



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 103

MARCH 13, 2013

Issue 11



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MICHAEL A. ALLEN (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

NANCY McLAUGHLIN (DISTRICT 3)

STEVE SALVATORI (DISTRICT 3)

JON SNYDER (DISTRICT 2)

AMBER WALDREF (DISTRICT 1)

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Minutes

MINUTES OF SPOKANE CITY COUNCIL**Monday, March 4, 2013****BRIEFING SESSION**

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Stuckart and Council Members Allen, Fagan, Salvatori, and Snyder were present. Council Member Waldref arrived at 3:31 p.m. Council Member McLaughlin arrived at 3:32 p.m.

City Administrator Theresa Sanders, Assistant City Attorney Mike Piccolo, and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

Council received input from staff on the March 11, 2013, Advance Agenda items.

Low bid Meeting Specifications of Mallory Safety & Supply (OPR 2013-0170 / BID 3917-13)

Motion by Council Member Fagan, seconded by Council Member Salvatori, **to defer** for one week (to March 18, 2013) the Low Bid meeting specifications of Mallory Safety & Supply for purchase of 273 Escape Belts and Carabineer Multi-use Straps and 293 Escape Systems; **carried unanimously (Council Members McLaughlin and Waldref absent).**

(Council Member Waldref arrived at 3:31 p.m. and Council Member McLaughlin arrived at 3:32 p.m., upon review of the March 11 Advance Agenda items.)

Ordinances C34964 Relating to Executive and Administration Organization and C34964 Relating to Police Division

Assistant City Attorney Barb Burns, along with City Administrator Theresa Sanders and Gerry Gemmill, Director of Local Government and Labor Relations, responded to Council inquiries and comments regarding Ordinance C34964 and Ordinance C34965. Council Member Salvatori suggested deferring these ordinances and that they be brought back through a committee so staff can explain the rationalization of the structure. Following further discussion, Council President Stuckart suggested delaying the ordinances to March 18 and requested that they be placed on the next Public Safety meeting agenda. Subsequently, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Salvatori, **to delay (defer)** these items (Ordinances C34964 and C34964) until March 18; **carried unanimously.**

Action to Approve March 11, 2013, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the March 11, 2013, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Allen, seconded by Council Member Waldref, **to approve** the Advance Agenda for Monday, March 11, 2013 (as amended); **carried unanimously.**

ADMINISTRATIVE SESSION**Current Agenda Review**

Council discussion was held on changes or additions to the Council's March 4, 2013, Current Agenda.

Resolution 2013-0016 Authorizing Emergency Short-term Interfund Loan to Golf Fund

Motion by Council Member Allen, seconded by Council Member McLaughlin, **to defer** Resolution 2013-0016 (authorizing an emergency short-term interfund loan to the Golf Fund from the Park Fund) indefinitely; **carried unanimously.**

Resolution 2013-0017 Amending City Council Rules of Procedures Regarding Rule 5.5.7 Voting

Motion by Council Member Allen, seconded by Council Member Salvatori, **to remove (withdraw)** Resolution 2013-0017; **carried unanimously**.

CONSENT AGENDA

Upon motion of Council Member Allen, seconded by Council Member McLaughlin, Council unanimously approved Staff Recommendations for the following:

Contract with Tax Recovery Services, LLC (Tacoma, WA) to provide tax audit and recovery services for the Taxes and Licenses Department—\$200,000 revenue. (Twenty-five percent of the value of the audit is payable to Tax Recovery Services. There are no out-of-pocket costs for the City.) (OPR 2013-0135 / RFP 3890-13)

Reimbursement Agreement with Spokane County in conjunction with the Crestline Street from 37th Avenue to 57th Avenue Water Main Replacement Project—estimated revenue \$279,417.60. (OPR 2013-0136 / ENG 2012104)

Multiple Family Housing Property Tax Exemption Agreements with:

- a. Asher Ernst for 4 to 6 townhome and apartment units located at 1828 West College Avenue, Parcel Number 25134.1517. (OPR 2013-0150)
- b. Central Spokane Properties, LLC for 12 townhome and apartment units located at 606 and 610 South Scott Street, Parcel Numbers 35201.5323 and 35201.5332. (OPR 2013-0151)
- c. FPMC II, LLC for 60 townhome and apartment units located at 220 East Rowan Avenue, Parcel Numbers 36323.1904, 36323.1905, 36323.1917 and 36323.1918. (OPR 2013-0152)
- d. Stephen K. Peterson for 15 townhome and apartment units located at 702, 708 and 712 East 5th Avenue, Parcel Numbers 35201.5305, 35201.5345, 35201.5306 and 35201.5304. (OPR 2013-0153)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through February 25, 2013, total \$8,540,662.25 (Warrant Nos. 462724-463274; ACH Payment Nos. 9684-9761), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$8,248,758.24. (CPR 2013-0002)

Executive Session/Council Recess

The City Council adjourned at 4:21 p.m. No Executive Session was held. The City Council reconvened at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref present.

LEGISLATIVE SESSION

Words of Inspiration

There were no Words of Inspiration presented.

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Allen, Fagan, McLaughlin, Salvatori, Snyder, and Waldref were present.

There were no **Appointments**.

PROCLAMATION

Month of March 2013 *Brain Injury Survivor Awareness Month*

Council Member Snyder read the proclamation and presented it to Shanti Gangui and John Lee. The proclamation encourages citizens to join in this special observance.

There were no **City Administration Reports**.

There were no **Council Committee Reports**.

OPEN FORUM

Mr. Rick Bocook presented remarks in opposition to the City's transient shelter ordinance.

Mr. Robert Brown commented on downtown parking meters and stated he feels there is no use for them.

Ms. Joan Median, who was accompanied by Mike Winderman and Val Waley, spoke regarding homeless outreach and stated there are valid reasons why some homeless people won't go to shelters.

Mr. George McGrath spoke regarding the right to bear arms and the Second Amendment, and he suggested the City Council put together legislation to urge legislators to forebear any attempts to amend the Constitution.

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCES

Emergency Budget Ordinances C34966 and C34967

Subsequent to an opportunity for public testimony and Council comment, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed** the following Emergency Budget Ordinances amending Ordinance No. C34947 passed the City Council December 10, 2012, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

ORD C34966 Park Fund
FROM: Contributions/Donations, \$529,000;
TO: Other Improvements, same amount.

(This action budgets additional revenue that will be used for Manito Park capital improvements.)

ORD C34967 Street Fund
FROM: Various Accounts, \$77,620;
TO: Various Accounts, same amount.

(This action creates an Associate Engineer position in Traffic Operations.)

EMERGENCY ORDINANCE

Emergency Ordinance C34963 Relating to Adult Bookstores, Adult Video Stores, and Sex Paraphernalia Stores

Special Counsel Milt Rowland provided an overview of Emergency Ordinance C34963 and responded to Council inquiries and comments. Subsequent to public testimony and additional Council comment, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Ordinance No. 34963** relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC Sections 17A.020.010, 17A.020.190, 17C.305.010 and 17C.305.020; adopting a new Section 17C.210.100 to Chapter 17C.210 of the Spokane Municipal Code; providing for a public hearing within sixty days and declaring an emergency.

RESOLUTIONS

Resolution 2013-0018 Amending City Council Rules of Procedures (Rule 7.3 Subject MatterD

Council Member Salvatori, as the sponsor, provided an overview of Resolution 2013-0018. Subsequent to the opportunity for public testimony, with no individuals requesting to speak, and Council discussion, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Snyder voting "no"), the City Council adopted **Resolution 2013-0018** amending City Council Rules of Procedures regarding Rule 7.3 Subject Matter.

Resolution 2013-0016 was deferred indefinitely. (See section of minutes under 3:30 p.m. Administrative Session.)

Resolution 2013-0017 was removed (withdrawn). (See section of minutes under 3:30 p.m. Administrative Session.)

There were no **Final Reading Ordinances**.

FIRST READING ORDINANCES

Ordinances C34964 (relating to the executive and administration organization of the City) and C34965 (relating to the Police Division) were deferred (for first reading) to March 18, 2013, Agenda. (See section of minutes under 3:30 p.m. Briefing Session.)

There were no **Special Considerations**.

There were no **Hearings**.

SECOND OPEN FORUM

Ms. Cheryl Mitchell commented on impound fees relating to dogs. She asked that the City Council change the municipal code to provide constitutional protections to dog owners in Spokane.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:27 p.m.

Hearing Notices

NOTICE OF CITY COUNCIL PUBLIC HEARING AMENDMENTS TO THE SPOKANE MUNICIPAL CODE PROPOSED ORDINANCE C34970

Notice is hereby given that the City Council for the City of Spokane will hold a Public Hearing on **Monday, April 8, 2013**, in the City Council Chambers, Lower Level of City Hall, 808 West Spokane Falls Blvd., during the City Council Legislative Session, starting at 6:00pm, to take public testimony on the following:

An ordinance relating to the processing of Type II permit applications for conditional use permits; amending sections 17C.110.110, 17G.060.050, 17G.060.120, and 17A.020.200 of the Spokane Municipal Code.

The proposed ordinance would amend the regulations for Type II applications, allowing for increased public input and process flexibility, based on public interest.

More information is available at www.spokaneplanning.org or from the Planning Services Department office, 3rd floor, City Hall, 808 West Spokane Falls Blvd., Spokane, WA, weekdays between the hours of 8:00 a.m. and 5:00 p.m. Contact Marla Powers, City Planner, at 625-6638 for further information. The City Council Meeting agenda is available on the City Council webpage <http://www.spokanecity.org/government/citycouncil/>.

The City Council reserves the right to continue this public hearing.

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 Gita George-Hatcher at (509) 625-6783, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-6783 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

General Notices

CIVIL SERVICE COMMISSION AGENDA

Tuesday, March 19, 2013

Council Chambers

808 W. Spokane Falls Blvd.

NOTICE IS HEREBY GIVEN that the regular meeting of the SPOKANE CIVIL SERVICE COMMISSION will be conducted at 9:30 a.m., Tuesday, March 19, 2013, in the Council Chambers on the Lower Level, City Hall.

Items on the Agenda are as follows:

- I. Approval of Minutes
- II. Staff Activities
- III. Classification Resolution
- IV. Claim by Local 270 regarding Lay Off Actions and Contracting Out of Classified Work
- V. Civil Service Annual Report
- VI. Other Business

The meeting is open to the public, with the possibility of moving into executive session only with members of the Civil Service Commission and the appropriate staff.

A Commission briefing will be held at 9:00 a.m., March 19, 2013, in the Council Chambers.

Dated at Spokane, Washington, this 6th day of March 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

TO HUMAN RESOURCES STAFF AND ALL EMPLOYEE REPRESENTATIVES:

There will be a pre-Commission/Project Evaluation Committee meeting in the Civil Service Conference Room (4B) at 11:00 a.m., March 18, 2013.

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 Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

SPOKANE CITY-COUNTY HISTORIC LANDMARKS COMMISSION PUBLIC HEARING CANCELLATION NOTICE

Please be advised that the Spokane City-County Historic Landmarks Commission Hearing, which was scheduled for Wednesday, March 20, 2013, has been canceled. The next scheduled hearing will be held **Wednesday, April 17, 2013**.

PUBLIC NOTICE

Public notice is hereby given pursuant to RCW 35.21.157 that the City of Spokane is implementing a 8.4% rate decrease in the solid waste disposal fee (from \$107 per ton to \$98 per ton) for solid waste at the Spokane Regional Solid Waste System Facilities effective May 1, 2013.

Publish: March 13 and 20, 2013

**CITY OF SPOKANE WASHINGTON
CALL FOR PAYMENT OF CONSOLIDATED
LOCAL IMPROVEMENT DISTRICT BONDS**

PURSUANT TO RCW 34.45.050 NOTICE IS HEREBY GIVEN THAT THE CITY OF SPOKANE, WASHINGTON CALLS FOR THE PAYMENT OF THE FOLLOWING CONSOLIDATED LOCAL IMPROVEMENT DISTRICT BONDS **MARCH 15, 2013.**

| CLID | BOND NO. | RATE | MATURITY |
|------|----------|-------|-----------|
| 209 | 205-207 | 5.50% | 3/15/2014 |

Interest will cease to accrue on these bonds **March 15, 2013.**

February 28, 2013

PAM DOLAN
DIRECTOR OF ACCOUNTING

Publish: March 6 and 13, 2013

Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORDINANCE NO. C34963

An interim ordinance relating to adult bookstores, adult video stores, and sex paraphernalia stores; amending SMC sections 17A.020.010, 17A.020.060, 17A.020.180, 17A.020.190, 17C.305.010, and 17C.305.020; adopting a new SMC section 17C.305.030 to chapter 17C.305 of the Spokane Municipal Code; adopting a new section 17C.210.100 to chapter 17C.210 of the Spokane Municipal Code; providing for a public hearing within sixty days and declaring an emergency.

WHEREAS, adult businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, there is convincing documented evidence that adult businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, *see, e.g., Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), *dismissed for want of a substantial federal question*, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007) (upholding ban on sexual novelty devices); *Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10th Cir. 2003) ("On its face, the Ordinance applies to all 'sexually oriented businesses,' which include establishments such as 'adult motels' and 'adult novelty stores,' which are not engaged in expressive activity."); and

WHEREAS, there is documented evidence of adult sexually oriented businesses, including adult bookstores and adult video stores, manipulating their inventory and/or business practices to avoid regulation while retaining their essentially "adult" nature, *see, e.g., City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that "the nonadult video selections appeared old and several of its display cases were covered with cobwebs"); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding "plaintiff's argument that it is not an adult entertainment establishment frivolous at best"); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that "the

accuracy and credibility” of the evidence on inventory in a Lion’s Den was suspect, and that testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); and

WHEREAS, the manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishment is a sexually oriented business, *see, e.g., East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6th Cir. 2009) (“A prominent display advertising an establishment as an ‘adult store,’ moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials.”); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) (“[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such.”); *see also Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995) (rejecting First Amendment challenge to statute which used the phrase “holding out” to identify conduct indicative of the practice of public accountancy, and that triggered regulations applicable to such business but did not ban any speech); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010) (O’Scannlain, J., concurring) (concluding that whether an entity “holds itself out” as religious is a neutral factor and that factor helps to ensure that the entity is a *bona fide* religious entity); and

WHEREAS, the City intends to regulate such businesses as adult businesses through a narrowly tailored ordinance designed to serve the substantial government interest of preventing the negative secondary effects of adult businesses; and

WHEREAS, sexual devices and other sex paraphernalia are often featured in establishments commonly known as adult bookstores and adult video stores, making voluminous reports concerning negative secondary effects of adult bookstores and adult video stores both a rational and substantial basis for the legislative determination to regulate the location of sex paraphernalia stores; and

WHEREAS, any sex paraphernalia stores in enclosed regional shopping malls do not present the same concerns as such stores in other commercial environments, as such stores in enclosed regional shopping malls do not have direct exterior entrances to or from the stores, have shorter hours of operation because of the mall’s operating requirements, typically do not have signage or visibility outside of the mall, are on very large parcels with substantial exterior parking lots that buffer the store from surrounding land uses, and are patrolled by security personnel who monitor the mall interior and its surrounding parking lot;

WHEREAS, the City’s regulations shall be narrowly construed to accomplish its goal of preventing negative secondary effects; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Washington Constitution, the Revised Code of Washington, and the Washington Rules of Civil Procedure and Washington Rules of Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Washington Constitution, but to enact legislation to further the content-neutral governmental interests of the City, to wit, the controlling of secondary effects of sexually oriented adult businesses; and

WHEREAS, the City of Spokane finds it necessary to develop a revised zoning ordinance which will include definitions of adult businesses that are sufficient to protect nearby owners from adverse secondary effects of the operation of such businesses on an interim basis, to begin the amortization process pending public hearing before the Plan Commission; and

WHEREAS, RCW 36.70A.390 provides that, “A county or city governing body that adopts a moratorium, interim zoning map, *interim zoning ordinance*, or interim official control without holding a public hearing on the proposed moratorium, RCW 35.63.200 or RCW 36.70A.390, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal”; and

WHEREAS, interim zoning control enacted under RCW 36.70A.390 is a method by which local governments may preserve the status quo pending study and public hearing, where reasonably necessary to preserve and protect the public health, safety and welfare; and

WHEREAS, RCW 36.70A.390 authorizes the enactment of an interim zoning ordinance without holding a public hearing before the Plan Commission; and

WHEREAS, substantial evidence has been brought forward concerning the existence of secondary effects from the operation of adult businesses in proximity to residential neighborhoods, and that such secondary effects have been ongoing for many years; and

WHEREAS, the City Council finds that the interim regulation of adult businesses imposed by this ordinance is necessary for the protection of the public health, safety, property or peace; -- Now, Therefore,

The City of Spokane does ordain:

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

17A.020.010 “A” Definitions

- A. Abandoned Sign Structure.
A sign structure where no sign has been in place for a continuous period of at least six months.
- 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. 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:
1. At least thirty percent of the establishment's displayed merchandise consists of said items, or
 2. 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
 3. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
 4. 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
 5. 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
 6. The establishment regularly offers for sale or rental at least two thousand of said items; or
 7. 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.
- 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. ~~((L-))~~ 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. ~~((J-))~~ Adult Family Home.
A residential use as defined and licensed by the State of Washington in a dwelling unit.
- ~~((K-))~~ Adult-oriented Merchandise.
Any goods, products, commodities, or other ware, including, but not limited to, videos, CD-ROMs, DVDs, computer disks, or other storage devices, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties

which depict, describe, or simulate "specified anatomical area," as defined in SMC 17A.020.190, or "specified sexual activities," as defined in SMC 17A.020.190.))

~~((L. An "adult retail use establishment" is an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise." For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, or transfer of such adult-oriented merchandise is clearly material to the economic viability of the business. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the business if adult-oriented merchandise accounts for:~~

- ~~1. thirty percent or more of the retail dollar value of gross sales over any quarterly period,~~
- ~~2. thirty percent or more of the floor area of the store open to the public,~~
- ~~3. thirty percent or more of the retail dollar value of all merchandise displayed in the store,~~
- ~~4. thirty percent or more of the store's inventory (whether measured by retail dollar value or number of items), or~~
- ~~5. thirty percent or more of the store's stock in trade.~~

~~In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.))~~

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; an
 - h. maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. ~~((3-))~~ low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. ~~((4-))~~ 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. Alley.

See "Public Way" (SMC 17A.020.160).

S. 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. ((1-)) Changes to the facade of a building.

b. ((2-)) Changes to the interior of a building.

c. ((3-)) Increases or decreases in floor area of a building; or

d. ((4-)) Changes to other structures on the site, or the development of new structures.

T. 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.

U. Alternative or Post-incarceration Facility.

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

V. Alternative Tower Structure ("Stealth" Technology).

Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also "Low Visual Impact Facility"—SMC 17A.020.120).

W. Antenna Array (Wireless Communication Antenna Array).

1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).

2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

X. Antenna Height.

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

Y. Antenna Support Structure.

Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Z. API 653.

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

AA. Appeal.

A request for review of the interpretation of any provision of Title 17 SMC.

AB. 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).

AC. 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. Application – Complete.

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

AE. 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. Aquatic Life.

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

AG. 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. 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. 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. 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. 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.

AO is characterized as sheet flow and AH indicates ponding.

AL. 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.

AM. Arterial.

See:

1. "Principal Arterials" – SMC 17A.020.160,
2. "Minor Arterials" – SMC 17A.020.130,
3. "Collector Arterial" – SMC 17A.020.030, or
4. "Parkway" – SMC 17A.020.160.

AN. 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.

AO. Attached Housing.

Two or more dwelling units attached by a common wall at a shared property line. These include:

1. townhouses,
2. row houses, and
3. other similar structures

that are single-family residences on individual lots, sharing a common wall at a shared property line.

AP. 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.

AQ. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

AR. 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.

Section 2. That SMC section 17A.020.060 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. Façade 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.

A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

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. ((H.)) 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. ((I.)) 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. ((J.)) 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. ((K.)) 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. ((L.)) Flag.

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."

N. ((M.)) Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. ((N.)) 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. ~~((Q-))~~ 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. ~~((P-))~~ Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland waters; or
2. the unusual and rapid accumulation of runoff of surface waters from any source.

R. ~~((Q-))~~ 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.

S. ~~((R-))~~ 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 one foot.

T. ~~((S-))~~ 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. ~~((T-))~~ 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.

V. ~~((U-))~~ Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

W. ~~((V-))~~ 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.

X. ~~((W-))~~ Freestanding Sign.

A sign on a frame, pole, or other support structure that is not attached to any building.

Y. ~~((X-))~~ 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.

Section 3. That SMC section 17A.020.180 is amended to read as follows:

17A.020.180 "R" Definitions

A. RCW.

The Revised Code of Washington, as amended.

- B. Real Estate Sign.
A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent.
- C. Reasonable Cause.
A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation, or use of critical materials or the pursuit of critical materials activities at a site or premises.
- D. Reconsideration – Request For.
A request to the appeal body to consider again or reverse the decision on the permit application.
- E. Recreational Vehicle.
A vehicle, which is:
1. built on a single chassis;
 2. four hundred 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.
- F. Recycling Drop-off Center.
A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil.
1. Processing of materials is limited to glass breaking and separation.
 2. Recycling materials are not sold to a recycling drop-off center.
 3. A recycling drop-off center is intended for household or consumer use.
 4. Use by commercial or industrial establishments is not included.
 5. Unattended drop-off stations for single materials, such as newsprint, are also not included.
- G. Recycling Operation.
A use where one or more recycling materials are accumulated, stored, sorted, or processed.
1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
 2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
 3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.
- H. Redivision.
The redivision of a lot located within a previously recorded plat or short plat.
- I. Regional Shopping Mall (Enclosed).
A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.
- J. ((+)) Registered Neighborhood Organization.
A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:
1. represents a specifically designated geographic area,
 2. is governed by bylaws and has elected officers, and
 3. has registered as such with the City and is on the current list of registered neighborhood organizations.

K. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

L. ((J-)) Regulated Substance.

"Regulated substance" means a critical material as referred to in 42 U.S.C. 6991(2).

M. ((K-)) Related Persons.

One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

N. ((L-)) Repair (see also "Maintenance").

An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

O. ((M-)) Reservoir.

A body of water collected and stored in an artificial pool that is intended for future use.

P. ((N-)) Residential Zone.

Those zones from RA through RHD.

Q. ((O-)) Responsible Party.

A person who is either:

1. the property owner or person authorized to act on the owner's behalf; or
2. any person causing or contributing to a violation of this chapter.

R. ((P-)) Restoration.

See "Compensatory Mitigation" (SMC 17A.020.030).

S. ((Q-)) Revetment.

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

T. ((R-)) Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:
 - a. freeways,
 - b. streets,
 - c. bike paths,
 - d. alleys, and
 - e. walkways.
2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

U. ((S-)) Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient, and sediment loading, terrestrial wildlife, and organic debris from the land.

3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

V. ~~((T-))~~ Riparian Habitat Area (RHA).

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

W. ~~((U-))~~ Riparian Wetland.

Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

X. ~~((V-))~~ Riprap.

A layer, facing, or protected mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also, the stone so used.

Y. ~~((W-))~~ River Delta.

Those lands formed as an aggradational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

Z. ~~((X-))~~ Riverine.

Situated alongside or associated with a river.

AA. ~~((Y-))~~ Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as "streets." Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as "roads."
2. Within the context of this code, "roadway" refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter 17D.050 SMC.

AB. ~~((Z-))~~ Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

AC. ~~((AA-))~~ Rock Shore.

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

AD. ~~((AB-))~~ Rockfall.

The falling of rocks from near vertical cliffs.

AE. ~~((AC-))~~ Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

AF. ~~((AD-))~~ Roof Top Sign.

A sign on a roof that has a pitch of less than one-to-four.

AG. ~~((AE-))~~ Root Name.

A maximum of two words, which are not considered part of the directional or suffix.

AH. ~~((AF-))~~ Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

Al. ((AG-)) Runoff and Infiltration Controls.

Measures adopted to prevent damage due to flooding and erosion problems.

Section 4. That SMC section 17A.020.190 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.
A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.
- 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 any:
 - 1. 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. ((L-)) 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. ((M-)) 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. ((N-)) Shorelands.

Or "shoreline areas" or "shoreline jurisdiction" means all "shoreslines 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.

Q. ((O-)) Shoreline and Ecosystems Enhancement Plan and Program.

See SMC 17E.020.090, Habitat Management Plans.

R. ((P-)) 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."

S. ((Q-)) 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.

T. ((R-)) Shoreline Environment Designations.

The categories of shoreslines 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 shoreslines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

U. ((S-)) 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 shoreslines.
2. Projects may include shoreline modification actions such as:

- a. modification of vegetation,
- b. removal of nonnative or invasive plants,
- c. shoreline stabilization, dredging, and filling,

provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

V. ~~((T.))~~ Shoreline Jurisdiction.
See "Shorelands."

W. ~~((U.))~~ 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.

X. ~~((V.))~~ 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:
 - a. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
 - b. Shoreline Regulations (chapter 17E.060 SMC),
 - c. City of Spokane Shoreline Restoration Plan (stand ~~((along))~~ alone document), and
 - d. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Y. ~~((W.))~~ Shoreline Mixed Use.
Combination of water-oriented and non-water oriented uses within the same structure or development area.

Z. ~~((X.))~~ 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.

AA. ~~((Y.))~~ 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.

AB. ~~((Z.))~~ 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.

AC. ~~((AA.))~~ 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.

AD. ~~((AB-))~~ 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.

AE. ~~((AC-))~~ 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.

AF. ~~((AD-))~~ 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.

AG. ~~((AE-))~~ 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.

AH. ~~((AF-))~~ 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.

AI. ~~((AG-))~~ 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)).

AJ. ~~((AH-))~~ Sign.

1. Materials placed or constructed, or light projected, that:
 - a. conveys a message or image, and
 - b. is used to inform or attract the attention of the publicbut not including any lawful display of merchandise.
2. Some examples of signs are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images, or holograms.
3. The scope of the term sign does not depend on the content of the message or image conveyed.

AK. ~~((AI-))~~ Sign – Animated Sign.

A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

AL. ~~((AJ-))~~ Sign – Electronic Message Center Sign.

An on-premises sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

AM. ~~((AK-))~~ Sign Face.

The portion of a sign which contains lettering, logo, trademark, or other graphic representations. (See SMC 17C.240.140, Sign Face Area.)

AN. ~~((AL.))~~ Sign – Flashing Sign.

1. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign.
2. Time and temperature signs are excluded from this definition.
3. For the purpose of this title, electronic message centers consistent with the standards of SMC 17C.240.240(J) shall not be considered flashing signs.

AO. ~~((AM.))~~ Sign Maintenance.

Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

AP. ~~((AN.))~~ Sign – Off-premises.

A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises upon which the sign is erected.

AQ. ~~((AO.))~~ Sign Repair.

Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

AR. ~~((AP.))~~ Sign Structure.

A structure specifically intended for supporting or containing a sign.

AS. ~~((AQ.))~~ Significant Vegetation Removal.

1. 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.
2. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
3. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AT. ~~((AR.))~~ Single-family Residential Building.

A dwelling containing only one dwelling unit.

AU. ~~((AS.))~~ 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.

AV. ~~((AT.))~~ Site.

Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

AW. ~~((AU.))~~ Site – Archaeological.

A place where a significant event or pattern of events occurred. It may be the:

1. location of prehistoric or historic occupation or activities that may be marked by physical remains; or
2. symbolic focus of a significant event or pattern of events that may not have been actively occupied.

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.

AX. ~~((AV.))~~ Slump.

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

AY. ~~((AW.))~~ SMC.

The Spokane Municipal Code, as amended.

AZ. ~~((AX-))~~ Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

BA. ~~((AY-))~~ "Sound contours" means 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.BB. ~~((AZ-))~~ "Sound transmission class (STC)" means a single-number rating for describing sound transmission loss of a wall, partition, window or door.BC. ~~((BA-))~~ 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.

BD. ~~((BB-))~~ Special Event Sign.

A temporary sign used to announce a circus, a carnival, festivals, or other similar events.

BE. ~~((BC-))~~ 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.

BF. ~~((BD-))~~ 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.

BG. ~~((BE-))~~ 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.

BH. ~~((BF-))~~ Spokane Regional Stormwater Manual (SRSW).

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.

BI. ~~((BG-))~~ Spokane Register of Historic Places.

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

BJ. ~~((BH-))~~ 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.

BK. ~~((BI-))~~ 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.

BL. ~~((BJ-))~~ Standard Plans.

Refers to the City of Spokane's standard plans.

BM. ~~((BK-))~~ Standard References.

Standard engineering and design references identified in SMC 17D.060.030.

BN. ~~((BL-))~~ State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

BO. ~~((BM.))~~ 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.

BP. ~~((BN.))~~ State Register.

The register maintained pursuant to chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

BQ. ~~((BO.))~~ 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.

BR. ~~((BP.))~~ 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.

BS. ~~((BQ.))~~ 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.

BT. ~~((BR.))~~ Stewardship.

Acting as supervisor or manager of the City and County's historic properties.

BU. ~~((BS.))~~ 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.

BV. ~~((BT.))~~ 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.

BW. ~~((BU.))~~ 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.

BX. ~~((BV-))~~ 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)).

BY. ~~((BW-))~~ Street.

See "Public Way" (SMC 17A.020.160).

BZ. ~~((BX-))~~ Street Classifications.

Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:

1. Principal arterial.
2. Minor arterial.
3. Collector arterial.
4. Local access street.
5. Parkway.

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.

CA. ~~((BY-))~~ Street Frontage.

The lot line abutting a street.

CB. ~~((BZ-))~~ Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

CC. ~~((CA-))~~ Structural Alteration.

1. Modification of a sign, sign structure, or awning that affects size, shape, height, or sign location.
2. Changes in structural materials; or
3. Replacement of electrical components with other than comparable materials.
4. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to a non-electrified sign would all be structural alterations.
5. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

CD. ~~((CB-))~~ 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.

CE. ~~((CC-))~~ 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.

CF. ~~((CD-))~~ 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).

CG. ~~((CE-))~~ Subject Property.

The site where an activity requiring a permit or approval under this code will occur.

CH. ~~((CF-))~~ Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

CI. ~~((CG-))~~ 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.

CJ. ~~((CH-))~~ 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 value of the structure before the damage occurred.

CK. ~~((CI-))~~ 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.

CL. ~~((CJ-))~~ Substantial Improvement – Floodplain.

1. 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.

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.

2. The term does not, however, include either any:

- a. 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
- b. alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

CM. ~~((CK-))~~ 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.050.020(C).

Section 5. That SMC section 17C.305.010 is amended to read as follows:

17C.305.010 Purpose, Findings, and Rationale

~~((Adult businesses including adult retail use and entertainment establishments create adverse secondary effects including health, safety, economic and aesthetic impacts upon neighboring properties and the community as a whole. These standards are intended to address the anticipated effect on the community with respect to the location of these facilities and reduce some of the unwanted effects experienced by the community surrounding the adult retail use and entertainment establishments. Adult business establishments, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, daycare centers, religious facilities, public parks, and schools, thereby having a deleterious impact upon the quality of life in the surrounding areas.))~~

A. Purpose.

It is the purpose of this section to regulate adult businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

B. Basis of Findings.

The city council findings are based on

1. evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and
2. findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *World Wide Video of Washington, Inc. v. City of Spokane*, 103 P.3d 1265 (Wash. App. 2005); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Patterson v. City of Grand Forks*, Case No. 18-2012-CV-00742 (Grand Forks Cty. Dist. Ct. Nov. 1, 2012); *Enlightened Reading, Inc. v. Jackson County, County*, 2009 WL 792492 (W.D. Mo. Mar. 24, 2009); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010); *Plaza Group Props., LLC v. Spencer County*, 911 N.E.2d 1264 (Ind. App. 2009); and
3. reports concerning secondary effects occurring in and around adult businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Tucson, Arizona - 1990; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and various data and articles documenting robbery and other crimes at retail adult establishments.

C. Findings and Rationale.The city council finds:

1. Adult businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, noise, traffic, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this section, exists independent of any comparative analysis between adult and non-adult businesses. Additionally, the City's interest in regulating adult businesses extends to preventing future secondary effects of either current or future adult businesses that may locate in the City. The City finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
4. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult businesses, including the judicial opinions and reports related to such secondary effects.

Section 6. That SMC section 17C.305.020 is amended to read as follows:

17C.305.020 Use Standards

An adult business (~~retail use establishment or adult entertainment establishment~~) must be located on property of sufficient size and frontage to contain the establishment together with off-street parking, driveways, building setbacks and landscaping as required by this chapter and, further, the location must meet the following requirements.

- A. An adult business (~~retail use establishment or an adult entertainment establishment~~) may not be located or maintained within seven hundred fifty feet, measured from the nearest property line of the adult business (~~retail use establishment or of the adult entertainment establishment~~) to the nearest property line of any of the following preexisting uses located inside or outside of the City of Spokane:
 1. Public library.
 2. Public playgrounds or park.
 3. Public or private school and its grounds, from kindergarten to twelfth grade.
 4. Nursery school, mini-daycare center or daycare center.
 5. Church, convent, monastery, synagogue, or other place of religious worship.
 6. Another adult business (~~retail use establishment or an adult entertainment establishment~~), subject to the provisions of this section.
- B. An adult business (~~retail use establishment or an adult entertainment establishment~~) may not be located within seven hundred fifty feet of any of the following zones located within the City of Spokane:
 1. RA – Residential Agriculture.
 2. RSF – Residential Single Family.
 3. RTF – Residential Two Family.
 4. RMF – Residential Multifamily.
 5. RHD – Residential High Density.

6. O – Office Zone.
 7. OR – Office Retail.
- C. An adult business (~~retail use establishment or an adult entertainment establishment~~) may not be located within seven hundred fifty feet of any zone in any other jurisdiction abutting the City of Spokane that has listed in their zoning ordinance a residential zone separation standard similar to subsection (B) of this section. Currently, adult businesses (~~retail use establishments or adult entertainment establishments~~) must locate at least seven hundred fifty feet from the following Spokane County zones:
1. Rural Residential-10 – RR-10.
 2. Semi-rural Residential-5 – SRR-5.
 3. Semi-rural Residential-2 – SRR-2.
 4. Suburban Residential-1 – SR-1.
 5. Suburban Residential-1/2 – SR-1/2.
 6. Urban Residential-3.5 – UR-3.5.
 7. Urban Residential-7 – UR-7.
 8. Urban Residential-12 – UR-12.
 9. Urban Residential-22 – UR-22.
 10. Rural Settlement – RS.
- D. Hours of Operation.
- An adult business (~~retail use establishment or an adult entertainment establishment~~) may not be operated or otherwise open to the public between the hours of two a.m. and ten a.m.

Section 7. That there is adopted a new SMC section 17C.305.030 to read as follows:

17C.305.030 Enforcement

- A. In addition to any penalties, sanctions, enforcement or remedies available to the City under SMC 17I.010.010, the following shall apply to violations of this chapter 17C.305.
1. Any premises, building, dwelling, or other structure in which an adult business is repeatedly operated or maintained in violation of this chapter 17C.305 SMC shall constitute a recurring public nuisance and shall be subject to civil abatement proceedings in a court of competent jurisdiction.
 2. For purposes of this section, “repeatedly operated or maintained in violation” shall mean operating in violation of this chapter 17C.305 SMC during three or more months within a one year period dating from the time of any violation, provided that the City shall not be required to prove that the business operated in violation of this chapter on every day of the three or more months.
 3. If an adult business is declared by a court to be a recurring public nuisance pursuant to this section, the person or entity(ies) found to be operating the recurring public nuisance, and any entity controlled by said person or entity(ies) or any principal thereof, shall be prohibited from operating any business at the nuisance location for a period of three years from the date of the court’s declaration.
- B. The City’s legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this chapter 17C.305 SMC to abate, enjoin, prosecute, restrain, or correct any violations of same. Such proceedings shall be brought in the name of the City, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this section, or any of the laws in force in the City or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

Section 8. That there is adopted a new SMC section 17C.210.100 to read as follows:

17C.210.100 Nonconforming Adult Businesses

- A. An adult business that does not meet the standards set forth in SMC 17C.305.020(A) through SMC 17C.305.020(C) is a nonconforming adult business use. A nonconforming adult business use may continue to operate for twelve months following the effective date of this section in order to make a reasonable recoupment of its investment in its current location, but only if the nonconforming adult business use was lawfully existing in all respects under law prior to the effective date of this section SMC 17C.210.100. At the conclusion of the twelve months, such nonconforming adult business use shall be unlawful, unless the nonconforming adult business use applies for and obtains an extension of the twelve-month period by clearly demonstrating an extreme economic hardship ("hardship extension") based upon an irreversible financial investment or commitment made in an arms-length transaction completed prior to the date this section became effective. A demonstration of extreme economic hardship requires the business to show that the subject property cannot be put to any reasonable alternative use. An application for a hardship extension shall be made at least sixty days before the conclusion of the aforementioned twelve-month period.
- B. Procedure for seeking hardship extension. An application for a hardship extension shall be filed in writing with the planning director, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten days after receiving the application, the planning director shall forward the application and attendant materials to the hearing examiner, and shall schedule a public hearing on the application before the hearing examiner, which public hearing shall be conducted within thirty days after the planning director's receipt of the application. Notice of the time and place of such public hearing shall be published at least ten days before the hearing in a newspaper of general circulation published within the City, and shall identify the particular location for which the hardship extension is requested. The planning director may respond in writing to the application, provided that said response is submitted to the hearing examiner at least five days before the hearing. At the hearing, the parties shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the other party's witnesses. The formal rules of evidence shall not apply. The hearing shall take no longer than two days, unless extended at the request of the applicant to meet the requirements of due process and proper administration of justice.
- C. The hearing examiner shall issue a written decision within ten days after the public hearing on the application for a hardship extension. The hardship extension shall be granted only upon the hearing examiner's determination that the applicant has made the required showing of an extreme economic hardship as required in subsection (A) above, and shall be limited in duration to the shortest time necessary to make a reasonable, though not necessarily complete, recoupment of investment.

Section 9. Time Period of Interim Regulation of Adult Business Ordinance; Amortization Period Runs from Date Hereof.

- A. The interim regulation imposed by this ordinance shall be for a period not to exceed sixty days so as to allow enough time to adequately address the issues described herein.
- B. Pursuant to RCW 36.70A.390, the plan commission shall conduct a public hearing on the interim regulation within sixty days of the adoption of this ordinance. The foregoing notwithstanding, the length of interim regulation may need to be longer than sixty days and in such event, the City shall have a hearing prior to the passage of sixty days and adopt if necessary an extension of the interim regulations adopted herein.
- C. The City shall provide an opportunity for hearing by affected property owners in the general vicinity of each existing business, and shall provide opportunity for input from the business owners of such adult retail business in the public hearing process. Public notice and participation in accordance with the local government's standard practices should be followed.

Section 10. Severability. If any provision of this ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances, is not affected.

Section 11. Emergency Ordinance. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

PASSED by the City Council on March 4, 2013.

(Delivered to the Mayor on the 7th of March 2013.)

ORDINANCE NO. C34966

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the Parks and Recreation 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 Parks and Recreation Fund, and the budget annexed thereto with reference to the Parks and Recreation Fund, the following changes be made:

| | | | |
|-------|-------------|---------------------------|-------------------|
| FROM: | 1400-54600 | Parks and Recreation Fund | |
| | 99999-36710 | Contributions/Donations | <u>\$ 529,000</u> |
| TO: | 1400-54600 | Parks and Recreation Fund | |
| | 94000-56301 | Other Improvements | <u>\$ 529,000</u> |

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 budget additional Contributions/Donations that will be used for Manito Park Capital Improvements, 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 by the City Council on March 4, 2013.

(Delivered to the Mayor on the 7th of March 2013.)

**ORDINANCE C34966
ATTACHMENT A**

| POTENTIAL HORTICULTURE PROJECTS FOR 2013 | |
|---|---------------------|
| Project | Estimated Cost |
| Gaiser Conservatory remodel (Jewett Foundation Funding held by SPF) | \$185,000.00 |
| Mirror Pond Renovation (TFM Funding) | \$320,000.00 |
| Rose Garden Pergola Repairs (SPF restricted fund) maintenance project | \$5,000.00 |
| Spokane Parks Foundation Grant (not applied for yet) | \$5,000.00 |
| Possible other TFM projects | \$20,000.00 |
| Davenport Fountain repairs (SPF restricted fund) maintenance project | \$4,000.00 |
| Rose Garden Gazebo (individual donation possibly through TFM) | \$70,000.00 |
| | |
| TOTAL | \$609,000.00 |
| LESS: Already Budgeted | \$80,000.00 |
| | \$529,000.00 |

ORDINANCE NO. C34967

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the Street 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 Street Fund, and the budget annexed thereto with reference to the Street Fund, the following changes be made:

| | | | |
|-------|-------------|------------------------------------|------------------|
| FROM: | 1100-21300 | Street Fund | |
| | 94000-56401 | Machinery/Equipment | 10,000 |
| | 1100-21400 | | |
| | 42640-54201 | Contractual Services | 15,000 |
| | 42640-54850 | Other Repairs/Maintenance Supplies | 5,000 |
| | 1100-21700 | | |
| | 42300-53201 | Operating Supplies | 5,000 |
| | 42300-54850 | Other Repairs/Maintenance Supplies | 15,355 |
| | 43300-54902 | IF Improvements – Non Building | 10,000 |
| | 1100-21900 | | |
| | 42500-54850 | Other Repairs/Maintenance Supplies | 10,000 |
| | 1100-21100 | | |
| | 99999-34932 | IF Engineering Services Revenue | 7,265 |
| | | | <u>\$ 77,620</u> |
| TO: | 1100-21100 | Street Fund | |
| | 43200-02320 | Associate Engineer | |
| | | (from 0 to 1 positions) | 55,000 |
| | 43200-52110 | Social Security/Medicare | 4,200 |
| | 43200-52210 | Retirement | 4,300 |
| | 43200-52310 | Medical Insurance | 11,250 |
| | 43200-52320 | Dental Insurance | 900 |
| | 43200-52330 | Life Insurance | 350 |
| | 43200-52340 | LTD | 200 |
| | 43200-52400 | Industrial Insurance | 50 |
| | 43200-51640 | Deferred Compensation | 1,350 |
| | 43200-54602 | Retiree Insurance | 20 |
| | | | <u>\$ 77,620</u> |

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 create an Associate Traffic Engineer position in the Street Department, 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 by the City Council on March 4, 2013.

(Delivered to the Mayor on the 7th of March 2013.)

Job Opportunities

The City of Spokane is an Equal Employment Opportunity Employer

AMENDMENT

WASTE WATER TREATMENT PLANT OPERATOR III SPN 645

Announcement of March 4, 2013

The above titled announcement is hereby amended to read:

NOTE: Electronic calculators are recommended for the examination and will be furnished by the City. Candidates are encouraged to familiarize themselves with the calculators prior to the examination.

ARBORIST SPN 694 OPEN & PROMOTIONAL EXAMINATION

SALARY: \$38,252 annual salary, payable bi-weekly, to a maximum of \$55,123
DATE OPEN: Monday, March 18, 2013
DATE CLOSED: Applications will be accepted until the close of business on Friday, March 29, 2013. Applicants who have filed a basic application will have until the close of business on Monday, April 1, 2013 to return the Training and Experience Evaluation form.

OFFICE HOURS: 8:00 a.m. to 5:00 p.m. – Monday through Friday, except holidays

DUTIES:

Performs skilled work in the planting, pruning, care, maintenance, and removal of shade and ornamental trees in municipal parks, conservation lands, and City streets. Supervises and assists a small crew of employees in tending, planting, and transplanting trees and shrubs.

OPEN REQUIREMENTS: (All requirements must be met at the time of application.)

Two years of high school, trade school, or equivalent, and two years of experience caring for trees, shrubs, and ornamentals, to include planting, removal, pruning, and working at heights on equipment, ladders, or suspended from ropes. All applicants must possess an International Society of Arboriculture certificate as an arborist. Applicants must possess a valid driver's license and must obtain a Class "B" Commercial Driver's License (CDL) during the probationary period. Successful applicants must obtain a Washington State Public Operator License for pesticide application within one year of appointment.

PROMOTIONAL REQUIREMENTS: (All requirements must be met by date of examination.)

Present permanent City employees who meet the above requirements may apply on a promotional basis.

EXAMINATION:

The examination will consist of a Training and Experience Evaluation form, and for promotional applicants, a promotional evaluation. Weights are assigned as follows: for open applicants, Training and Experience Evaluation form 100%; for promotional applicants, Training and Experience Evaluation form 80% and promotional evaluation 20%.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

TO APPLY:

To apply online or download and print an application, go to www.spokanecity.org. **Current City employees who apply promotionally may send an e-mail no later than 5:00 pm on the closing date requesting your name be added to the Promotional Examination list to Civil Service Internet Mailbox which is civilservice@spokanecity.org. Please include: 1) your full name, 2) present classification, 3) department and phone number, 4) driver's license number and expiration date; OR go to the Civil Service office on the 4th floor of City Hall during office hours to sign up on the Promotional Examination list.** To request an application packet be mailed to you, call the Civil Service office at (509) 625-6160. If mailing your application, submit to Civil Service Commission, 808 W. Spokane Falls Blvd., Spokane, WA 99201-3315.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 6th day of March 2013.

MARY DORAN
Chair

GLENN KIBBEY
Chief Examiner

Notice for Bids

Paving, Sidewalks, Sewer, etc.

LINCOLN HEIGHTS BOOSTER STATION

Engineering Services File No. 2010070

This project consists of 36'-0" x 79'-4" x 23'-4" high CMU booster station building, a 16'-8" x 18'-8" valve vault building, 24" to 42" dia. site piping, interior 24" dia. piping, installation of five City furnished vertical turbine line shaft pumps and motors (two 400 HP, three 600 HP), installation of city furnished motor control center, electrical, excavation, site grading and restoration.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., March 25, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish March 6, 13 and 20, 2013

3RD AVENUE FROM DIVISION STREET TO ARTHUR STREET**Engineering Services File No. 2010121**

This project consists of the construction of approximately 10,370 cubic yards of excavation and embankment, 734 linear feet of storm sewer, 23 drainage structures, 1,656 linear feet of sidewalk, 22,773 square yards of 3 inch, 5 inch or 7 inch thick HMA pavement, 4,004 linear feet of 12 in. water pipe, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., March 18, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: February 27, March 6 and 13, 2013

**ROCKWOOD BLVD. FROM COWLEY ST. TO SOUTHEAST BLVD.
AND UPPER TERRACE RD. FROM ROCKWOOD BLVD. TO 17TH AVE.****10-YEAR STREET BOND
REMOVAL AND REPLACEMENT OF EXISTING PAVEMENT AND SUBGRADE,
GRIND AND OVERLAY, STORM SEWER UPGRADES, AND WATER MAIN REPLACEMENT****Engineering Services File No. 2010125**

This project consists of the construction of approximately 13,700 cubic yards of roadway excavation, 8,500 cubic yards of crushed rock, 53,100 square yards of 2-inch thick 64-28 pavement, 35,000 square yards of 3-inch thick 64-28 pavement, 3500 square yards of 4-inch thick 64-28 pavement, 1160 square yards of sidewalk, 1500 linear feet of storm sewer, 47 drainage structures, 2000 linear feet of 12 water main, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed **bids until 1:00 p.m., April 1, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: March 13, 20 and 27, 2013

2013 UTILITY CUT SIDEWALK REPAIR

Engineering Services File No. 2013062

The 2013 Utility Cut Sidewalk Repair Contract consists of an annual contract for the construction of approximately 1,500 linear feet of cement concrete curb, 1200 square yards of cement concrete sidewalk and driveway removal and replacement, and other related miscellaneous items such as saw cutting, removal of existing curb, gutter and sidewalk and driveways following sewer and water utility work. Annual work and timing of the utility cut project work may vary and are dependent upon the amount of utility work completed by the City of Spokane Utilities in a given construction year.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids **until 1:00 p.m., April 1, 2013** for the above project located in Spokane, Washington, in accordance with the Contract Documents on file in the office of the Director, Engineering Services Department. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

A certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

The City has a new policy regarding addenda. Refer to the Notice to Prospective Bidders Regarding Bid Phase Questions.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Note regarding new specifications: The City of Spokane is using WSDOT's 2012 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2012 specifications prior to bidding the project.

Publish: March 13, 20 and 27, 2013

Notice for Bids

Supplies, Equipment, Maintenance, etc.

REQUEST FOR QUALIFICATIONS AND PROPOSALS

ON-STREET SINGLE-SPACE PARKING METER PAYMENT TECHNOLOGY

City of Spokane Asset Management

RFQ/P #3918-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, APRIL 15, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **ON-STREET SINGLE-SPACE PARKING METER PAYMENT TECHNOLOGY** for City of Spokane Asset Management.

The Request for Qualifications and Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, April 15, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) original, six (6) paper copies and one (1) reproducible digital copy (cd or thumb drive) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **"RFQ/P #3918-13, On-Street Single-Space Parking Meter Payment Technology, DUE 4/15/13"**.

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: March 13 and 20, 2013

REQUEST FOR PROPOSALS

PROCESSING AND MARKETING OF SCRAP METALS

Spokane Regional Solid Waste System Department

RFP #3921-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, APRIL 1, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **PROCESSING AND MARKETING OF SCRAP METALS** for the Spokane Regional Solid Waste System Department.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, April 1, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with: **"RFP #3921-13, PROCESSING AND MARKETING OF SCRAP METALS, DUE 4/1/13"**.

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: March 13 and 20, 2013

COEUR D'ALENE PARK PAVILION RENOVATION FUNDED BY FEDERAL COMMUNITY DEVELOPMENT FUNDS

Parks Department

BID #3922-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, APRIL 1, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for the **COEUR D'ALENE PARK PAVILION RENOVATION** for the City of Spokane Parks Department.

Drawings and Specifications are available via e-mail from City Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Submittal Instructions:

Bid proposal forms may be submitted to Purchasing **until 1:00 P.M. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original of the response to:

Division of Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

There will be a prebid conference on Thursday, March 21st at 1:00 p.m. at the Coeur d'Alene Park Pavilion, 300 S. Chestnut, Spokane, WA

Questions regarding this Bid should be directed to Tony Madunich, Parks Operations Division Manager at 509-363-5458 or tmadunich@spokanecity.org.

Envelopes containing proposals are to be marked: **“COEUR D’ALENE PARK PAVILION RENOVATION, BID #3922-13, DUE 4/1/13”**.

Thea Prince
Purchasing Division

Publish: March 13 and 20, 2013

FIREFIGHTER ESCAPE SYSTEMS AND ESCAPE BELTS (RE-BID)

Fire Department

BID #3926-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, MARCH 25, 2013** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **FIREFIGHTER ESCAPE SYSTEMS AND ESCAPE BELTS** for the City of Spokane Fire Department.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing Department **until 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original and one (1) copy of response to:

Division of Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **"FIREFIGHTER ESCAPE SYSTEMS AND ESCAPE BELTS (Re-Bid), BID 3926-13, DUE 03/25/13"**.

Thea Prince
Purchasing Department

Publish: March 13 and 20, 2013

MISCELLANEOUS STOCK STEEL

City of Spokane Departments

BID #3927-13

Sealed bids will be opened at 1:15 p.m., **MONDAY, MARCH 25, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, for **MISCELLANEOUS STOCK STEEL** for City of Spokane Departments.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org.

Bid proposal forms must be submitted to City Purchasing **no later than 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit bid response as follows: One (1) original and one (1) copy to:

Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201-3316

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **"MISCELLANEOUS STOCK STEEL, BID #3927-13, DUE 3/25/13"**.

Thea Prince
Purchasing Division

Publish: March 13 and 20, 2013

REQUEST FOR QUALIFICATIONS

COMPREHENSIVE PLAN TRANSPORTATION CHAPTER AND DESIGN STANDARDS UPDATE

Business and Development Services Division

RFQ #3928-13

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, APRIL 8, 2013**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **COMPREHENSIVE PLAN TRANSPORTATION CHAPTER AND DESIGN STANDARDS UPDATE** for the City of Spokane Business and Development Services Division.

The Request for Qualifications document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, April 8, 2013**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late.

Submit one (1) paper original, seven (7) paper copies, and one (1) reproducible digital copy (thumb drive, CD, or DVD) of the Proposal to:

City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201

The right is reserved to reject any and all Proposals and to waive any informalities in the Proposals.

All response packages are to be clearly marked with: **“RFQ #3928-13, COMPREHENSIVE PLAN TRANSPORTATION CHAPTER AND DESIGN STANDARDS UPDATE, DUE 4/8/2013”**

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: March 13 and 20, 2013
