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters; 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. 	<p>This language is included in SMC 17E.030.040.</p>

Section 2.0 – Definitions	Included		<p style="text-align: center;">44 CFR 59.1</p> <p><i>*Terms with one asterisk are a specific minimum requirement and typically must be adopted.</i></p> <p><i>Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage, and to give this ordinance the most reasonable application.</i></p>
	Yes	No	
*Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.	Yes		Language included in SMC 17A.020.010
Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.	Yes		Similar language existing in SMC 17A.020.010
Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.	Yes		Similar language existing in SMC 17A.020.010
*Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".	Yes		Existing language updated to read: "The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Special Flood Hazard Area is synonymous in meaning with the phrase "area of special flood hazard."
ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.		No	Definition not included in SMC 17A.020.010
*Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").	Yes		Language included in SMC 17A.020.020
*Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.	Yes		Language added to SMC 17A.020.020 with this ordinance
*Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.	Yes		Similar language existing in SMC 17A.020.020
Building: See "Structure."	Yes		Definition in SMC 17A.020.020
Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.		No	Definition not included in SMC 17A.020.020

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.	Yes		Similar language existing SMC 17A.020.020
Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.		No	Definition not included in SMC 17A.020.030 as Spokane is not a coastal municipality
Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.	Yes		Similar language existing in SMC 17A.020.030
*Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.	Yes		Language included in SMC 17A.020.040
Elevated Building: For insurance purposes, a non- basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.	Yes		Language included in SMC 17A.020.050
Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).		No	Definition not included in SMC 17A.020.050
Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.		No	Definition not included in SMC 17A.020.050
Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.	Yes		Definition included in SMC 17A.020.050

<p>Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).</p>	Yes		Definition included in SMC 17A.020.050
<p>Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.</p>		No	Definition not included in SMC 17A.020.060
<p>*Flood or Flooding:</p> <ol style="list-style-type: none"> 1) A general and temporary condition of partial or complete inundation of normally dry land areas from: <ol style="list-style-type: none"> a) The overflow of inland or tidal waters. b) The unusual and rapid accumulation or runoff of surface waters from any source. c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition. 	Yes		Existing language in SMC 17A.020.060 updated to required language
<p>*Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).</p>	Yes		Language added to SMC 17A.020.060 with this ordinance
<p>*Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).</p>	Yes		Language added to SMC 17A.020.060 with this ordinance

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."	Yes		Language added to SMC 17A.020.060 with this ordinance
*Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.	Yes		Language added to SMC 17A.020.060 with this ordinance
Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.		No	Language not included in SMC 17A.020.060
*Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.	Yes		Existing language in SMC 17A.020.060 updated to required language
*Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."	Yes		Language added to SMC 17A.020.060 in addition to definition required for Washington Shoreline Management Act
*Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.	Yes		Language added to SMC 17A.020.060 with this ordinance
*Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.	Yes		Language added to SMC 17A.020.080 with this ordinance

<p>*Historic structure: Any structure that is:</p> <ol style="list-style-type: none"> 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 5) By an approved state program as determined by the Secretary of the Interior, or 6) Directly by the Secretary of the Interior in states without approved programs. 	Yes		Language added to SMC 17A.020.080 with this ordinance
<p>*Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).</p>	Yes		<p>Similar definition exists in SMC 17A.020.120:</p> <p>“The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.”</p>
<p>Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”</p>	Yes		<p>Similar definition exists in SMC 17A.020.130</p>
<p>Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>	Yes		<p>Similar definition exists in SMC 17A.020.130</p>
<p>*Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.</p>	Yes		<p>Definition added to SMC 17A.020.130 with this ordinance</p>

<p>*New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.</p>	Yes		Definition in SMC 17A.020.140 updated with required language
<p>New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.</p>	Yes		Similar definition exists in SMC 17A.020.140
<p>One-hundred-year flood or 100-year flood: See "Base flood."</p>		No	Cross-referenced definition not included in SMC 17A.020.150, rely on SMC 17A.020.020
<p>Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.</p>		No	definition not included in SMC 17A.020.180
<p>*Recreational Vehicle: A vehicle,</p> <ol style="list-style-type: none"> 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable by a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. 	Yes		Definition included in SMC 17A.020.180

<p>*Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p>	<p>Yes</p>	<p>Definition added to SMC 17A.020.190 with this ordinance</p>
<p>*Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.</p>	<p>Yes</p>	<p>Definition added to existing language in SMC 17A.020.190 with this ordinance</p>
<p>*Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p>	<p>Yes</p>	<p>Definition updated with this ordinance</p>
<p>*Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the reconstruction, rehabilitation, addition, or other improvement is started. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:</p> <ol style="list-style-type: none"> 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." 	<p>Yes</p>	<p>Definition updated and modified with this ordinance</p>

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*Variance: A grant of relief by a community from the terms of a floodplain management regulation.	Yes		Existing language in SMC 17A.020.220: “A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC.”
Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.	Yes		Similar language exists in SMC 17A.020.230
Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.		No	Language not included in SMC 17A.020.230

Section 3.0 – General Provisions	Code of Federal Regulations Requirement
<p>3.1 Lands to Which This Ordinance Applies</p> <p>This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.</p>	<p>(44 CFR 59.22(a))</p> <p>Included in SMC 17E.030.050(A)</p>
<p>3.2 Basis for Establishing the Areas of Special Flood Hazard</p> <p>The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for {exact title of study}” dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}.</p> <p>The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.</p>	<p>Mandatory 44 CFR 60.3 (preamble) and 44 CFR 60.2(h)</p> <p>Language included in SMC 17E.030.050(B)</p>
<p>3.3 Compliance</p> <p>All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.</p>	<p>Mandatory (44 CFR 60.2(h))</p> <p>Language added to SMC 17E.030.050</p>
<p>3.4 Penalties For Noncompliance</p> <p>No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ___ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the ___ from</p>	<p>Mandatory (44 CFR 60.2(h))</p> <p>Language included in SMC 17E.030.180</p>

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<p>taking such other lawful action as is necessary to prevent or remedy any violation.</p>	
<p>3.5 Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.</p>	<p>Included in SMC 17E.030.050(D)</p>
<p>3.6 Interpretation In the interpretation and application of this ordinance, all provisions shall be:</p> <ol style="list-style-type: none"> 1) Considered as minimum requirements; 2) Liberally construed in favor of the governing body; and, 3) Deemed neither to limit nor repeal any other powers granted under state statutes. 	<p><i>Recommended language</i> Included in SMC 17E.030.050(E)</p>
<p>3.7 Warning And Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.</p>	<p><i>Recommended language</i> Included in SMC 17E.030.050(F)</p>
<p>3.8 Severability This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.</p>	<p><i>Mandatory (44 CFR 60.1(b))</i> <i>The severability cause may be included in the adopting ordinance and left uncodified.</i> Added to SMC 17E.030.050</p>

<p>Section 4.0 – Administration</p>	
<p>4.1 Establishment of Development Permit 4.1-1 Development Permit Required A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”</p>	<p><i>Mandatory (44 CFR 60.3(b)(1))</i></p> <p>Existing in SMC 17E.030.060</p>
<p>4.1-2 Application for Development Permit Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:</p> <ol style="list-style-type: none"> 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator. 2) Elevation in relation to mean sea level to which any structure has been flood proofed; 3) Where a structure is to be flood proofed, certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in Section 5.2-2; 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; 5) Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate; 6) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and <p>Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.</p>	<p><i>The format of Section 4.1-2 is not mandatory but the elevation information in subsection 1 and information in subsections 2 through 7 is mandatory.</i></p> <p><i>Elevation Certificates are not mandatory outside of Community Rating System communities but are highly recommended.</i></p> <p>Updated language in SMC 17E.030.060(C)</p>
<p>4.2 Designation of the Floodplain Administrator The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.</p>	<p><i>Mandatory (44 CFR 59.22(b)(1))</i></p> <p>Similar language exists in SMC 17E.030.070</p>

<p>4.3 Duties & Responsibilities of the Floodplain Administrator</p> <p>Duties of the (<i>Floodplain Administrator</i>) shall include, but not be limited to:</p>	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Included in SMC 17E.030.080</p>
<p>4.3-1 Permit Review</p> <p>Review all development permits to determine that:</p> <ol style="list-style-type: none"> 1) The permit requirements of this ordinance have been satisfied; 2) All other required state and federal permits have been obtained; 3) The site is reasonably safe from flooding; 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met. 5) Notify FEMA when annexations occur in the Special Flood Hazard Area. 	<p><i>Mandatory (44 CFR 60.1 (b))</i></p> <p>Updated language in SMC 17E.030.080(A)</p>
<p>4.3-2 Use of Other Base Flood Data (In A and V Zones)</p> <p>When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD,</p> <p>the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.</p>	<p><i>Mandatory (44 CFR 60.3(b)(4))</i></p> <p>Language included in SMC 17E.030.080(B)</p>
<p>4.3-3 Information to be Obtained and Maintained</p> <ol style="list-style-type: none"> 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. 2) Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. 3) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2: <ol style="list-style-type: none"> a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed. b) Maintain the flood proofing certifications required in Section 4.1-2(3). 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). 5) Records of all variance actions, including justification for their issuance. 6) Improvement and damage calculations. 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. 	<p><i>Required verbatim per (44 CFR 60.3 (b)(5))</i></p> <p><i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(e)(2))</i> <i>(44 CFR 60.3(b)(5)(i) and (iii))</i> <i>(44 CFR 60.3(b)(5)(ii))</i> <i>(44 CFR 60.3(b)(5)(iii))</i> <i>(44 CFR 60.3(d)(3))</i> <i>(44 CFR 60.6(a)(6))</i> <i>(44 CFR 60.3(b)(5)(iii))</i></p> <p>Updated language in SMC 17E.030.080(C) except for 4.3-3(2)</p>

<p>4.3-4 Alteration of Watercourses</p> <p>Whenever a watercourse is to be altered or relocated:</p> <ol style="list-style-type: none"> 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, and 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. 	<p><i>Mandatory per (44CFR 60.3(b)(6)) and (44CFR 60.3(b)(7))</i></p> <p>Updated language in SMC 17E.030.080(D)</p>
<p>4.3-5 Interpretation of FIRM Boundaries</p> <p>Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.</p>	<p><i>This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted per (44 CFR 59-76)</i></p> <p>Updated language in SMC 17E.030.080(E)</p>
<p>4.3-6 Review of Building Permits</p> <p>Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be <i>reasonably safe from flooding</i>. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.</p> <p>(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)</p>	<p><i>Mandatory per (44 CFR 60.3(a)(3))</i></p> <p>Language added from other section of SMC to be included in SMC 17E.030.080(F)</p>
<p>4.3-7 Changes to Special Flood Hazard Area</p> <p>If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.</p>	<p><i>Recommended.</i></p> <p><i>However, be aware that 44 CFR 65.3 requires communities to submit new technical information regarding changes affecting flooding conditions. Section 4.3-7 gives a community the authority to require necessary information from project proponents.</i></p> <p>Language added to 17E.030.080</p>

<p>Section 5.0 – Provisions for Flood Hazard Reduction</p>	<p><i>(Section 5.0 is required)</i></p>
<p>5.1 General Standards In all areas of special flood hazards, the following standards are required:</p>	<p>Language exists in SMC 17E.030.130</p>
<p>5.1-1 Anchoring 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.</p>	<p><i>Mandatory per (44 CFR 60.3(a)(b)), (44 CFR 60.3(a)(3)(i)), and (44 CFR 60.3(b)(8))</i> <i>Refer to guidebook FEMA-85, “Manufactured Home Installation in Flood Hazard Areas.”</i> Language updated in SMC 17E.030.130(A)</p>
<p>5.1-2 Construction Materials and Methods 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(a)(3)(ii-iv))</i> Language exists in SMC 17E.030.130</p>
<p>5.1-3 Storage of Materials and Equipment 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas. 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.</p>	<p><i>Recommended</i> Language added to SMC 17E.030.130</p>
<p>5.1-4 Utilities 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; 2) Water wells shall be located on high ground that is not in the floodway;* 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.</p>	<p><i>Mandatory per (44 CFR 60.3(a)(5)(6))</i> <i>WAC 173-160-171 prohibits new water wells in floodways.</i> Language exists in SMC 17E.030.130(D) including reference to WAC</p>

<p>5.1-5 Development and Subdivision Proposals</p> <p>All development, including subdivisions, shall:</p> <ol style="list-style-type: none"> 1) Be consistent with the need to minimize flood damage; 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; 3) Have adequate drainage provided to reduce exposure to flood damage. 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application. 	<p style="text-align: center;"><i>Mandatory</i> <i>(44 CFR 60.3(a)(4) and (b)(3))</i></p> <p>Language updated in SMC 17E.030.130(E)</p>
<p>5.2 Specific Standards</p> <p>In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:</p>	<p style="text-align: center;"><i>Mandatory per (44 CFR 60.3(c)(1))</i> <i>(Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow below-grade crawlspace construction for buildings located in the special flood hazard areas. However, the standards in 11-01 must be specifically adopted, and adopting them can result in a 20% increase in flood insurance premiums.)</i></p> <p style="text-align: center;">Included in SMC 17E.030.140</p>
<p>5.2-1 Residential Construction</p> <ol style="list-style-type: none"> 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE. 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A. 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade. 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B. 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria: <ol style="list-style-type: none"> a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. b) The bottom of all openings shall be no higher than one foot above grade. c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 	<p style="text-align: center;"><i>Mandatory per</i> <i>(44 CFR 60.3(c)(2) and (5)), (44 CFR 60.3(c)(7)),</i> <i>(44 CFR 60.3(b)(2)), (44 CFR 60.3(e)), and</i> <i>(44 CFR 60.3(c)(5))</i></p> <p>Language updated in SMC 17E.030.140(A), excluding language in 5.2-1(2) and (4)</p>

<p>that they permit the automatic entry and exit of floodwater.</p> <p>d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.</p> <p>Alternatively, a registered engineer or architect may design and certify engineered openings.</p>	
<p>5.2-2 Nonresidential Construction</p> <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:</p> <ol style="list-style-type: none"> 1) Meet the standards in Section 5.2-1, or 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements: <ol style="list-style-type: none"> a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater; b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(3); d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5); <p>(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)</p>	<p><i>Mandatory per (44 CFR 60.3(c)(3) and (4))</i></p> <p><i>Nonresidential construction must meet the requirements of subsection 1 or 2.</i></p> <p>Language updated in SMC 17E.030.140(B)</p>

<p>5.2-3 Manufactured Homes</p> <p>1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement*.</p> <p>This applies to manufactured homes:</p> <ul style="list-style-type: none"> a) Outside of a manufactured home park or subdivision, b) In a new manufactured home park or subdivision, c) In an expansion to an existing manufactured home park or subdivision, or d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and <p>2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:</p> <ul style="list-style-type: none"> a) The lowest floor of the manufactured home is elevated one foot or more* b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 	<p><i>Mandatory per(44 CFR 60.3(c)(6)(12))</i></p> <p><i>* If this phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.</i></p> <p>Updated language in SMC 17E.030.140(C) to read: “All manufactured homes to be placed or substantially improved on sites within the City’s Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:</p> <ul style="list-style-type: none"> a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and c. comply with SMC 17E.030.060(C) in completing an Elevation Certificate with the other necessary permits.”
<p>5.2-4 Recreational Vehicles</p> <p>Recreational vehicles placed on sites are required to either:</p> <ul style="list-style-type: none"> 1) Be on the site for fewer than 180 days, or 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or 3) Meet the requirements of 5.2-3, above. 	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(14))</i></p> <p>Language exists in SMC 17E.030.140(D)</p>
<p>5.2-5 Enclosed Area Below the Lowest Floor</p> <p>If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(c)(5))</i></p> <p>Added language to SMC 17E.030.140</p>

<p>5.2-6 Small Accessory Structures (Detached Garages & Small Storage Structures)</p> <p>For A Zones (A, AE, A1-30, AH, AO):</p> <p>1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) Use of the small accessory structure must be limited to parking of vehicles or limited storage; b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials; c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement; d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE; e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in Section 5.4-1; f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5). g) The structure shall have low damage potential, and h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use. i) The structure shall not be used for human habitation. <p>2) In V, VE, V1-30, and VO flood zones, small accessory structures constructed pursuant to this section may be no more than 100 square feet in size.</p> <p>3) Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.</p> <p>4) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.</p>	<p style="text-align: center;"><i>Recommended</i></p> <p>Not included in SMC, Spokane does not have AO Zones.</p>
<p>5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways</p> <p>In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.</p>	<p style="text-align: center;"><i>Mandatory</i> <i>(44 CFR 60.3(c)(10))</i></p> <p>Language included in SMC 17E.030.150</p>

<p>5.4 Floodways</p> <p>Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:</p>	<p><i>(More restrictive language for floodway development per RCW 86.16)</i></p> <p>Language exists in SMC 17E.030.160</p>
<p>5.4-1 No Rise Standard</p> <p>Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.</p>	<p><i>Mandatory</i> <i>(44 CFR 60.3(d)(3))</i></p> <p>Updated language in SMC 17E.030.160(A)</p>
<p>5.4-2 Residential Construction in Floodways</p> <p>Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.</p> <p>1) Replacement of Farmhouses in Floodway Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:</p> <ol style="list-style-type: none"> a) The new farmhouse is a replacement for an existing farmhouse on the same farm site; b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway; c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse; d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing; e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse; f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the 	<p><i>Mandatory (RCW 86.16.041)</i></p> <p><i>Subsections 1 and 2 can be eliminated at local option.</i></p> <p>Updated language in SMC 17E.030.160(B) and added language for Replacement of Farmhouses in Floodway as SMC 17E.030.160(C) and Substantially Damaged Residences in Floodway in SMC 17E.030.160(D)</p>

improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;

- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;
- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2) Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

<ul style="list-style-type: none"> v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system. vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters. vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage. 	
<p>5.4-3 All Other Building Standards Apply in the Floodway</p> <p>If Section 5.4-1 is satisfied or construction is allowed pursuant to Section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provision For Flood Hazard Reduction.</p>	<p style="text-align: center;"><i>Mandatory (44 CFR 60.3(d)(1-4)</i></p> <p style="text-align: center;">Language included in SMC 17E.030.160(E)</p>
<p>5.5 General Requirements for Other Development</p> <p>All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:</p> <ol style="list-style-type: none"> 1) Be located and constructed to minimize flood damage; 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway; 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; 4) Be constructed of flood damage-resistant materials; 5) Meet the flood opening requirements of Section 5.2-1(5), and 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. 	<p style="text-align: center;"><i>Optional Provision</i></p> <p style="text-align: center;">Language added to SMC 17E.030.130</p>

<p>5.6 Critical Facility</p> <p>Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.</p>	<p style="text-align: center;"><i>Optional Provision</i></p> <p style="text-align: center;">Language updated in SMC 17E.030.170</p>
<p>5.7 Livestock Sanctuary Areas</p> <p>Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.</p>	<p><i>Required by RCW 86.16.190. A city that does not allow livestock can forgo this section. While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.</i></p> <p style="text-align: center;">Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.</p> <p>Livestock are permitted in the RA Zone, so language added to SMC 17E.030.140 with elevation requirement concurring with section to require 2 feet above BFE</p>

<p>Section 6.0 - Variances</p>	
<p>Variances from the floodplain management standards shall only be issued if meeting all of the applicable criteria in sections 6.1 and 6.2. Variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.</p>	<p style="text-align: center;"><i>Recommended</i></p> <p style="text-align: center;">Conditions for consideration of a variance is included in SMC 17E.030.100, and duties of the Hearing Examiner are outlined in SMC 17E.030.090</p>

6.1 Requirements for Variances

- 1) Variances shall only be issued:
 - a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d) Upon a showing of good and sufficient cause;
 - e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 **{or the numbering system used by the community}** of this ordinance in the definition of "Functionally Dependent Use."
- 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- 3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 **{or the numbering system used by the community}** of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

*Recommended. However, any variance provisions need to meet the standards in
44 CFR 60.6*

Language included and updated in
SMC 17E.030.100

<p>6.2 Variance Criteria</p> <p>1) In considering variance applications, the {Governing Body} shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:</p> <p>a) The danger that materials may be swept onto other lands to the injury of others;</p> <p>b) The danger to life and property due to flooding or erosion damage;</p> <p>c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;</p> <p>d) The importance of the services provided by the proposed facility to the community;</p> <p>e) The necessity to the facility of a waterfront location, where applicable;</p> <p>f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;</p> <p>g) The compatibility of the proposed use with existing and anticipated development;</p> <p>h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;</p> <p>i) The safety of access to the property in time of flood for ordinary and emergency vehicles;</p> <p>j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,</p> <p>f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Language included and updated in SMC 17E.030.090</p>
<p>6.3 Additional Requirements for the Issuance of a Variance</p> <p>1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:</p> <p>a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and</p> <p>b. Such construction below the BFE increases risks to life and property.</p> <p>2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.</p> <p>3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.</p> <p>Variations as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or</p>	<p><i>Recommended. However, any variance provisions need to meet the standards in 44 CFR 60.6</i></p> <p>Similar language included and updated in SMC 17E.030.100</p>

<p>financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.</p>	
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<p>APPENDIX A - STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)</p>	<p>(44 CFR 60.3(c)7, 8 and 11)</p>
<p>Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:</p> <ol style="list-style-type: none"> 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified). 2. New construction and substantial improvements of nonresidential structures within AO zones shall either: <ol style="list-style-type: none"> a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(2). 3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. 4. Recreational vehicles placed on sites within AO zones on the community's FIRM either: <ol style="list-style-type: none"> a. Be on the site for fewer than 180 consecutive days, or b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(c)(7), all other Appendix A standards are mandatory IF there are Mapped AO zones in the community.</i></p> <p><i>44 CFR 60.3(c)(8)(i), 44 CFR 60.3(c)(8)(ii), and 44 CFR 60.3(c)(11)</i></p> <p>Not included in SMC as the City of Spokane does not have AO Zones.</p>

c. Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.2-3).	
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APPENDIX B - STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)	44 CFR 60.3(e)(2 – 8)
<p>Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:</p> <ol style="list-style-type: none"> 1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that: <ol style="list-style-type: none"> a) Elevation: <ol style="list-style-type: none"> i. Residential Buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. ii) Nonresidential buildings The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii). 2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information. 3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide. 4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest 	<p><i>The preamble is an optional provision.</i></p> <p><i>Per 44 CFR 60.3(e)(4), all other standards in Appendix B are mandatory if the community has any V1-30, VE or V zones mapped on its FIRM.</i></p> <p><i>44 CFR 60.3(e)(4), 44 CFR 60.3(e)(4)(i), 44 CFR 60.3(e)(4)(ii), 44 CFR 60.3(e)(2), 44 CFR 60.3(e)(3), 44 CFR 60.3(e)(5), 44 CFR 60.3(e)(5)(i), 44 CFR 60.3(e)(6), 44 CFR 60.3(e)(7), 44 CFR 60.3(e)(8)(i-iv), and 44 CFR 60.3(e)(9)(i-iii)</i></p> <p>Not included in the SMC as the City of Spokane does not have V Zones, the municipality is not a coastal city.</p>

floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:
 - a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
8. Recreational vehicles placed on sites within V or VE zones on the community's FIRM shall either:

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| <ul style="list-style-type: none">a) Be on the site for fewer than 180 consecutivedays, orb) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; orc) Meet the requirements of subsections (1) through (6) of this section. | |
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