



# Official Gazette

## City of Spokane, Washington

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

Volume 106

**JANUARY 20, 2016**

Issue 3 Part I of II



### MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

MIKE FAGAN (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

VACANT (DISTRICT 2)

KAREN STRATTON (DISTRICT 3)

AMBER WALDREF (DISTRICT 1)

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# Minutes

**MINUTES OF SPOKANE CITY COUNCIL****Monday, January 11, 2016****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 Fagan, Kinnear, Mumm, Stratton, and Waldref were present. Council Member Snyder was absent.

City Council's Policy Advisor Brain McClatchey and City Clerk Terri Pfister were also present on the dais.

**Advance Agenda Review**

There was no Advance Agenda to review; as the regularly scheduled City Council meeting on Tuesday, January 19, 2016 is cancelled. There is no City Council Meeting on Monday, January 19, 2016, due to the recognized Martin Luther King Jr. Holiday.

**ADMINISTRATIVE SESSION****Current Agenda Review**

The City Council considered changes to the January 11, 2016, Current Agenda.

Council Suspension of the Rules to Add Items to the Current Agenda

**Motion** by Council Member Mumm, seconded by Council Member Stratton, **to suspend** the Council Rules; **carried unanimously (Council Member Snyder absent).**

No Cost Contract Extension with Garco Construction (PRO 2013-0037)

**Motion** by Council Member Fagan, seconded by Council Member Waldref, **to add** no cost Contract Extension with Garco Construction, Inc. for the Design and Build Contract for the Spokane Central Service Center to today's (January 11) Consent Agenda; **carried unanimously (Council Member Snyder absent).**

Resolution 2016-0007 Requesting State of Washington to Partner with City of Spokane to Replace Trees

**Motion** by Council Member Mumm, seconded by Council Member Waldref, **to add** Resolution 2016-0007 requesting the State of Washington to financially partner with the City of Spokane to replace trees lost in the November 2015 Windstorm (and adding this request to the 2016 State Legislative Agenda) to today's (January 11) Legislative Agenda; **carried unanimously (Council Member Snyder absent).**

Ordinance C35300 Relating to Earned Sick and Safe Leave

**Motion** by Council Member Fagan, seconded by Council Member Waldref, **to substitute** the current version of Final reading Ordinance C35300 with the new cleaned up version; **carried unanimously (Council Member Snyder absent).**

**CONSENT AGENDA**

**Upon motion by Council Member Fagan, seconded by Council Member Waldref, the City Council approved Staff Recommendations for the following:**

Consultant Agreement with Century West Engineering, Inc. (Spokane Valley, WA) for assistance in the construction of the West Plains Chlorine Booster Station project—not to exceed \$68,700 plus a management reserve of \$6,000 for a total of \$74,700. (OPR 2016-0016) (ENG 2015176)

Professional Services Consultant Agreement with Adams & Clark, Inc. (Spokane, WA) for Surveying On-Call Services - Federal Aid Projects—not to exceed \$250,000. (Various Neighborhoods) (OPR 2016-0017) (ENG 2016048)

2015-2017 Biennial Stormwater Capacity Grants Agreement with the Washington State Department of Ecology—\$50,000 revenue. (OPR 2016-0018)

Grant Agreement with the Washington State Department of Ecology to fund plantings and public education in the Spokane River Gorge—\$180,000 revenue. (OPR 2016-0019)

Contract between the City and Washington State Department of Commerce to sub-contract CHG funds with multiple non-profit agencies. (OPR 2016-0020)

No cost Contract Extension with Garco Construction, Inc. (Spokane, WA) for the Design and Build Contract for the Spokane Central Service Center. (PRO 2013-0037)

Report of the Mayor pending:

- a. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through January 1, 2016 total \$6,381,286.45 (Check Nos. 519802-520113; ACH Payment Nos. 22521-22781), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$5,940,661.71 (CPR 2016-0002).
- b. Payroll claims of previously approved obligations through January 2, 2016: \$6,813,761.83 (Payroll Check Nos. 535637-535780) (CPR 2016-0002).

City Council Meeting Minutes: January 4, 2016

Change Order to Contract with Rob's Demolition, Inc. (OPR 2015-0921 / ENG 2012119) (taken separately)

Subsequent to commentary by Council Member Fagan, the following action was taken:

**Upon 5-1 Voice Vote in the affirmative (Council Member Fagan voting “no” and Council Member Snyder absent), the City Council approved the Change Order to Contract with Rob's Demolition, Inc. (Spokane, WA) for asbestos removal at 15 North Grant Street—increase of \$39,591.05 (plus tax and additional time to complete the process). Total contract amount to date \$134,041.05. (East Central Neighborhood)**

### **Executive Session/Council Recess**

The City Council adjourned at 3:37 p.m. No Executive Session was held. A celebration recognizing Council Member Snyder was held in the Chase Gallery at 5:30 p.m. The City Council reconvened at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Fagan, Kinnear, Mumm, Snyder, Stratton, and Waldref present. City Council's Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

## **LEGISLATIVE SESSION**

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Council President Stuckart.

### **Roll Call**

Council President Stuckart and Council Members Fagan, Kinnear, Mumm, Snyder, Stratton, and Waldref were present.

### **PROCLAMATION**

January 13, 2016      *Human Trafficking Awareness Day*

Council Member Kinnear read the proclamation and presented it to Mable Elsom. The proclamation urges all citizens to increase awareness about human trafficking as a crime hidden in plain sight and what can be done to help combat it.

## COUNCIL SALUTATION

Council President Stuckart read a Council Salutation in recognition of Council Member Jon Snyder. Jon has faithfully and tirelessly served the citizens of Spokane in a position of public service for six years with a focus on justice and equity. Jon has promoted Spokane in its natural and recreational assets for over a decade. He has championed complete streets, transit and alternative transportation, created a multi-modal Spokane that gives transportation choices to the young, the elderly, handicapped, and anyone seeking alternative modes of transportation. His leadership on marijuana policies has made Spokane a leader nationally in this developing regulatory area. Jon was famous for riding his bike to and from meetings all over town in all sorts of weather. His advocacy on behalf of all of the citizens of Spokane and especially those in District 2 is to be commended and replicated by us all. Jon was saluted for his service to the City of Spokane and was wished the best of luck in all of his future endeavors.

## APPOINTMENTS

### Council Appointments to Boards and Commissions

**Motion** by Council Member Fagan, seconded by Council Member Mumm, **to approve** the following City Council appointments to Boards and Commissions; **motion carried unanimously**:

- To make Council Member Kinnear a member of Spokane Regional Transportation Council (SRTC) with Council President Stuckart as the alternate (CPR 1993-0113);
- To make Council President Stuckart and Council Member Kinnear alternates on Spokane Transit Authority (STA) (CPR 1982-0115);
- To make Council Member Waldref a member of the Board of Health (BOH) (CPR 1981-0393); and
- To make Council Member Stratton a liaison to the Library Board (CPR 1981-0400).

### Appointment of Council President Pro-Tem

**Motion** by Council Member Mumm, seconded by Council Members Snyder and Kinnear, **to appoint** Council Member Amber Waldref as Council President Pro-tem effective January 12, 2016; **carried unanimously**.

There were no **City Administration Reports**.

## OPEN FORUM

**Rick Bocook** stated he opposed the monthly speaking for open forum. He commented on the parking downtown. He suggested the City pay off the River Park Square garage. He also remarked that 82 percent of the people banned from the mall are bus riders.

**Mara Spitzer** stated she is opposed to the limitation on open forum and speech.

**Val Whaley** stood in silence and then commented "this is what suppression of freedom of speech sounds like."

**Alfredo Llamado** stated he was reminded by Council President Stuckart's assistant that he spent 54 minutes speaking to the City Council last year, but that what Mr. Stuckart's assistant didn't talk about were the things he spoke to the Council about: homelessness, social service issues, lack of affordable housing and many other things. He commented on free speech and stated that it doesn't matter what your affiliation is. He remarked that the change in open forum after the election was a poor choice of timing and feels it should have happened before Council President was re-elected.

**Fred Kidney** commented he is a veteran and is ashamed to say he lives in Spokane with a Council that is stifling freedom of speech and is considering moving his family out of here.

**Ziggy** spoke with tape on his mouth and his comments were unintelligible.

**Henry Valder** commented that this past month there have been some nice programs come through for single homeless and he knows it was due to the hard work of a lot of the City Council. He commented on community court and feels the Council could have done better by eliminating the laws against homelessness.

**Tim Viall** commented that last week he was deposed in a civil matter relating to an incident which was investigated by the Spokane Police Department. He stated he feels his civil rights were violated under color of law and feels there is an obstruction of justice committed by the Spokane Police Department.

## LEGISLATIVE AGENDA

### EMERGENCY ORDINANCE

#### Emergency Ordinance C35353

Subsequent to an overview by Finance Director Gavin Cooley and public testimony from one individual, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Emergency Budget Ordinance C35353** providing for the issuance and sale of a taxable limited tax general obligation refunding bond of the City in the principal amount of not to exceed \$16,340,000, for the purpose of refunding certain outstanding bonds of the city; providing for the redemption of the outstanding bonds to be refunding; providing for the annual levy of taxes to pay the principal of and interest on the bonds; and declaring an emergency.

### RESOLUTIONS

#### Resolution 2016-0002

Council President Stuckart provided an overview of Resolution 2016-0002 approving the process to fill the vacancy for Council District 2, Position 2. Public testimony was received from one individual. Council President Stuckart requested a motion to replace the previously filed version of the resolution with the new filed version, as the language was changed from interviewing the top three candidates to interviewing the top five candidates. The following action was taken:

**Motion** by Council Members Snyder and Waldref, seconded by Council Member Stratton, **to replace** the previously filed version with the updated version of the resolution; **carried unanimously**.

Subsequent to inquiry and commentary by Council Member Fagan and response by Council President Stuckart, the following action was taken:

**Upon unanimous Roll Call Vote**, the City Council **adopted Resolution 2016-0002 as amended**, approving the process to fill the vacancy for Council District 2, Position 2.

#### Resolution 2016-0003

Subsequent to an overview by Council Member Snyder and public testimony, the following action was taken:

**Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”)**, the City Council **adopted Resolution 2016-0003** approving a ballot proposition for the general election of 2016 for the purposes of funding the Central City Line and other Spokane Transit Authority projects in the Moving Forward.

#### Resolution 2016-0004

Subsequent to an overview by Council Member Snyder, public testimony from one individual, and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2016-0004** requesting response for proposals (RFP’s) for affordable housing projects at select locations where combined sewer overflow (CSO) facilities will be constructed.

#### Resolution 2016-0005

Subsequent to an introduction by Business and Developer Services Division Director Scott Simmons, commentary by Lisa Key, and the opportunity for public testimony, with none provided, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2016-0005** approving the appointment of Lisa Key as the Director of the Planning Department for the City of Spokane.

#### Resolution 2016-0007

The City Clerk provided a full reading of Resolution 2016-0007. Subsequent to an overview of Resolution 2016-0007 by Council Member Kinnear, public testimony from two individuals, and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2016-0007** requesting the State of Washington to financially partner with the City of Spokane to replace trees lost in the November 2015 Windstorm (and adding this request to the 2016 State Legislative Agenda).

### FINAL READING ORDINANCE

**For Council action on Final Reading Ordinance C35300, see section of minutes following “Hearings.”**

**FIRST READING ORDINANCES**

The following ordinance was read for the First Time, with further action deferred:

**ORD C35352** Relating to the pretreatment requirements; amending SMC sections 13.03A.0203, 13.03A.0204, 13.03A.0210, 13.03A.0406, 13.03A.0408, 13.03A.0409, 13.03A.0502, and 13.03A.0801 of the Spokane Municipal Code; and setting an effective date.

**HEARINGS****Hearing on Final Reading Ordinance C35341 Renaming Centennial Alley**

The City Council held a public hearing on Final Reading Ordinance C35341. Subsequent to an overview by Tami Palmquist of the Development Services Center; the opportunity for public testimony, with none provided; and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C35341** renaming Centennial Alley from the west side of Elm Street to the south side of Summit Parkway and naming of the public alley in alignment with Centennial on the east side of Elm Street to the south side of Summit Parkway to "Centennial Way."

**Hearing on Final Reading Ordinances C35342 through C35351**

The City Council held a public hearing on Final Reading Ordinances C35342 through C35351. Tami Palmquist of the Development Services Center noted a new version of Ordinance C35342 has been added to the City Council's packet. She noted there was a request to add the names of the appellants as a requirement when someone is filing an appeal against a land use (under SMC 17G.010.210). Subsequently, the following action was taken:

**Motion** by Council Member Mumm, seconded by Council Members Waldref and Snyder, **to replace** 17G.060.210 with the new version (and thereby replace the previously filed version of Ordinance C35342 with the new filed version of the ordinance); **carried unanimously**.

There was an opportunity for public testimony, with no individuals requesting to speak. Subsequently, the following action was taken:

**Motion by Council Member Snyder, seconded by Council Member Waldref, to approve** (and thereby pass) the following Final Reading Ordinances; **carried upon Unanimous Roll Call Vote**:

- a. **Final Reading of Ordinance C35342, as amended**, relating to Administration and Procedures of the Unified Development Code; amending SMC sections 17G.010.070, 17G.010.160, 17G.050.310, 17G.060.075, 17G.060.210, 17G.060.240, 17G.080.020, 17G.080.040.
- b. **Final Reading of Ordinance C35343** relating to definitions used in the Unified Development Code; amending SMC sections 17A.020.030 and 17A.020.060.
- c. **Final Reading of Ordinance C35344** relating to Building Moving and Relocation; amending SMC sections 10.26.010, 10.26.020, 10.26.030, 10.26.040, 10.26.070, 10.28.020, 10.28.040, 10.28.050, 10.28.070, 10.28.080.
- d. **Final Reading of Ordinance C35345** relating to Obstructions and Encroachments in the Public right-of-way; amending SMC sections 12.02.060, 12.02.0706, 12.02.0707, 12.02.0708, 12.02.0716, 12.02.0718, 12.02.0720, 12.02.0724, 12.02.0730, 12.02.0740, 12.02.0755, 12.02.0704.
- e. **Final Reading of Ordinance C35346** relating to Land Use Standards of the Unified Development Code; amending SMC sections 17C.110.100, Table 17C.110-1, 17C.110.200, Table 17C.110-3, 17C.110.230, 17C.120.110, 17C.120.310, 17C.122.135, 17C.124.210, Table 17C.124-2, 17C.124.310, 17C.130.310, 17C.200.020, 17C.200.040, 17C.200.050, 17C.230.140.
- f. **Final Reading of Ordinance C35347** relating to transportation impact fees; amending SMC sections 17D.075.020.
- g. **Final Reading of Ordinance C35348** relating to environmental standards of the Unified Development Code; amending SMC sections 17E.060.280 and Table 17E.060-04.

- h. **Final Reading of Ordinance C35349** relating to the existing building and conservation code; repealing SMC Section 17F.070.190.
- i. **Final Reading of Ordinance C35350** relating to land use fees; amending SMC sections 08.02.0220, 08.02.038, 08.02.065.
- j. **Final Reading of Ordinance C35351** relating to Street Obstruction Permits; amending SMC sections 07.02.070.

#### **Hearing on Validated Initiative No. 2015-1 Petitions (LGL 2014-0023) and Final Reading of Ordinance C35281**

The City Council held a hearing on Validated Initiative No. 2015-1 petitions filed on behalf of Jackie Murray, sponsor, related to Immigration Status Information. In conjunction with the hearing, the final reading of Ordinance C35281—relating to immigration status information; amending SMC Section 3.10.040; repealing SMC Section 3.10.050 and adopting a new section 3.10.060 to Chapter 3.10 of the Spokane Municipal Code—was held.

Council President Stuckart provided the following remarks:

“The City Clerk has previously received petition signature pages for Initiative 2015-1 and submitted those signatures to the County Auditor to validate the signatures. Initiative 2015-1 failed to qualify for the November 2015 general municipal election due to insufficient valid signatures. Pursuant to the Spokane Municipal Code, the additional signatures were submitted and validated which will qualify Initiative 2015-1 for the November 2017 general municipal election. The City Council previously determined to forward the original submittal of signatures to the County Auditor for validation despite the fact that the petition sheets used by the sponsor included additional blocks of information not specifically provided for in the Spokane Municipal Code on the basis that the SMC did not specifically prohibit the inclusion of additional information. On December 8, 2015, Jackie Murray, the sponsor of Initiative 2015-1, submitted two written requests formally withdrawing the petition and directing that the petition will not go forward. Ms. Murray’s request was submitted prior to the County Auditor validating the subsequently filed signatures. The Spokane Municipal Code is silent as to the authority of the sponsor withdrawing their petition. Similar to how the City Council permitted the petition signature sheets with the additional blocks of information to be validated due to the fact that the SMC is silent as to the inclusion of such information, the City Council should also honor the request of the sponsor to withdraw the petition when the SMC is silent as to such a request. The City Council should treat such situations similarly so as not to be placed in a situation where we will be seen as favoring one side, the people that have signed the petition or the sponsor who has asked to withdraw. The Council action, us doing nothing, will enable interested parties adequate time before 2017 to either: submit a new initiative and gather signatures for the November 2017 municipal election or to pursue legal action in order to obtain a judicial determination giving the City Council direction as to how we should address the situation.”

Subsequently, public testimony was received, and Council commentary was then held. Council Member Fagan referenced a discussion with Council’s Policy Advisor Brian McClatchey this morning and questioned whether there was any activity moving forward. Mr. McClatchey clarified the conversation that Council Member Fagan and he had was revolving around the filing of a resolution that the Council could consider to direct the County Auditor to place the initiative on the ballot. He noted that with input from Assistant City Attorney Mike Piccolo, he filed the resolution (assigned Resolution No. 2016-0008 by the City Clerk’s Office) today. However, he stated the resolution is not before the City Council unless there is a motion to suspend the rules to get it before the City Council today. Council Member Fagan presented a motion to suspend Council Rules; however, the motion received no second. Additional Council commentary was held. No action was taken by the City Council.

#### **FINAL READING ORDINANCE**

##### **Final Reading Ordinance C35300**

Council Member Snyder provided a presentation on Final Reading Ordinance C35300 (as amended during the 3:30 p.m. Briefing Session) relating to earned sick and safe leave in the City of Spokane; creating a new Title 9 to the Spokane Municipal Code; amending sections 1.05.170, and 4.04.050 of the Spokane Municipal Code. Considerable public testimony followed. Council discussion and debate ensued and the following actions were taken:

**Motion** by Council Member Snyder, seconded by Council Member Kinnear, **to change** Section 09.01.030.B and 09.01.030.C where it talks about the use of 24 hours of leave accrued under this chapter in any year and change that to 40 in both of those sections so it would go effectively from three days to five days; **rejected 3-4 (Council Members Fagan, Mumm, Stratton, and Waldref voting “no”).**



**Motion** by Council Member Stratton, seconded by Council Member Mumm, **to amend** the ordinance as follows: add a new paragraph "C" to Section 09.01.020 and it would read: This chapter does not apply to newly licensed businesses for one (1) year following the issuance of the first City of Spokane business license; **carried 6-1 (Council Member Snyder voting "no")**.

**Motion** by Council Member Stratton, seconded by Council Member Mumm, **to amend** paragraph "B" of section 09.01.030 to read as follows: under "B" (No. 1), "Use of Leave," "Employees of businesses having fewer than ten (10) employees may use up to twenty-four (24) hours of leave accrued under this chapter in any year. For purposes of this section, immediate family members of the business owners are not included in the employee count." And No. 2 of "B" (to read): "Employees of businesses with ten (10) or more employees may use up to forty (40) hours of leave accrued under this chapter in any year. **Motion carried 5-2 (Council Members Fagan and Snyder voting "no")**.

**Motion** by Council Member Stratton, seconded by Council Member Mumm, **to strike** both "A" and "B" of Section 09.01.050; **carried 6 to 1 (Council Member Fagan voting "no")**.

**Motion** by Council Member Snyder, seconded by Council President Stuckart, **to amend** the threshold from ten employees for small businesses down to five, which would amend what has already been amended, so that businesses with five or more employees would be subject to the 40 hours and five and under would be 24; **rejected 2-5 (Council Members Fagan, Kinnear, Mumm, Stratton, and Waldref voting "no")**.

Subsequent to closing commentary by Council President Stuckart on Ordinance C35300, as amended, the following action was taken:

**Upon 6-1 Roll Call Vote (Council Member Fagan voting "no")**, the City Council **passed Final Reading Ordinance C35300, as amended**, relating to earned sick and safe leave in the City of Spokane; creating a new Title 09 to the Spokane Municipal Code; amending sections 01.05.170, and 04.04.050 of the Spokane Municipal Code.

## SECOND OPEN FORUM

**George McGrath** commented the City of Spokane is doing a lousy job of snow removal on the side streets but doing fine on the arterials.

**Jacina Scamahorn** stated she hoped that in two to six months the City Council might be able to increase the open forum to twice a month. She commented on being awarded housing and the discrimination she is dealing with and facing for being transgendered, and making sure that moving from one program to another that no evictions happen and there is no retaliation.

## REMARKS BY COUNCIL MEMBER SNYDER

Council Member Snyder stated it has been an honor and pleasure working with the City Council and provided farewell remarks.

## ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 11:18 p.m.

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## CORRECTED MINUTES OF SPOKANE CITY COUNCIL

Note: It was discovered the "Executive Session/Council Recess" section of the minutes (which typically follows the Council's consideration of the Consent Agenda) was missing from the previously published minutes. These corrected minutes now include this portion.

**Monday, January 4, 2016**

## 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 Fagan, Kinnear, Mumm, Snyder, Stratton, and Waldref were present.

Business and Developer Services Division Director Scott Simmons (in the absence of City Administrator Theresa Sanders) and City Clerk Terri Pfister were also present on the dais. City Council's Policy Advisor Brian McClatchey entered the meeting at 3:43 p.m.

**Advance Agenda Review**

Council received input from staff on the January 11, 2016, Advance Agenda items.

**Resolution 2016-0002**

Council President Stuckart provided an overview of Resolution 2016-0002 approving the process to fill the vacancy for City Council District 2, Position 2. He noted that next Monday (January 11) is Council Member Snyder's last City Council meeting, as he will be leaving to take a senior policy advisor position with the Governor. Council President Stuckart advised the effective date of Council Member Snyder's resignation will be January 12, and there will be an announcement at 9 a.m. that day of the vacancy and request for applications. Applications will be available at the City Council Offices on the Seventh Floor and at the My Spokane Service Desk on the First Floor of City Hall. On January 19, applications for the appointment must be received by the City Clerk's Office no later than 5:00 p.m. City Council will then have until January 27 to rank the top candidates so that interviews can then be held. Following that, there will be a public interview process on February 3. The City Council may hold an executive session on February 8 to discuss and will vote in an open session to fill the Council vacancy on that same date.

**Action to Approve January 11, 2016, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the January 11, 2016, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

**Motion** by Council Member Fagan, seconded by Council Member Waldref, **to approve** the Advance Agenda for Monday, January 11, 2016; **carried unanimously**.

**ADMINISTRATIVE SESSION****Current Agenda Review**

The City Council received input from staff on the January 11, 2016, Current Agenda items.

**Resolution 2016-0001**

Council President Stuckart provided an overview of Resolution 2016-0001 amending the City Council Rules of Procedures. He requested a motion to replace all of the language in Section 7.1.4 with the following: "For each ordinance or formal resolution which would have an impact on the fiscal condition of the City, the sponsor must check the box to note the fact of the fiscal impact and describe the fiscal impact of the ordinance or resolution when preparing the agenda sheet." Subsequently, the following action was taken:

**Motion** by Council Member Snyder, seconded by Council Member Fagan, **to so move** (to replace all of the language in 7.1.4 as described by Council President Stuckart); **carried unanimously**.

**Action to Approve January 4, 2016, Current Agenda**

Following staff reports and Council inquiry and discussion regarding the January 4, 2016, Current Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

**Motion** by Council Member Waldref, seconded by Council Member Fagan, **to approve** the Current Agenda for Monday, January 4, 2016 (as amended); **carried unanimously**.

**CONSENT AGENDA**

**Upon motion by Council Member Fagan, seconded by Council Member Waldref, the City Council unanimously approved Staff Recommendations for the following:**

Setting Hearing on Validated Initiative No. 2015-1 petitions filed on behalf of Jackie Murray, sponsor, relating to Immigration Status Information, for January 11, 2016 (LGL 2014-0023)

Two-year Value Blanket Order with Otto Environmental Systems, LLC (Eloy, AZ) for the purchase of Automated Refuse Carts, with option for three one-year extensions—annual estimated expenditure of \$200,000 (incl. tax) (OPR 2016-0003) (BID 4157-15)

Purchase servers and related equipment from Lenovo, Inc. (Armonk, NY) for the IT Department utilizing WA State Contract #05815-007/MNWNC-117 from January 1, 2016 through December 31, 2016—\$163,050 (incl. tax) (OPR 2016-0004)

Purchase PC, Laptop, and Mobile Data Hardware Equipment from Dell Marketing L.P. (Dell Financial Services, L.L.C.) (Austin, TX) from January 1, 2016 through December 31, 2016— \$391,320 (incl. tax) (OPR 2016-0005)

Purchase from Washington State Department of Enterprise Services (Olympia, WA), various Software Products from January 1, 2016 through December 31, 2016— \$108,700 (incl. tax). (OPR 2016-0006)

Purchase Cisco hardware and software from Cerium Networks, Inc. (Spokane, WA) utilizing WA State Contract #01114/AR233 from January 1, 2016 through December 31, 2016—\$163,050 (incl. tax) (OPR 2016-0007)

Contract with TruePoint Solutions, LLC (Incline Village, NV) for Accela Software Professional Services and Support utilizing GSA Schedule Contract Number GS-35F-025BA, GSA-70—\$99,957.70 (incl. tax) (OPR 2016-0008)

Contract Extension with Cerium Networks, Inc. (Spokane, WA) for maintenance of Cisco equipment in City Hall and other locations from January 1, 2016 through December 31, 2016—estimated cost of \$241,855.05 (incl. tax) (OPR 2014-0008)

Contract Extension with Hyland Software, Inc. (Westlake, OH) for OnBase Software support for the City's document imaging system utilized by various departments from January 1, 2016 through March 31, 2017—estimated cost of \$77,507.83 (incl. tax) (OPR 2015-0013)

Contract Extension with Structured Communications Systems, Inc. (Clackamas, OR) for 24/7 extended support for the Symantec centralized backup software utilized by the City—\$118,960.62 (incl. tax). (This is the second of three one-year renewal options (OPR 2012-1035) (RFP 3884-12)

Contract with OAC to provide General Contractor / Construction Manager Consulting for the CSO Basin 26 Control Facility—not to exceed \$140,590 (OPR 2016-0009) (ENG 2010088)

Interlocal Agreement with Spokane County for funding of the Historic Preservation Program from January 1, 2016 through December 31, 2018—\$30,000 revenue per year (OPR 2016-0010)

Contract Amendment/Extension of the Memorandum of Understanding with Spokane Arts Commission and Spokane Arts Fund for arts services from January 1, 2016 through December 31, 2016—\$80,000 (OPR 2012-0856)

Purchase & Sale Agreement for the acquisition of properties in conjunction with the Riverside Drive Phase II and Phase III - Sherman Street to Perry Street (Martin Luther King Jr. Way) construction project (OPR 2016-0011) (ENG 2005264)

Consultant Agreement with Budinger & Associates, Inc., (Spokane Valley, WA) for Geotechnical Engineering On-Call Services (Non-federal)—not to exceed \$400,000. (Various Neighborhoods) (OPR 2016-0012) ENG 20160046)

Consultant Agreement with Strata, Inc. (Spokane Valley, WA) for Geotechnical Engineering On-Call Services—not to exceed \$200,000. (Various Neighborhoods) (OPR 2016-0013) (ENG 20160046)

Consultant Agreement with T.C. Sherry & Associates (Spokane, WA) for Landscape Architect Design On Call Services for Federally funded projects (Non-Federal)—not to exceed \$250,000 (OPR 2016-0014) (ENG 20160047)

Amendment to the Washington State Department of Ecology State Revolving Fund Loan No. WQC-2015-Spokane-0025 for CSO Basin 33-2 Control Facility on East Sprague—increase of \$553,786 for a total loan amount of \$4,824,586 (OPR 2016-0015) (ENG 20110085)

First Amendment to the Memorandum of Understanding between the City and Spokane County for regional waste reduction and recycling outreach and education from November 17, 2015 to November 16, 2016—\$200,000 revenue (OPR 2015-0099)

Amendment to contract with AssetPoint for the yearly Hosting Fee and Technical Support for TabWare® Computerized Maintenance Management System and associated software for the Waste To Energy Facility—\$87,540 (OPR 2014-0732)

Contract Extension with APS Healthcare Bathesda, Inc. (White Plains, NY) for the Employee Assistance Program from January 1, 2016 through December 31, 2016—not to exceed \$2.94 per employee per month (\$65,268 annual cost). (This is the first of two one-year extensions.) (OPR 2013-0001) (RFP 3879-12)

Contract Extension with Barr-Tech, LLC (Sprague, WA) for transporting, processing, composting and marketing of residential and commercial yard debris and food waste—annual estimated expenditure \$987,600. (This is the second of three one-year extensions) (OPR 2013-0382) (RFP 3916-13)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through December 7, 2015, total \$22,270,708.92 (Check Nos. 518902- 519798; ACH Payment Nos. 22062-22520), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$21,837,611.28. (CPR 2015-0002)
- b. Payroll claims of previously approved obligations through December 19, 2015: \$6,192,724.76 (Payroll Check Nos. 535329-535505). (CPR 2015-0003)

City Council Meeting Minutes: December 14, 2015 and December 17, 2015. (CPR 2015-0013)

### **Executive Session/Council Recess**

The City Council adjourned at 4:27 p.m. and immediately reconvened into an Executive Session to discuss labor negotiations for 20 minutes. Assistant City Attorney Erin Jacobson was present during the Executive Session. The City Council reconvened at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Fagan, Kinnear, Mumm, Snyder, Stratton, and Waldref present. City Council's Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

## **LEGISLATIVE SESSION**

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Council President Stuckart.

### **Roll Call**

Council President Stuckart and Council Members Fagan, Kinnear, Mumm, Snyder, Stratton, and Waldref were present.

There were no **City Administration Reports**.

## **CITY COUNCIL COMMITTEE REPORTS**

### **Community Health and Environment Committee Meeting**

Council Member Stratton reported on the Community Health and Environment Committee meeting held earlier today (January 4, 2016). Minutes of the Community Health and Environment Committee meeting are filed with the City Clerk's Office and are available for review following approval by the Community Health and Environment Committee.

### **Finance and Technology Committee Meeting**

Council President Stuckart reported on the Finance and Technology Committee meeting held earlier today (January 4, 2016). Minutes of the Finance and Technology Committee meeting are filed with the City Clerk's Office and are available for review following approval by the Finance and Technology Committee.

## **OPEN FORUM**

**Alan McDowell** made a call on his cell phone to Freeman High School and left a message for shop teacher Mr. Wood and provided remarks about SPD.

**Rick Bocook** commented on limited parking around City Hall, the street system, and bus riders. He stated if City Council would like people to come down to City Hall they should make it so they can come down without having to pay to come to City Hall to talk.

**Alfredo Llamado** commented that the ugly face of racism, discrimination, xenophobia, and hate have raised their ugly heads with respect to the people who are supporting the (immigration status) initiative.

**Kelly Cruz** expressed concern about the speed for hiring a new police chief. He stated it would be foolish to try to recruit a chief this summer or before the first of next year and that we need to get the SPD back up on its legs as a reputable organization.

**George McGrath** commented on abortion and Planned Parenthood.

**Henry Valder** commented on the Veterans Garage, PTSD, and homelessness, and he provided other remarks.

**Marshall Smith** commented on snow plows and snow berms and also commented on open forum.

**Grant Keller** challenged Council Members to remember that they represent everybody in their districts, not just those that voted them in. He stated that sometimes there are people on the other side of the spectrum that may have solutions to problems that the other side isn't thinking about.

**Steve Black** thanked Council for the opportunity to speak during open forum and commented on freedom of speech. He also implored Council to look at both sides of issues when they come up.

## APPOINTMENTS

### **Spokane Human Rights Commission (CPR 1991-0068) and Ethics Commission (CPR 2006-0042)**

**Upon Unanimous Roll Call Vote**, the City Council **approved** (and thereby confirmed) the following appointments:

- Aaron Tilbury and Geoffrey Bagwell to the Spokane Human Rights Commission for respective terms of January 4, 2016, to January 4, 2019.
- Dennis Cronin to the Ethics Commission for a term of January 4, 2016, to December 31, 2018.

### **Aging and Long Term Care of Eastern Washington Board**

The City Clerk read the request for appointment of Mike Fagan to the Aging and Long Term Care of Eastern Washington Board. The following action was taken:

**Motion** by Council Member Snyder, seconded by Council Member Stratton, to amend the appointment to the Aging and Long Term Care of Eastern Washington Board to read Mike Fagan and Lori Kinnear (and thereby appoint both to the Board); **carried unanimously**.

**Appointments to the Spokane Transit Authority Board and Spokane Regional Transportation Commission were not made and will instead be made next Monday (January 11, 2016).**

## LEGISLATIVE AGENDA

### **EMERGENCY BUDGET ORDINANCE**

#### **Emergency Budget Ordinance C35340**

Subsequent to a brief overview of Ordinance C35340 by Council President Stuckart and public testimony from one individual, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Emergency Budget Ordinance C35340** amending Ordinance No. C35322 passed the City Council November 23, 2015, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2016, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2016, and providing it shall take effect immediately upon passage and declaring an emergency and appropriating funds in:

General Fund

FROM: City Council - Reserve, \$14,000;

TO: ONS-Community Assembly, same amount.

(This action makes funds available for use by the Community Assembly.)

### **Suspension of Council Rules to Add to the Agenda a Consultant Agreement with Seabold Investigation Consulting Services (OPR 2016-0025)**

Council President Stuckart requested a suspension of the Council Rules in order to add to the agenda an Agreement between the City of Spokane and Seabold Group Investigation Consulting Services.

**Motion** by Council Member Stratton, seconded by Council Member Waldref, **to suspend** the Council Rules; **carried 6-1 (Council Member Fagan voting “no”)**.

**Motion** by Council Member Snyder, seconded by Council Member Waldref, **to add** the Agreement between the City of Spokane and Seabold Group Investigation Consulting Services to the agenda; **carried 6-1 (Council Member Fagan voting “no”)**.

Subsequent to an opportunity for public testimony, with none provided, the following action was taken:

**Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”)**, the City Council **approved** the Consultant Agreement with Seabold Group Investigation Consulting Services.

## RESOLUTIONS

### Resolution RES 2016-0001

Council President Stuckart provided an overview of Resolution 2016-0001, as amended (during the 3:30 p.m. Briefing Session), amending the City Council Rules of Procedure. Subsequent to public testimony and Council commentary, the following action was taken:

**Motion** by Council Member Fagan, seconded by Council Member Stratton, that we **remove** that aspect in the Council Rules with regard to limiting a speaker’s testimony to one time a month and open it back up to what it currently is (thereby removing Rule 2.2.6); **rejected 2-5 (Council Members Fagan and Stratton voting “aye” and Council President Stuckart and Council Members Kinnear, Mumm, Snyder, and Waldref voting “no”)**.

Subsequent to additional Council commentary, the following actions were taken:

**Motion** by Council Member Stratton, seconded by Council Member Waldref, **to change** this section (Rule 2.2.6) by deleting the once a month and go back to one open forum at the end of the council meeting and we’d get rid of the first one; **rejected 1-6 (Council Member Stratton voting “aye” and Council President and Council Members Fagan, Kinnear, Mumm, Snyder, and Waldref voting “no”)**.

**Upon 5-2 Roll Call Vote (Council Members Fagan and Stratton voting “no”)**, the City Council **adopted Resolution 2016-0001, as amended**, amending the City Council Rules of Procedure.

## FINAL READING ORDINANCE

### Final Reading Ordinances C35336, C35337, and C35338

Subsequent to Council inquiry and commentary, response and comment by Eldon Brown from the City’s Development Services Center, and an opportunity for public testimony, with none provided, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed** the following Final Reading Ordinances:

- **ORD C35336** Amending Ordinance C-29198 that amended Ordinance No. A-1282 (relating to Carlisle Avenue vacation) that passed the City Council January 6, 1903 (Logan Neighborhood).
- **ORD C35337** relating to vacating a portion of Marietta Avenue in the City of Spokane. (Logan Neighborhood).
- **ORD C35338** relating to vacating Buckeye Avenue from Standard Street to Dakota Street. (Logan Neighborhood).

**For Council action on Final Reading Ordinance C35329, see section of minutes under “Hearings.”**

## FIRST READING ORDINANCES

**The following ordinances were read for the First Time with further action deferred:**

**ORD C35300** Relating to earned sick and safe leave in the City of Spokane; creating a new Title 09 to the Spokane Municipal Code; amending sections 01.05.170, and 04.04.050 of the Spokane Municipal Code.

**ORD C35341** Renaming Centennial Alley from the west side of Elm Street to the south side of Summit Parkway and naming of the public alley in alignment with Centennial on the east side of Elm Street to the south side of Summit Parkway to “Centennial Way.”

- ORD C35342** Relating to Administration and Procedures of the Unified Development Code; amending SMC sections 17G.010.070, 17G.010.160, 17G.025.010, 17G.050.310, 17G.060.075, 17G.060.210, 17G.060.240, 17G.080.020, 17G.080.040.
- ORD C35343** Relating to definitions used in the Unified Development Code; amending SMC sections 17A.020.030 and 17A.020.060.
- ORD C35344** Relating to Building Moving and Relocation; amending SMC sections 10.26.010, 10.26.020, 10.26.030, 10.26.040, 10.26.070, 10.28.020, 10.28.040, 10.28.050, 10.28.070, 10.28.080.
- ORD C35345** Relating to Obstructions and Encroachments in the Public right-of-way; amending SMC sections 12.02.060, 12.02.0706, 12.02.0707, 12.02.0708, 12.02.0716, 12.02.0718, 12.02.0720, 12.02.0724, 12.02.0730, 12.02.0740, 12.02.0755, 12.02.0704.
- ORD C35346** Relating to Land Use Standards of the Unified Development Code; amending SMC sections 17C.110.100, Table 17C.110-1, 17C.110.200, Table 17C.110-3, 17C.110.230, 17C.120.110, 17C.120.310, 17C.122.135, 17C.124.210, Table 17C.124-2, 17C.124.310, 17C.130.310, 17C.200.020, 17C.200.040, 17C.200.050, 17C.230.140.
- ORD C35347** Relating to transportation impact fees; amending SMC sections 17D.075.020.
- ORD C35348** Relating to environmental standards of the Unified Development Code; amending SMC sections 17E.060.280 and Table 17E.060-04.
- ORD C35349** Relating to the existing building and conservation code; repealing SMC Section 17F.070.190.
- ORD C35350** Relating to land use fees; amending SMC sections 08.02.0220, 08.02.038, 08.02.065.
- ORD C35351** Relating to Street Obstruction Permits; amending SMC sections 07.02.070.

There were no **Special Considerations**.

## HEARINGS

### Hearing on Interim Zoning Ordinance C35329

The City Council held a public hearing on Interim Zoning Ordinance C35329 of the City of Spokane, Washington, passed as an emergency on November 30, 2015, relating to the definition of a household. Subsequent to public testimony, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **reaffirmed** the passage of the **Interim Zoning Ordinance C35329** of the City of Spokane, Washington, passed as an emergency on November 30, 2015, relating to the definition of a household.

## Second Open Forum

**Cherrie Barnett** commented that she sees scary changes in this country that inhibit the Christian faith, and she provided other remarks.

**Erik Olsen** introduced himself as the Public Policy Director for Greater Spokane Incorporated. He provided his background and pledged that he would help City Council move things forward to make Spokane a better place to live, work, and do business and he vowed to improve the communication the City Council has had with GSI.

## ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:39 p.m.

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**City Council Office  
2016 Professional Development Retreat  
Thursday, January 7, 2016  
1:00 PM to 4:30 PM City Hall--City Conference Room 5A**

**Agenda**

<b>1:00 PM</b>	<b>Welcome/Opening</b>	<b>CP Ben Stuckart</b>
<b>1:15 PM</b>	<b>Intercultural Development Inventory</b>	<b>Tara Dowd</b>
<b>3:15 PM</b>	<b>Open records/meetings adherence</b>	<b>Brian McClatchey</b>
<b>3:45 PM</b>	<b>City email and social media use</b>	<b>Michael Sloon/Cylas Engeland</b>
<b>4:15 PM</b>	<b>Wrap-up/Closing</b>	<b>CP Ben Stuckart</b>

**Retreat Summary**

The 2016 City Council Office Retreat was convened by City Council President Ben Stuckart at 1:00 PM in Conference Room 5A. The following individuals were present: CP Ben Stuckart, CM Mike Fagan, CM Lori Kinnear, CM Candace Mumm, CM Karen Stratton, CM Waldref, Adam McDaniel, Anna Everano, Grifynn Clay, Richard Rush, Kaitlin Larson, Brian McClatchey, Debra Robole, Nathan Calene, and Blaine Stum (joined in progress due to previous commitment). The following individuals were absent: CM Jon Snyder and Skyler Oberst. Three guest presenters included: Tara Dowd with D&F Consulting, and Michael Sloon and Cylas Engeland with the City of Spokane IT Services Division.

**Welcome/Opening (CP Ben Stuckart)**

After welcoming attendees, CP Stuckart reviewed the agenda and explained that this year's Retreat had a professional development theme because it was developed around the Council Office participation in the Intercultural Development Inventory. He noted that Debra Robole offered to conduct a Council goals/priorities survey with Council Members if they are so inclined. He then introduced guest presenter, Tara Dowd.

**Intercultural Development Inventory (Tara Dowd)**

Tara provided some personal and professional background information on herself. She is a partner with D&F Consulting in Spokane. Tara led the group in a stereotypes exercise to illustrate how stereotypes can get in the way of cultural knowledge. She then reviewed the Council Office group profile based upon surveys that the participants had taken last fall. The Perceived Orientation (PO) score was 125.46 out of a possible 145—high acceptance. The Development Orientation (DO) score was 106.40 out of a possible 145—high minimization. The Orientation Gap was 19.06 points.

Intercultural challenges that participants identified included:

- Inclusivity—ensuring that we are inclusive of other cultures
- Appreciation for differences
- Accurate communication/personal communication skills
- Seeing difference before similarities
- Defining equity
- Understanding others' processes
- Identifying cultural informants who can guide communication

Major points from Tara's presentation included:

- Diversity is "the who"
- Inclusion is "the what"
- Intercultural competence is "the how"
- "power" + "prejudice" = "racism"

Tara will return to the Council Office later in January for one-to-one interviews with all Council Members and Staff Members.

**Open records/meetings adherence (Brian McClatchey)**

Brian developed a PowerPoint presentation that he highlighted as he walked participants through the main points for open records and open meetings adherence, based upon State of Washington regulations.

A short discussion ensued around the development of Standing Committee minutes in regard to the current use of "Discussion ensued" language versus a summary of the discussion points. CP Stuckart stated that it is up to the Committee Chairs to determine and implement the level of detail desired within minutes' development. In regard to open records retention, the content of the document determines how long it needs to be kept on file for access. As a discussion outcome around the topic of Executive Sessions, Council President will now ask at the time that Executive Sessions are requested: *Who all NEEDS to be present during the Session?*



**City email, Internet, and social media use (Michael Sloon/Cylas Engeland)**

Michael and Cylas were invited to the Retreat to cover the use of City-related email, Internet, and social media sites, as related to end-user responsibility and culpability.

Michael advised the participants that the City (*IT Services*) conducts no management of personal email so it is up to the individual to be responsible for data management for potential open records/Court requests. Two *IT Services* employees conduct confidential email searches once an open records request is received by Michael. He first runs the request past City Legal if there may be legal issues associated with the request. Employees' email and Internet usage reports are provided to the Mayor's Cabinet on a monthly basis; including any personal use on City equipment/systems.

*IT Services* will be addressing personal use of the Internet yet in 2016. Bottom line: it is advised that employees NOT use City property for personal matters

The City has a tool called "Archive Social" that is managed by Brian Coddington's *Communications* Department. All City-based social media (I.E. Twitter and Facebook) accounts must be registered there. CP Stuckart requested that all Council Members email the links for their City-related (not personal) social media accounts to him with a CC to Adam McDaniel for registering with the City.

Michael stated that a City policy is being developed for the use of City phones versus personal mobile phones. Currently, the City does not track or archive individuals' texts or call logs placed on personal mobile phones. City-supplied mobile phones through Verizon service must be solely used for City business. When receiving a City cell phone allowance, covering business use of personal phones, *IT Services* can sequester the phone to conduct a search of texts related to a public records request.

**Wrap-up/Closing (CP Ben Stuckart)**

CP Stuckart thanked everyone for their time and attention. He stressed the importance of coordinating with Adam McDaniel in setting up the individual interviews with Tara. The Retreat was adjourned at 4:15 PM.

# 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. C35300**

An ordinance relating to earned sick and safe leave in the City of Spokane; creating a new Title 09 to the Spokane Municipal Code; amending sections 01.05.170, and 04.04.050 of the Spokane Municipal Code.

**WHEREAS**, most workers will, at some time during the year, need time off from work to take care of their own health or safety needs and/or the health or safety needs of their families and loved ones; and

**WHEREAS**, many workers employed in the City of Spokane must make the unreasonable choice between their paycheck and their children, because they do not have the option of taking paid time off when they, their children, or other family members, get sick or when their life or the lives of their children are potentially in jeopardy due to domestic violence, sexual assault, or stalking; and

**WHEREAS**, earned sick and safe leave will allow parents to provide personal care for their sick children, making children's recovery faster, preventing more serious illnesses, and improving their children's overall mental and physical health; and

**WHEREAS**, as many businesses in Spokane already know, providing for employees' sick and safe leave is affordable for employers and good for business because it can reduce employee turnover; improve the ability to recruit and retain talent; increase productivity; minimize the loss of firm-specific skills and human capital; reduce "presenteeism," namely, the tendency of employees to report to work sick, thereby increasing the risk of transmission of infectious diseases; and boost worker morale; and

**WHEREAS**, studies on implementation of paid sick leave policies around the country (San Francisco (2011); Connecticut (2013); Washington, D.C. (2013)) show repeatedly that business profitability is affected to a very small degree by implementation of paid sick leave laws; and

**WHEREAS**, a March, 2011 report by the Bureau of Labor Statistics estimated that the cost of implementing paid sick leave averages about 26 cents per hour overall and 14 cents per hour in the service industry specifically; and

**WHEREAS**, because domestic violence, sexual assault, and stalking have an impact on many workers, the availability of earned safe leave will protect victims of domestic violence, sexual assault, and stalking, as well as their families, and enable them to focus on obtaining the assistance they need; and

**WHEREAS**, the National Association of County and City Health Officials (NACCHO), of which the Spokane Regional Health District is affiliated, supports the passage and implementation of local legislation which requires employers to provide earned sick leave; and

**WHEREAS**, the City Council convened a working group made up of stakeholders from industry, public health, non-profits, government agencies, labor unions, and small business to examine the concept of enacting an earned sick and safe leave policy as well as the possible implications and unintended consequences of enacting such a policy and to recommend a framework for an earned sick and safe leave policy; and

**WHEREAS**, the Spokane City Council finds that Spokane's public health will be most effectively safeguarded by ensuring that workers in Spokane have access to paid earned sick and safe leave.

**NOW, THEREFORE**, the City of Spokane does ordain:

Section 1. That there is adopted a new Title 9 of the Spokane Municipal Code to read as follows:

## **Title 09 Employment Standards**

### **Chapter 09.01 Earned Sick and Safe Leave**

#### **Section 09.01.010 Definitions**

For purposes of this chapter, the following definitions shall be applied. Words used in the singular shall include the plural, and vice-versa.

- A. "Adverse action" means any action taken by an Employer to discharge from employment, suspend, discipline, transfer, demote, or deny promotion, or to threaten to do any of the foregoing.
- B. "Agency" means the City of Spokane department responsible for the enforcement of this chapter, as specified in the process described in SMC 09.01.080(A).
- C. "Business" has the same meaning as stated in SMC 08.01.020(A).
- D. "Charging Party" means a person filing a claim of violation of this chapter with the Agency.
- E. "City" means the City of Spokane.
- F. "Contractor" or "Independent Contractor" means those persons meeting all the criteria stated in RCW 51.08.195(1)-(6).
- G. "Domestic violence" has the same meaning as stated in RCW 10.99.020(5), and includes "stalking" as defined in RCW 9A.46.110 and in SMC 10.09.010(B).
- H. "Domestic Worker" has the same meaning as specified in RCW 51.12.020(1) and (2).
- I. "Earned sick and safe leave" or "leave" means paid leave accrued, utilized, and compensated for as provided in this chapter.
- J. "Employee" means an individual natural person who performs more than two hundred forty (240) hours of work in the City of Spokane for compensation for an Employer in a calendar year, but does not include seasonal or domestic workers, or independent contractors.
- K. "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee and employing at least one person for compensation in the City of Spokane. For purposes of this chapter, "Employer" does not include:
  - 1. The United States government;
  - 2. The state of Washington;
  - 3. Any city, county, or local government; or
  - 4. Any business owned and operated by one person (or one person and his or her spouse) and having zero employees.
- L. "Family member" means a:
  - 1. Spouse or domestic partner;
  - 2. Child who is:

- a. Under 18 years of age, or;
- b. 18 years of age or older and incapable of self-care due to a mental or physical disability;
- 3. Parent or guardian;
- 4. Grandparent; or
- 5. Grandchild.
- M. "Person" has the same meaning as stated in SMC 01.02.100 and includes any individual, partnership, corporation, association, organization, trade or professional association, labor union, cooperative, legal representative, trustee, trustee in bankruptcy and receiver, firm, institution, or any other group of persons acting in concert; this definition also includes any owner, lessee, proprietor, manager, agent, or employee, whether consisting of one or more natural persons.
- N. "Paid Time Off" ("PTO") means paid leave which accrues at a regular rate and which can be used by an employee for any purpose, provided it can also be used for all purposes stated in SMC 09.01.040(A).
- O. "Retaliation" means an adverse action taken by an employer against an employee because of an employee's status as a charging party or by an employee's exercise of rights established by this chapter.
- P. "Seasonal Worker" means a worker with a term of employment expected to last less than one year and which is intermittent or recurs annually.
- Q. "Separation" means an involuntary discharge of employment, not for cause, including, without limitation, a business-related or seasonal layoff.
- R. "Staffing Agency" means any person who undertakes, with or without compensation, to recruit, refer or place individuals for employment, or to procure opportunities for work, or to with an employer.
- S. "Work-study students" means students engaged in a course of instruction and whose employment is included under the state work-study program (chapter 28B.12 RCW) or the federal work study program (42 U. S. C. 2751-2756b).

#### **Section 09.01.020 Applicability**

- A. This chapter applies to all Employers in the City of Spokane who employ employees who physically perform more than two hundred forty (240) hours of work within the City of Spokane.
- B. This chapter does not apply to Work-Study Students, Independent Contractors or seasonal workers, or those employed by a firm(s) engaged in "construction work" as defined in WAC 296-155-012.
- C. This chapter does not apply to newly licensed businesses for one (1) year following the issuance of the first City of Spokane business license.

#### **Section 09.01.030 Accrual Rates, Annual Cap, and Carry-Over**

- A. All Employees shall, beginning with their first day of employment, accrue leave at the rate of at least one (1) hour of leave for every thirty (30) hours worked; provided that nothing in this chapter prohibits an Employer from providing earned sick and safe leave in advance of accrual such as by "front-loading" leave hours at the beginning of each year.
- B. Use of leave.
  - 1. Employees of businesses having fewer than ten (10) employees may use up to twenty-four (24) hours of leave accrued under this chapter in any year. For purposes of this section, immediate family members of the business owners are not included in the employee count.
  - 2. Employees of businesses with ten (10) or more employees may use up to forty (40) hours of leave accrued under this chapter in any year.
- C. An Employee may carry over into the next year up to twenty-four (24) hours of earned sick and safe leave which were not used in the prior year.
- D. Nothing in this chapter requires Employers to allow employees returning from separation to reinstate the earned sick and safe leave balance accrued during a prior period of employment or to compensate an employee for the employee's accrued and unused earned sick and safe leave upon an employee's termination, resignation, retirement, or other separation from employment.

#### **Section 09.01.040 Permitted Uses of Leave and Compensation**

- A. An Employee may use accrued earned sick and safe leave for:
  - 1. Diagnosis, care, or treatment of the Employee's mental or physical illness, injury, or health condition;
  - 2. The diagnosis, care, or treatment for the Employee's Family Member's mental or physical illness, injury, or health condition;
  - 3. Any reason identified in RCW 49.76.030 or to seek protection or safety from events or conduct specified in

SMC 10.09.010(B);

4. Any period in which the Employer's business or the Employee's child's school or place of care is closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material; or
  5. Bereavement leave in connection with a Family Member of the Employee.
- B. Compensation due to an Employee during the period of leave used by the Employee is at the same rate of pay and with the same benefits as the Employee would have earned during the time during those hours in which the Employee was scheduled to work but for which leave is taken; provided, however, that Employers are not required to compensate Employees who take leave under this chapter for tips or commissions the Employee would have earned during the leave period.
- C. An employer will be in full compliance with this chapter by allowing shift-swapping or the use of PTO for the same purposes as are required by SMC 09.01.040(A) above and in the same amounts as provided in SMC 09.01.030 above.
- D. Nothing in this chapter prohibits or requires an Employer from allowing an Employee to donate earned sick and safe leave hours to another Employee of the same employer.
- E. Nothing in this chapter prohibits an Employer from requiring that covered Employees complete a probationary period before using accrued leave; provided, however, that any such probationary period may be no longer than ninety (90) days.

#### **Section 09.01.050 Notices and Posting**

Beginning on the effective date of this chapter, Employers shall post, in a place commonly accessible to employees, the notice attached in Attachment A, summarizing employees' and employers' rights and obligations concerning earned sick and safe leave as provided for in this chapter.

#### **Section 09.01.060 Employer Responsibilities**

- A. Employers shall maintain records, consistent with the Employer's usual and customary business practices, of each Employee's earned sick and safe leave accrual and use, for three (3) years.
- B. No less frequently than once per quarter, and upon request by any Employee, each Employer shall provide information concerning the requesting Employee's accrued earned sick and safe leave, including without limitation that Employee's leave balance and amount of leave used by that Employee during the current fiscal year.
- C. Beginning on the effective date of this chapter, when making application for a new business registration or a renewal of business registration, each applicant or registrant must certify its compliance with this chapter, in the manner prescribed by the Agency.

#### **Section 09.01.070 Effective Date**

This chapter shall be effective January 1, 2017; provided, however, that businesses which receive their first business registration in the City of Spokane after the enactment of this chapter but before the effective date shall not be subject to this chapter for a period of one (1) year after the date of their first business registration in the City of Spokane. Notwithstanding the foregoing, nothing in this Chapter prohibits an employer from offering earned sick and safe leave to its employees at any point in time earlier than the effective date of this Chapter.

#### **Section 09.01.080 Administrative Enforcement**

- A. The procedures for the enforcement of the rights, duties, and obligations created by this Chapter shall be jointly determined by the City Council and the Administration and shall be in effect no later than October 1, 2016.

- B. Prohibited acts.

It shall be unlawful for any employer to retaliate against any employee covered by this chapter or to misrepresent its business activities in order to evade the requirements of this chapter.

- C. Penalties for violation

1. A violation of this chapter is a class 1 civil infraction, as shown in SMC 1.05.170(B).
2. The Agency or court (in the case of complaints which are resolved in a contested case hearing) is authorized to triple the applicable penalty in cases where the Employer has been found to have retaliated against an Employee within the meaning of this chapter.
3. For each subsequent violation of this chapter after the first, the Agency or court (in the case of complaints which are resolved in a contested case hearing) is authorized to double the penalty stated in SMC 09.01.080(C)(1).

#### **Section 09.01.090 No Waiver**

Nothing in this chapter is or shall be construed to be a waiver, limitation, or preemption of any other rights, whether arising under state, federal, or local law or regulation, or by the existence of any bona fide collective bargaining agreement entered into pursuant to chapters 41.56 or 41.80 RCW, or RCW 74.39A.270, by the City or by any other person.

#### **Section 09.01.100 Severability**

If any court of law determines that any particular provision of this chapter is void or of no legal effect, the offending provision(s) shall be deemed struck from this chapter and the remainder of the chapter shall continue unaffected.

#### **Section 09.01.110 Effect of Other Existing Law**

Nothing herein shall affect in any way any other requirement of state or federal law concerning the conditions of employment.

#### **Section 09.01.120 More Generous Employer Policies Encouraged**

- A. Nothing in this chapter prohibits Employers from implementing an earned sick and safe leave policy which exceeds the minimum standards prescribed in this chapter.
- B. Nothing in this chapter prohibits Employers from offering “all-purpose” Paid Time Off (“PTO”) in lieu of earned sick and safe leave; provided, however, that any such PTO policy shall accrue and be available for use in at least the same amounts and for at least the same purposes as is the earned sick and safe leave provided in this chapter; provided also, that any such Employer which provides “all-purpose” PTO is not be obligated to provide additional leave in excess of the earned sick and safe leave amounts described in this chapter.

#### **Section 09.01.130 Evaluation**

- A. Beginning on the effective date specified in section 09.01.070, the Agency shall track and maintain the following information:
  1. Feedback from employers and employees concerning the implementation and effectiveness of this chapter;
  2. Any data concerning new business formation and business closures considered fairly attributable to the implementation of this chapter; and
  3. The number, type, and disposition of any complaints concerning the implementation or enforcement of this chapter.
- B. One (1) year after the effective date of this chapter, the Agency shall present findings and data concerning the fiscal impact and public health effectiveness of this chapter, in collaboration with public health agency(ies) and/or public health researchers, to the City Council’s Community Health and Environment Committee, as well as any recommendations concerning amendment or repeal of all or any part of this chapter.

Section 2. That section 01.05.170 of the Spokane Municipal Code is amended to read as follows:

#### **Section 01.05.170 Penalty Schedule – Business Regulations**

- A. For each subsequent violation by a person, the classification of infraction advances by one class. For each subsequent class 1 violation of the same prohibited activity after the first violation, the code enforcement officer and court (in the case of contested case hearings) are authorized to double the penalty imposed.
- B. Infraction/Violation Class.

<b>SMC 1.05.170 PENALTY SCHEDULE – BUSINESS REGULATIONS</b>		
<b>Infraction</b>		<b>Violation Class</b>
<b>General</b>		
SMC 4.04.020	Engaging in licensed activity without license	2
SMC 4.04.060	Failure to display license or insignia	3
SMC 8.01.070 SMC 10.40.020	Engaging in business without registration or itinerant vendor license or permit	1
SMC 8.12.020	No amusement device license, no amusement device operators or owners license	3
SMC 8.12.060	No current list of amusement device locations	3
SMC 10.23A.030(G)	Entertainment facility establishment operator/owner	1
SMC 10.25.010	Pruning, planting, or removing a public tree without a license	1
SMC 10.29.010(A)	Conducting an improper blasting operation	1
SMC 10.29.030	Heating mechanic	1
SMC 10.29.060(A)	Providing fire equipment service without Spokane Fire Department registration	1
SMC 10.34.020	Own, operate for-hire vehicle	2

SMC 10.34.110(D)	Owner of for-hire vehicle, allowing a non-licensed for-hire driver to operate his or her vehicle	1
SMC 10.49.040	Owning, operating or maintaining a medical cannabis collective garden	1
SMC 10.41A.040	Special police officer	2
SMC 10.45.040	Deal in used goods	2
SMC 10.48.050	Failure to register alarm system	2
SMC 10.48.170	Unlawful use of a security alarm system	3
SMC 13.02.0204	Solid waste collection or disposal	2
SMC 17G.010.100(C)(3)	Sewer installation	1
Chapter 09.01 SMC	Violation of the earned sick and safe leave ordinance	1
<b>Fireworks</b>		
SMC 10.33A.020(A)(2)	Conducting public display without a permit	Up to \$1,000
SMC 10.41A.040	Employ non-commissioned special police officer	3
SMC 10.41A.090	Violation of code by special police officer	1
<b>Fire Code</b>		
IFC 105.6.14 Chapter 33 IFC Chapter 10.33A SMC SMC 17F.080.060	Manufacture, storage, use, sale, handling of blasting agents, explosives without proper permit	1
IFC 105.6 IFC 105.7 SMC 17F.080.060	Conducting regulated code activities, operations, functions without permit	2
IFC 105.6.41	Conducting spraying or dipping application of flammable or combustible finishes (liquids or powders) for floor finishing or surfacing operations without a permit	2
IFC 2703.3	Unauthorized release, discharge of flammable, combustible liquids, petroleum waste products	1
SMC 15.01.500	Fail to comply with notice and order under Commute Trip Reduction Program	2
SMC 15.03.030	Fail to comply with requirement of posting restaurant's smoking designation	2

Section 3. That section 04.04.050 of the Spokane Municipal Code is amended to read as follows:

**Section 04.04.050 Refusal to issue, revocation of, or refusal to renew business license.**

- A. The license officer endeavors to issue or determine not to issue a license within fifteen days of application.
- B. The license officer has the power and authority to refuse to issue, revoke or refuse to renew any business license issued under the provisions of this chapter. The license officer shall notify such applicant or licensee of the refusal to issue, revocation of, or refusal to renew, in the same manner as orders to comply are served under SMC 4.04.080, and include on the notice what grounds such a decision was based. The license officer may refuse to issue, revoke or refuse to renew any license issued under this chapter on one or more of the following grounds:
1. The applicant or licensee has not made good tender of the license fee.
  2. The applicant or licensee has not furnished sufficient and accurate information.
  3. The applicant or licensee is not otherwise eligible.
  4. The applicant or licensee has failed to comply with any provisions of this chapter.
  5. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in chapter 10.08A RCW.
  6. The applicant or licensee has been convicted of wage theft under SMC 10.05.107 within the last ten years.
  7. The applicant or licensee is a person subject within the last ten years to a court order entering final judgment for violations of chapters 49.46, 49.48 or 49.52 RCW, and the judgment was not satisfied within 30 days of the later of either:



- a. the expiration of the time for filing an appeal from the final judgment order under the court rules in effect at the time of the final judgment order, or
  - b. if a timely appeal is made, the date of the final resolution of that appeal and any subsequent appeals resulting in final judicial affirmation of the findings of violations of chapters 49.46, 49.48 or 49.52 RCW.
8. The applicant or licensee is a person subject within the last ten years to a final and binding citation and notice of assessment from the Washington State Department of Labor and Industries for violations of chapters 49.46, 49.48 or 49.52 RCW, and the citation amount and penalties assessed therewith were not satisfied within 30 days of the date the citation became final and binding.
9. The applicant has violated the City's earned sick and safe leave ordinance, chapter 09.01 SMC, 5 times within the past 10 years.

**Attachment is on file for review in the Office of the City Clerk.**

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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**ORDINANCE NO. C35341**

AN ORDINANCE renaming Centennial Alley from the west side of Elm Street to the south side of Summit Parkway and naming of the public alley in alignment with Centennial on the east side of Elm Street to the south side of Summit Parkway, to "Centennial Way."

WHEREAS, a roadway name shall be established or changed by Ordinance upon recommendation of the City Plan Commission, pursuant to the Spokane Municipal Code - Chapter 17D.050; and

WHEREAS, the City Plan Commission conducted a public hearing on December 9, 2015, to obtain public comments on the proposed street re-naming, and after close of public testimony, unanimously voted to recommend approval of the name change to the City Council of Spokane; -- Now, Therefore,

The City of Spokane does ordain:

Centennial Alley from the west side of Elm Street to the south side of Summit Parkway and the public alley in alignment with Centennial on the east side of Elm Street to the south side of Summit Parkway, shall be re-named "Centennial Way"; and

North Gorge Properties, LLC shall pay for the installation and maintenance of the street signage, which is located in public right-of-way; and

The roadway shall remain a public road and the Kendall Yards Homeowners Association will continue to maintain the roadway as noted on the face of the Kendall Yards 3rd Addition Plat.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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**ORDINANCE NO C35342**

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

The City of Spokane does ordain:

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

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

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

- B. Building Permits.

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



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

~~((1. To be eligible for a building permit, a person must be either:~~

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

~~2. Exception.~~

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

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

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

~~3. Exception.~~

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

C. Encroachments in Public Ways.

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

D. Certificates of Occupancy.

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

E. Safety Certifications.

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

F. Contractor Licenses.

The eligibility of licensees as contractors is set forth in SMC 17G.010.190.

G. Workers Licenses.

The eligibility of licensees as regulated workers is set forth in SMC 17G.010.200.

H. Special Construction Activities.

The eligibility of permittees for special construction activities is set forth in SMC 17G.010.210.

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

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

- A. When a structure or part thereof or appendage thereto, such as footings, balconies, marquees, awnings and architectural projections, is to project into, above, or below the right of way of any public way, the applicant shall conspicuously show the encroachment on the plans and specifications of the building permit application so as to demonstrate compliance with the requirements of chapter 32 ((UBC)) IBC.

- B. Any person who proposes to install any opening in a public sidewalk, such as an elevator or other structure with a door which opens vertically to the sidewalk, must make written application to the ~~((engineering services director))~~ City Engineer. The applicant shall furnish complete details of the construction and installation, including specifications for the door, hatch or other covering, and drawings showing the precise location of the opening with reference to the curblineline, building line and existing utility lines and facilities.
- C. A property owner proposing to use such portion of the right-of-way of a public street or alley as is not used or needed presently or in the foreseeable future for public travel, for the purposes of constructing, installing or planting fences, hedges or similar improvements, shall make application to the ~~((department of building services))~~ Development Services Center in the form of an acknowledged agreement whereby the property owner covenants to remove the encroachment and restore the property to its former condition upon thirty days' notice by the City. ~~((The department of building services seeks the approval or disapproval of the application by the director of engineering services.))~~ Any department reviewing the application may require the applicant to furnish a plot plan, plans and specifications, or other data required to properly evaluate the proposal.

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

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

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

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

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

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

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

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

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.3200 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.060.070 with these additional application materials:
1. Written explanation of exemption type as defined in SMC 17E.060.3200 and WAC 173-27-040.
  2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.
  3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.

- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
- D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).
- E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
  - 1. Letter of exemption.
  - 2. Site plan.
  - 3. What is being approved; and
  - 4. Conditions of approval.

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

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

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

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

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes. ~~((The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.))~~
- B. Appeal ~~((or request for reconsideration))~~ of a director's decision on a ~~((Type I and Type II))~~ project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC and appeals related to the fire code shall be heard by the fire code advisory board pursuant to chapter 4.08 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal of ~~((the))~~ a hearing examiner's decisions ~~((on a Type III project permit application are))~~ is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology ~~((date the department of ecology receives the final decision))~~; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane ~~((date of transmittal by the department of ecology of the final decision to the City))~~. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, ((-)) appeals or requests for reconsideration from decisions ~~((or rulings))~~ shall be ~~((made))~~ filed within fourteen calendar days of the date of the ~~((written order))~~ decision. ~~((or within seven days of the date of issuance of the decision on a request for reconsideration.))~~ If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is ~~((signed))~~ issued.
- G. An appeal or request for reconsideration ~~((of the director or hearing examiner))~~ shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All

fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:

1. file number of the decision;
2. the names of the appellant(s) and an indication of facts that establish the appellant's right to ((appeal or request reconsideration)) the relief requested;
3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
4. the requested relief from the decision being appealed or reconsidered;
5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

H. The appeal or request for reconsideration is rejected if:

1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
3. it is not timely filed;
4. the appeal fees have not been paid; or
5. it is not filed in accordance with the procedures of this chapter.

I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal ~~((or other requests for relief))~~, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.

J. Notice of Appeal.

Notice of a hearing by the hearing examiner on an ~~((request for reconsideration or))~~ appeal ~~((of a Type I or Type II project permit))~~ is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:

1. Location of the property including a map sufficient to clearly locate the site.
2. Description of the proposed action.
3. Name of the applicant.
4. Application name and number.
5. Decision made on the application, including the environmental threshold determination.
6. Name of the appellant if other than the applicant.
7. Date, time, and place of hearing.
8. A statement of whether the appeal is on the record or if new information will be allowed; and
9. Name, address, and office telephone number of the City official from whom additional information may be obtained.

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

**Section 17G.080.020 General Provisions**

A. Authority and Administration.

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

B. Exemptions.

The provisions of this chapter shall not apply to:

1. cemeteries and other burial plots while used for that purpose;
2. divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application;

3. the actions of governmental agencies, such as acquiring land for the purpose of adding to existing public road rights-of-way, creation of new public road rights-of-way, or other public road construction purposes;
4. a division of land pursuant to the requirements of RCW 58.17.035 for the purpose of lease or rent when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land;
5. the creation of condominium units pursuant to chapters 64.32 or 64.34 RCW;
6. acquisition of land by the City for:
  - a. such public purposes as a park, reservoir or other public utility facility when the site is surveyed and recorded as provided in chapter 58.09 RCW; or
  - b. Additional street right-of-way;
7. an adjustment of boundary lines in accordance with the provisions of this chapter.

C. Expiration of Approval.

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

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

1. Alteration.

The alteration of any plat, short plat or binding site plan or portion thereof, except as provided in subsection (B)(7) of this section, is subject to the procedures set forth in RCW 58.17.215. The hearing examiner pursuant to chapter 17G.050 SMC shall conduct the public hearing required under this statute. When the application is for an alteration that substitutes private streets for City street/right-of-way the applicant shall:

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

2. Vacation.

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

3. Redivision of Platted Lots.

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

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

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

1. Short plats: "\_\_\_\_\_ City Short Plat, File No.\_\_\_\_."

## 2. Plats:

- a. City View Addition.
- b. City View 1st Addition.
- c. City View 2nd Addition.
- d. City View 3rd Addition.

## 3. Binding site plans: "\_\_\_\_\_ BSP, File No. \_\_\_\_\_."

## F. Street Names.

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

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

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

## 1. Substantial Modifications.

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

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

## 2. Minor Modifications.

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

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

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

1. All final plats, short plats and binding site plans shall be surveyed and monuments installed.
2. Every final plat, short plat and binding site plan shall show the following:
  - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
  - b. Bearing trees, corner accessories or witness monuments, bearing and length of lines.
  - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.
  - d. Ties to adjoining surveys of record.
3. Every final plat, short plat and binding site plan shall conform to the following standards:
  - a. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 feet, whichever is greater.
  - b. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
  - c. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.

- d. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length.
  - e. Lots along curves shall show arc length and include angle (delta) along curve and radial bearings at lot corners where the lot line is non-radial. If a curve table is provided, it shall show the included angle (delta), radius, and arc length for each segment of the curve along each lot. Radial bearings on non-radial lot lines are still required. Radial bearings shall be provided for all non-tangent curves.
4. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
  5. When elevations are required on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the director of engineering services.
  6. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

I. Fees.

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

J. Enforcement and Penalties.

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

K. Appeals.

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

L. Extensions of Time.

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

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

M. Sunset Provision.

1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section.
2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter.



### 3. Extensions of the Sunset Provision.

The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following:

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

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

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

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

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

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

#### **2. Contents of Preliminary Short Plat Map**

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

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.

- c. Surveyor's name, mailing address and phone number.
- d. Legal description.
- e. Section, township and range.
- f. Vicinity map.
- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots and proposed density.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.
- q. Proposed names of streets.
- r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
- u. Indicate any street grades in excess of eight percent.
- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

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

D. Public Notice

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

E. Preliminary Short Plat Approval Criteria

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

F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:

- a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
  - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
  - c. Covenants, conditions and restrictions, if applicable; and
  - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
    - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
      - i. A cover letter addressing the corrections, additions or modifications required.
      - ii. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
      - iii. The required number of copies of the corrected final short plat map.
  3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of ((silverclick)) mylar and bond copies of the recorded short plat with the director.

#### G. Final Short Plat Map Requirements

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

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

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

Signed \_\_\_\_\_(Seal)"
  - b. A certification by the city treasurer, as applicable:
    - i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Treasurer"

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

\_\_\_\_\_  
City of Spokane Treasurer"

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

\_\_\_\_\_  
City of Spokane Treasurer"

- c. The certification by the planning director, as follows:

"This plat has been reviewed on this \_\_\_\_ day of \_\_\_\_, 20\_\_ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's/Planning Director's approval of the preliminary plat # - PP/SP.

\_\_\_\_\_  
City of Spokane Planning Director"

- d. The certification by the city engineer, as follows:

"Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Engineer"

- e. The certification by the Spokane county treasurer, as follows:

"I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Spokane County Treasurer"

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

#### H. Filing.

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

I. Redivision.

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

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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**ORDINANCE NO C35343**

An ordinance relating to definitions used in the Unified Development Code; amending SMC sections 17A.020.030 and 17A.020.060.

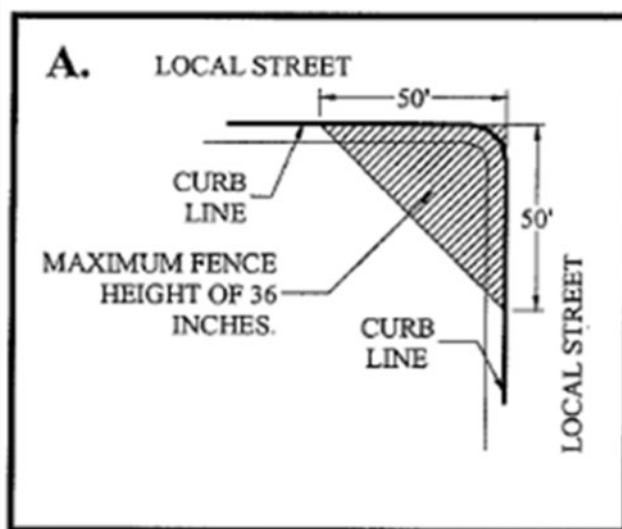
The City does ordain:

Section 1. That SMC section 17A.020.030 is amended to read as follows:

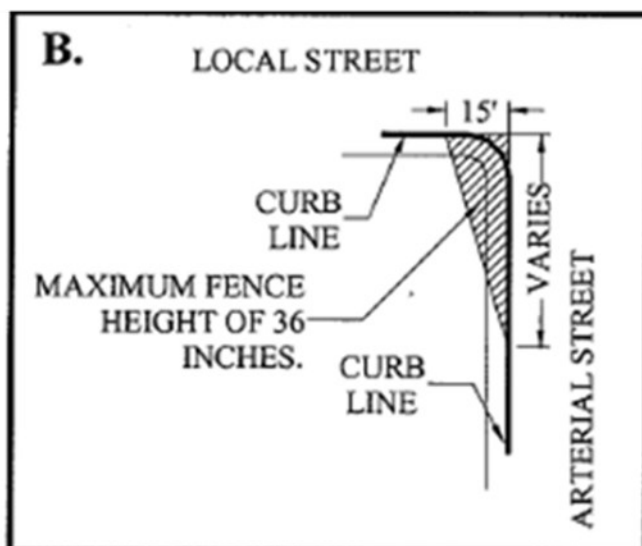
**Section 17A.020.030 “C” Definitions**

- A. Candidate Species.  
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. Carport.  
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. Cellular Telecommunications Facility.  
They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.
- D. Central Business District.  
The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.
- E. Certificate of Appropriateness.  
Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.
- F. Certificate of Capacity.  
A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.
- G. Certified Erosion and Sediment Control Lead (CESCL).  
An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:
1. site conditions and construction activities that could impact the quality of stormwater, and
  2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.
- H. Change of Use.  
For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).
- I. Channel Migration Zone (CMZ).  
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.
- J. Channelization.  
The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

- K. City.  
The City of Spokane, Washington.
- L. Clear Street Width.  
The width of a street from curb to curb minus the width of on-street parking lanes.
- M. Clear Pedestrian Zone  
Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.
- N. Clear View Triangle  
A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.
1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

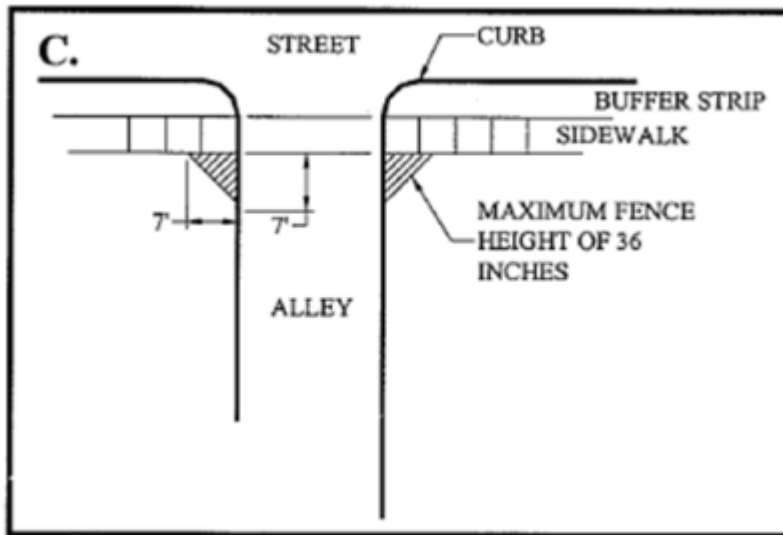


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- a. the inside line of the sidewalk; or
- b. if there is no sidewalk, a line seven feet inside the curb line.



((N))Q. Clear Zone.

An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.

((O))P. Clearing.

The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

((P))Q. Cliffs.

1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
2. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

((Q))R. Closed Record Appeal Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

((R))S. Collector Arterial.

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

((S))I. Co-location.

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

((T))U. Colony.

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.

((U))V. Commercial Driveway.



Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

~~((V))~~W. Commercial Vehicle.

Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

~~((W))~~X. Commission – Historic Landmarks.

The City/County historic landmarks commission.

~~((X))~~Y. Community Banner.

A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

~~((Y))~~Z. Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2. A community meeting does not constitute an open record hearing.
3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

~~((Z))~~AA. Compensatory Mitigation.

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. Restoration.  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2. Re-establishment.  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
3. Rehabilitation.  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. Creation (Establishment).  
The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
5. Enhancement.  
The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.
6. Protection/Maintenance (Preservation).  
Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland.

This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

~~((AA))~~AB. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

~~((AB))~~AC. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

1. The type of landscaping, L1, L2, or L3, is required to be labeled.
2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

~~((AG))~~AD. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.

~~((AD))~~AE. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools, and
9. public wastewater (sewer and stormwater).

~~((AE))~~AF. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in SMC 17D.010.020.

~~((AF))~~AG. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

~~((AG))~~AH. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

~~((AH))~~AI. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

~~((AI))~~AJ. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

((AJ))AK. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

((AK))AL. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

((AL))AM. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

((AM))AN. Conveyance.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

((AN))AO. Conveyance System.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

((AO))AP. Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises

((AP))AQ. Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.

((AQ))AR. Council.

The city council of the City of Spokane.

((AR))AS. County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

((AS))AT. Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

((AT))AU. Creep.

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

((AU))AV. Critical Amount.

The quantity component of the definition of critical material.

((AV))AW. Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.

((AW))AX. Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

1. schools;
2. nursing homes;
3. hospitals;

4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

~~((AX))~~AY. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
  - a. domestic and industrial water supply,
  - b. agricultural irrigation,
  - c. stock water, and
  - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

~~((AY))~~AZ. Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

A list of critical materials activities is contained in the Critical Materials Handbook.

~~((AZ))~~BA. Critical Materials Handbook.

The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter.

1. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities, contains:
  - a. a critical materials list,
  - b. a critical materials activities list, and
  - c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

~~((BA))~~BB. Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

~~((BB))~~BC. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
  - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).
  - b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
  - c. Application for a certificate of occupancy (SMC 17G.010.170).
  - d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).
  - e. Application for rezoning (SMC 17G.060.070(A)).
  - f. Application for conditional permit (SMC 17G.060.070(A)).
  - g. Application for a business license (SMC 8.01.120).

- h. Application for a permit under the Fire Code (SMC 17F.080.060).
  - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
  - j. Application for connection to the City sewer or water system.
  - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
  - l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).
  - m. Application involving a project identified in SMC 17E.010.120.
  - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
  - o. Application for an underground storage tank permit (SMC 17E.010.210); and
  - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

~~((BG))~~BD. Critical Review Applicant.

A person or entity seeking a critical review action.

~~((BD))~~BE. Critical Review Officer – Authority.

- 1. The building official or other official designated by the director of public works and utilities.
- 2. For matters relating to the fire code, the critical review officer is the fire official.
- 3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
- 4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
- 5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

~~((BE))~~BF. Critical Review Statement.

A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

~~((BF))~~BG. Cumulative Impacts.

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

~~((BG))~~BH. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

~~((BH))~~BI. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 2. That SMC section 17A.020.060 is amended to read as follows:

#### **Section 17A.020.060 “F” Definitions**

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.

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. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements.

There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

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. Float.

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

O. Flood Insurance Rate Map or FIRM

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

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. 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. 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. As defined under Section 90.58.030 RCW, or as amended.

T. 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. 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. Focused Growth Area.
- Includes mixed-use district centers, neighborhood centers, and employment centers.
- W. 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. Freestanding Sign.
- A sign on a frame, pole, or other support structure that is not attached to any building.
- Y. 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.

**Passed by City Council January 11, 2016**  
**Delivered to Mayor January 15, 2016**

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#### **ORDINANCE NO C35344**

An ordinance relating to Building Moving and Relocation; amending SMC sections 10.26.010, 10.26.020, 10.26.030, 10.26.040, 10.26.070, 10.28.020, 10.28.040, 10.28.050, 10.28.070, 10.28.080

The City of Spokane does ordain:

Section 1. That SMC section 10.26.010 is amended to read as follows:

##### **Section 10.26.010 Relocation Permit Required**

- A. A person needs a relocation permit issued by the ~~((building services department))~~ development services center to relocate or place a building or structure upon any property in the City.
- B. The applicant must be either the owner of the building or a state-registered contractor.
- C. The relocation permit is in addition to the building moving permit and the street obstruction permit as provided in SMC 17G.010.210(B) and (D) and chapter 12.02 SMC. While the moving and street obstruction permits are class III licenses under chapter 4.04 SMC, the relocation permit is a species of building permit.

Section 2. That SMC section 10.26.020 is amended to read as follows:

##### **Section 10.26.020 Condition of Building**

- A. The ~~((director of building services))~~ building official inspects the building to determine whether it complies with the current building code.
- B. If the building does not meet current code, the ~~((director))~~ building official either denies the relocation permit application or conditions the permit on rehabilitation, repair or alteration.

All work of rehabilitation, repair or alteration required by a relocation permit is subject to the normal permit requirements of Title ~~((44))~~ 17 SMC.

Section 3. That SMC section 10.26.030 is amended to read as follows:

##### **Section 10.26.030 Compliance with Zoning**

- A. The ~~((director of building services))~~ building official inspects the site to which the building is to be moved and determines whether the relocated building would comply with the zoning code and all other applicable provisions of Title ~~((44))~~ 17 SMC.
  1. If some approval, such as special permit from the hearing examiner, is required, the ~~((director))~~ building official may make such approval a precondition to the issuance of the relocation permit.



Section 4. That SMC section 10.26.040 is amended to read as follows:

#### **Section 10.26.040 Conditions of Permit**

- A. The ~~((director of building services))~~ building official imposes such conditions on the relocation permit as are reasonable and necessary to assure code compliance and promote the general welfare.
- B. Such conditions may include that all work in connection with the required rehabilitation, repair or alteration be completed within a certain time and that the owner of the building post a bond to secure the completion of such work.

Section 5. That SMC section 10.26.060 is amended to read as follows:

#### **Section 10.26.060 Default**

- A. If a default in the conditions of the permit is not timely cured, the building official applies the bond to either complete the work required to satisfy the permit conditions or demolish and remove the building, taking into account the standards and criteria contained in chapter ~~((44.44))~~ 17F.070 SMC.
- B. After paying the costs of the work of completion or demolition, the building official retains twenty-five percent of the costs by way of reimbursement of administrative expense. Any money remaining is returned to the person who paid on the bond.

Section 6. That SMC section 10.26.070 is amended to read as follows:

#### **Section 10.26.070 Building Moving – Additional Provisions**

- A. Notwithstanding and in addition to the provisions of chapter 4.04 SMC, chapter 12.02 SMC and chapter 17G.010 SMC with respect to the permits for relocating a building, moving a building and obstructing a street, the moving of the building is subject to the further provisions of this section.
- B. The building official coordinates review and comment on the proposal among the City departments of police, development services center, engineering services, street, and among all utility companies having lines or other facilities along the proposed route.
- C. Before the moving permit is issued the building official incorporates, by endorsement or attachment, a written description of the approved route and the time and date of the move. At least fifteen days before the move the applicant must sign the permit thereby agreeing to:
  - 1. the route and time frame;
  - 2. notifying the police department, the street department and affected utilities at least twenty-four hours in advance of the move; and
  - 3. reimburse the affected departments and utility companies for the actual costs of inspections, moving lines or otherwise enabling the move.

When the holder of a building moving permit gives notice as provided in this section, every owner of utility facilities is required to raise, remove and replace, bypass or take other reasonable action regarding such facilities to accommodate the moving of the building.

Section 7. That SMC section 10.28.020 is amended to read as follows:

#### **Section 10.28.020 – License Class**

Sidewalk café licenses are Class IIIE licenses and are subject to SMC Chapter 04.04.

Section 8. That SMC section 10.28.040 is amended to read as follows:

#### **Section 10.28.040 – Application**

- A. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
  - 1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
  - 2. Whether any liquor as defined in RCW 66.04.010~~((46))~~ will be sold or consumed in the area to be covered by the permit.
- B. At the time of application the city engineer shall set a time ~~((and place))~~ for an administrative hearing at before which the public may offer objections to the issuance of the license.

Section 9. That SMC section 10.28.050 is amended to read as follows:

#### **Section 10.28.050 – Notice to Abutting Property Owners**

- A. The applicant shall mail or serve a notice stating the:
  - 1. Nature of the application;
  - 2. Sidewalk area sought to be used; and

3. Date, time and place at which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

- B. The city engineer shall prepare ~~((and post))~~ notices containing the aforesaid information ~~((upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection,))~~ and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

Section 10. That SMC section 10.28.070 is amended to read as follows:

**Section 10.28.070 – Liquor Use and Sale**

Liquor, as defined in RCW 66.04.010~~((+16))~~, as now existing or hereafter amended, may be used and sold at a sidewalk café when authorized in both the use permit provided for herein and by permit of the Washington State liquor control board, and not otherwise.

Section 11. That SMC section 10.28.080 is amended to read as follows:

**Section 10.28.080 – Insurance Required**

An applicant for a permit for a sidewalk café shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in the amount specified by SMC ~~((7.02.070))~~ 12.02.0718 to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk café purposes, naming the City as an additional insured.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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**ORDINANCE NO C35345**

An ordinance relating to Obstructions and Encroachments in the Public Right-of-Way; amending SMC sections 12.02.060, 12.02.0706, 12.02.0707, 12.02.0708, 12.02.0716, 12.02.0718, 12.02.0720, 12.02.0724, 12.02.0730, 12.02.0740, 12.02.0755, 12.02.0704

The City of Spokane does ordain:

Section 1. That SMC section 12.02.060 is amended to read as follows:

**Section 12.02.060 Fences and Hedges – Incidental Encroachments**

Incidental encroachments upon the public right-of-way from private property not obstructing the use of the right-of-way may be permitted by ~~((the director of building services))~~ development services center manager as provided in SMC 17G.010.160. Such encroachments are revocable without compensation and create no vested rights.

Section 2. That SMC section 12.02.0706 is amended to read as follows:

**Section 12.02.0706 Permits Required**

- A. Obstruction of the public way is forbidden except by permit as provided in SMC 17G.010.210(D) and this article. Special uses for sidewalks are specifically treated in SMC 12.02.0730, et seq.
- B. In case of an emergency situation endangering the public health or safety requiring immediate obstruction and/or work in a public way, such obstruction and/or work may be accomplished without a permit, providing the director is notified as soon as practicable of the emergency situation and the activity necessary to correct the adverse condition. In such cases, permits will be required and issued for such activity, as may have been necessary, after the fact.
- C. City employees obstructing public ways in the performance of their official duties must first coordinate with the ~~((division of public works and utilities))~~ development services center in a manner prescribed by the director.

Section 3. That SMC section 12.02.0707 is amended to read as follows:

**Section 12.02.0707 Master Annual Permit for High Volume Users**

- A. In lieu of an individual permit for users whose estimated annual permit need is in excess of seven hundred permits per year under SMC 12.02.0706, an annual master permit may be issued as provided in this section and SMC 17G.010.210(D). Except as otherwise provided, all conditions of an individual permit apply to a master permit. A master annual permit is individually approved by the ~~((director of engineering services))~~ development services center manager.

- B. If the ~~((director of engineering services))~~ development services center manager deems in his sole discretion that the public convenience is not served by a master permit, an application may be denied or a master permit revoked. Denial or revocation of a master permit does not affect eligibility for an individual permit under SMC 12.02.0706.

Section 4. That SMC section 12.02.0708 is amended to read as follows:

#### **Section 12.02.0708 Conditions of Permission**

Permits to obstruct public ways are issued on the condition that:

- A. Permittees must repair, replace, and fully restore all portions of the public way affected by their activities.
- B. Activity permitted hereunder may be suspended, terminated, or conditioned upon such terms as the director may require in the exercise of his responsibilities for the protection of the public safety and convenience of other public uses.
- C. The original permit granted to a permittee functioning as a prime contractor shall cover the permittee's work and work to be done by all the permittee's subcontractors. If the work is not completed within the time constraints of the original permit, the permittee must obtain ~~((a new permit specifically))~~ an extension of the original permit for the work yet to be accomplished.
- D. All repairs, replacement, and restoration of a disturbed public way must be completed within the time specified on the permit. ~~((One extension of the permit up to a maximum of three working days, without charge, may be authorized, for reasonable cause, at the discretion of the director. Thereafter, a new permit will be required.))~~

Section 5. That SMC section 12.02.0716 is amended to read as follows:

#### **Section 12.02.0716 Long Term Permits – Temporary Passageway**

- A. Where a permit allows the obstruction, disturbance, or other such use of a public street, highway, or alley (including the sidewalk, if any) for an extended period of time and affecting a substantial portion of the public ways, as determined by the ~~((director of engineering services))~~ development service center manager, said permit privileges will be established by the director in coordination with the street director. Each such request for an obstruction permit will be considered on its own merit and the limits established with due consideration for the needs of the permittee and for the interests of the public.
- B. Permits issued under this section are conditioned upon the permittee's continued safe maintenance of a temporary passageway for pedestrian use along the public way.
- C. Said temporary passageway shall be a minimum of four feet wide and shall extend from available permanent sidewalks, walkways, or specified pedestrian routes in the areas immediately adjacent to the permit area.
- D. Said temporary passageway shall be constructed of two-inch plank or other approved material laid lengthwise upon good and sufficient supports laid not more than three feet apart.
- E. The location of joining the temporary passageway to the regular sidewalk or pedestrian route must be even. The entire passageway must have a sturdy barrier or railing at least four feet high or other safe design approved by the ~~((director of building services))~~ building official.
- F. Where the temporary passageway abuts property with construction of structures higher than twenty feet, the passageway must be completely covered at a height of at least ten feet with two-inch plank or other approved material resting upon strong supporting joists well fastened and braced to strong posts on both sides.
- G. Chapter ~~((44 of the Uniform Building Code))~~ 33 of the International Building Code as adopted by the City controls over this section.

Section 6. That SMC section 12.02.0718 is amended to read as follows:

#### **Section 12.02.0718 Insurance**

- A. Permit applicants must furnish ~~((public))~~ general liability insurance ~~((with combined bodily injury and property damage limits in the amount of five hundred thousand dollars))~~ which meets the insurance requirements in a particular year to insure the applicant's operations to the extent they impinge upon or affect the public right of way and to protect the interests of the City. This shall not apply to public or private utilities certifying in writing that they are self-insured and pledging to fully defend and protect the City against any and all claims arising from or by reason of any negligent act or omission by the utility, in a like manner as an insurer.
- B. At the time of application, the applicant must furnish proof of such insurance, naming the City as an Additional Insured, and listed as such on the Certificate of Insurance (COI). The director shall require that such insurance be continuously maintained for a period of two (2) years from the date of project completion, and shall include ~~((with))~~ thirty (30) days' notice of insurance cancellation or any material change in insurance ~~((given))~~ timely provided to the director.

- C. The director may allow insurance coverage to be provided on an annual basis for master permit holders. The director may reduce or increase the amount of insurance coverage for smaller or larger jobs as the public interest and City Risk Department requires.

Section 7. That SMC section 12.02.0720 is amended to read as follows:

**Section 12.02.0720 Performance Bond Requirements**

Street obstruction bonds are specified in SMC 7.02.070 except:

- A. ~~((Where permitted activities involve cutting into or under any public way or removal of any portion of the same, a performance bond in the sum of ten thousand dollars is required prior to issuance of the permit. Said))~~ The performance bond shall provide surety for the performance of any and all necessary maintenance and repairs as may be required by the director at least two years after authorized activities are complete, or for such longer time as the director may determine to be reasonably necessary considering the degree and extent of permitted activities. In addition, the director may adjust the bond for larger or smaller jobs as the director may deem necessary and sufficient to protect the public interest in recurring repair and maintenance costs.
- B. ~~((The bond sum is five thousand dollars for permitted activities not involving cutting into or under any public way or removal of any portion of the same.))~~ [Deleted]
- C. The director may allow the posting of an annual bond in the amount of ten thousand dollars in lieu of other bonds required in this section. In addition, the director may adjust the bond for larger or smaller jobs as the director may deem necessary and sufficient to protect the public interest in recurring repair and maintenance costs or for other appropriate reasons.
- D. This shall not apply to private or public utilities certifying in writing that they are self-insured and pledging to be liable in similar manner and like amount for their acts and the acts of their agents.
- E. This section shall not apply to owners and/or occupants of residential premises performing yard maintenance and minor tree trimming work in the public way abutting their real property, so long as the public way is not an arterial or in the central business district.

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**Note: For the remainder of Ordinance No. C35345 and for Ordinance Nos. C35346 through C35351, Ordinance No. C35353, Job Opportunities and Notices for Bids, see Part II if this Issue (Issue 3) of the *Official Gazette*.**

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# Official Gazette

## City of Spokane, Washington

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

Volume 106

**JANUARY 20, 2016**

Issue 3 Part II of II



### MAYOR AND CITY COUNCIL

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COUNCIL PRESIDENT BEN STUCKART

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# 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 C35345****(Continued from Part I of this Issue)**

Section 8. That SMC section 12.02.0724 is amended to read as follows:

**Section 12.02.0724 Barriers and Traffic Control**

A. In case any public way is dug up, excavated, undermined, disturbed, or obstructed, or any obstruction placed thereon, the permittee and/or person causing the same shall erect and maintain around the site a good and sufficient barrier, and shall also maintain lighted amber lights during every night from sunset to daylight, at each end and safely around such obstruction.

B. In cases where a permit allows for the encroachment upon or the closure of a traffic lane, the permittee will provide traffic-control measures as may be established by the ~~((engineering services director))~~ the development services center manager and/or the director of the street department.

Section 9. That SMC section 12.02.0730 is amended to read as follows:

**Section 12.02.0730 Permits – Sidewalk Special Use**

A. Upon approved plans and specifications ~~((approved by the city council,))~~ the director may issue a permit for the placing in or upon the sidewalks of the City, plantings, ornamentals, or other beautification as the council may approve, or racks, stalls, or brackets for the parking, storage, or securing of bicycles or similar vehicles. Sidewalk cafes are permitted as provided in chapter 10.28 SMC. Signs are permitted as provided in chapter 17C.240 SMC.

- B. Before a sidewalk special use permit shall be issued, the person proposing to make such installation shall furnish proof of liability insurance coverage for such sidewalk use and the proposed installation, wherein the City is a named insured, for liability limits of not less than one hundred thousand dollars for any one personal injury, three hundred thousand dollars for all personal injury claims in any one accident and twenty-five thousand dollars for property damage.
- C. The director may reduce or increase the amounts of required insurance coverage as the public interest requires, depending on the size and nature of the permitted activity.

Section 10. That SMC section 12.02.0740 is amended to read as follows:

**Section 12.02.0740 Fees – Notice of Commencing Work**

- A. Fees are specified in SMC 8.02.065.
- B. The permittee shall give the ~~((engineering services department))~~ development services center twenty-four hours' notice of the permittee's intention to begin such work. Penalty for not notifying, in advance, to begin work will be considered the same as working without a permit.

Section 11. That SMC section 12.02.0755 is amended to read as follows:

**Section 12.02.0755 Bus Benches/Transit Shelter Located in the Public Right-of-way**

- A. Bus benches, transit shelters and other similar facilities utilized for the benefit of patrons of public transportation may be placed in the public right-of-way pursuant to the approval of the City and under the direction of the ~~((director of engineering services))~~ development services center manager.
- B. Bus bench signs at designated public transportation stops located in the public right-of-way shall be permitted, provided, however, that such signs shall have any necessary permits and comply with all applicable regulations set forth in the Spokane Municipal Code, interlocal agreements with a public transportation authority, and/or other rules or requirements.

Section 12. That SMC section 12.02.704 is amended to read as follows:

### Section 12.02.704 Definitions

- A. "Public way" means any publicly dedicated or used highway, street, alley, or sidewalk.
- B. "Permittee" means any person to whom an obstruction permit is issued. Permits are not transferable and have no property value.
- C. "Office of primary responsibility" means the ~~((director of engineering services))~~ development services center manager, hereafter referred to as the director, who is the City official designated to administer this article. The director functions directly or through authorized agents, in coordination with other appropriate City agencies. The director is authorized to grant exceptions to, or impose conditions on, requirements herein, in the exercise of sound discretion, considering the requirements of permittees and the purpose of this article.
- D. "Obstruction of a public way" includes, but is not limited to, obstructions that may hinder the normal flow of pedestrian or street traffic or render the public way unsafe for current and necessary use such as:
1. trees, bushes, weeds or grass; and
  2. accumulations of trash and debris including but not limited to litter, glass, and scrap materials.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

### ORDINANCE NO C35346

An ordinance relating to Land Use Standards of the Unified Development Code; amending SMC sections 17C.110.100, Table 17C.110-1, 17C.110.200, Table 17C.110-3, 17C.110.230, 17C.120.110, 17C.120.310, 17C.122.135, 17C.124.210, Table 17C.124-2, 17C.124.310, 17C.130.310, 17C.200.020, 17C.200.040, 17C.200.050, 17C.230.140.

The City of Spokane does ordain:

Section 1. That SMC section 17C.110.100, table 17C.110-1 is amended to read as follows:

TABLE 17C.110-1 RESIDENTIAL ZONE PRIMARY USES (Click here to view PDF)					
Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	RSF & RSF-C	RTF	RMF	RHD
<b>RESIDENTIAL CATEGORIES</b>					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
<b>COMMERCIAL CATEGORIES</b>					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N

INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	((L))P	((L))P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Notes:					
* The use categories are described in chapter 17C.190 SMC.					
* Standards that correspond to the bracketed numbers [ ] are stated in SMC 17C.110.110.					
* Specific uses and development may be subject to the standards in SMC 17C.320.080.					

Section 2. That SMC section 17C.110.200, table 17C.110-3 is amended to read as follows:

TABLE 17C.110-3 DEVELOPMENT STANDARDS [1]						
DENSITY STANDARDS						
	RA	RSF	RSF-C	RTF	RMF	RHD
Density - Maximum	4,350 (10 units/acre)	4,350 (10 units/acre)	4,350 (10 units/acre)	2,100 (20 units/acre)	1,450 (30 units/acre)	--
Density - Minimum	11,000 (4 units/acre)	11,000 (4 units/acre)	11,000 (4 units/acre)	4,350 (10 units/acre)	2,900 (15 units/acre)	2,900 (15 units/acre)
MINIMUM LOT DIMENSIONS LOTS TO BE DEVELOPED WITH:						
Multi-Dwelling Structures or Development						
	RA	RSF	RSF-C	RTF	RMF	RHD
Minimum Lot Area					2,900 sq. ft.	2,900 sq. ft.
Minimum Lot Width					25 ft.	25 ft.
Minimum Lot Depth					70 ft.	70 ft.



Minimum Front Lot Line					25 ft.	25 ft.
Attached Houses						
Minimum Lot Area [2]	7,200 sq. ft.	4,350 sq. ft.	3,000 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	36 ft.	36 ft. or 16 ft. with alley parking and no street curb cut	Same	Same
Minimum Lot Depth	80 ft.	80 ft.	80 ft.	50 ft.	25 ft.	25 ft.
Minimum Front Lot Line	40 ft.	40 ft.	30 ft.	Same as lot width	Same as lot width	Same as lot Width
Detached Houses						
Minimum Lot Area [2]	7,200 sq. ft.	4,350 sq. ft.	3,000 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	None
Minimum Lot Width	40 ft.	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum Lot Depth	80 ft.	80 ft.	80 ft.	40 ft.	25 ft.	25 ft.
Minimum Front Lot Line	40 ft.	40 ft.	30 ft.	30 ft.	25 ft.	25 ft.
Duplexes						
Minimum Lot Area				4,200 sq. ft	2,900 sq. ft.	None
Minimum Lot Width				25 ft.	25 ft.	25 ft.
Minimum Lot Depth				40 ft.	40 ft.	25 ft.
Minimum Front Lot Line				25 ft.	25 ft.	25 ft.
PRIMARY STRUCTURE						
Maximum Building Coverage						
	RA	RSF	RSF-C	RTF	RMF	RHD
Lots 5,000 sq. ft. or larger	40%	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	2,250 sq. ft. +35% for portion of lot over 5,000 sq. ft.	50%	60%
Lots 3,000 - 4,999 sq. ft.	1,500 sq. ft. + 37.5% for portion of lot over 3,000 sq. ft.					
Lots less than 3,000 sq. ft.	50%					
Building Height						
Maximum Roof Height [4]	35 ft.	35 ft.	35 ft.	35 ft.	35 ft. [5]	35 ft. [5]
Maximum Wall Height	25 ft.	25 ft.	25 ft.	25 ft.	30 ft. [5]	--

Floor Area Ratio (FAR)						
FAR	0.5	0.5	0.5 [3]	0.5 [3]	--	--
Setbacks						
Front Setback [6, 7]	15 ft.					
Side Lot Line Setback – Lot width more than 40 ft.	5 ft.					
Side Lot Line Setback – Lot width 40 ft. or less	3 ft.					
Street Side Lot Line Setback [6]	5 ft.					
Rear Setback [8, 9]	25 ft.	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Required Outdoor Area						
Required Outdoor Area for attached and detached houses. Minimum dimension (See SMC 17C.110.223)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.	48 sq. ft. 7 ft. x 7 ft.
ACCESSORY STRUCTURES						
	RA	RSF	RSF-C	RTF	RMF	RHD
Maximum Roof Height	30 ft.	20 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Maximum Wall Height	30 ft.	15 ft.	15 ft.	15 ft.	35 ft.	35 ft.
Maximum Coverage [10]	20%	15%	15%	15%	See Primary Structure	See Primary Structure
Front Setback	20 ft.					
Side Lot Line Setback – Lot width 40 ft. or wider [11]	5 ft.					
Side Lot Line Setback – Lot width less than 40 ft. [11]	3 ft.					
Street Side Lot Line [12]	20 ft.					
Rear [11]	5 ft.					
Rear with Alley	0 ft.					
<p>Notes:</p> <p>-- No requirement</p> <p>[1] Plan district overlay zone or SMC 17C.110.300, Alternative Residential Development, may supersede these standards.</p> <p>[2] Lots created through subdivision in the RA, RSF and the RSF-C zones are subject to the lot size transition requirements of SMC 17C.110.200(C)(1).</p> <p>[3] FAR may be increased to 0.65 for attached housing development only.</p> <p>[4] No structure located in the rear yard may exceed ((seventeen)) <u>twenty</u> feet in height.</p> <p>[5] Base zone height may be modified according to SMC 17C.110.215, Height.</p> <p>[6] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.</p> <p>[7] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.</p> <p>[8] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.</p> <p>[9] Attached garages may be built to five feet from the rear property line except, as specified in SMC 17C.110.225(C)(6)(b), but cannot contain any living space.</p> <p>[10] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.</p> <p>[11] Setback for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).</p> <p>[12] The setback for a covered accessory structure may be reduced to five feet from the property line.</p>						

Section 3. That SMC section 17C.110.230 is amended to read as follows:

#### Section 17C.110.230 Fences

**A. Purpose.**

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

**B. Types of Fences.**

The standards apply to walls, fences, trellises, arbors, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

**C. Location.****1. Front Lot Line.**

Fences up to forty-two inches high are allowed in required front lot line setbacks.

**2. Sides and Rear Lot Line.**

Fences up to six feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be either:

- a. .forty-two inches high or less, or
- b. right isosceles triangle having sides of seven feet measured along the right-of-way line of a side yard and the front property line.

**3. Other.**

The height for fences that are not in required building setbacks is the same as the height limits of the zone for detached accessory structures in Table 17C.110-3.

**4. Alleys.**

Fences shall not obstruct the clear width required in SMC 17H.010.130(G).

**D. Reference to Other Standards.**

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

**E. Prohibited Fences.**

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, Constantine, or razor wire in the RSF, RTF, RMF, or RHD zones. In the RA zone, up to three strands of barbed wire are allowed for agricultural, farming or animal uses.
2. No person may construct or maintain a fence or barrier charged with electricity in the RSF, RTF, RMF, or RHD zones. In the RA zone, the use is permitted for the containment of livestock only.
3. A fence, wall, or other structure shall not be placed within the public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. Fence Setbacks.
  - a. Arterial Street.

No fence may be closer than twelve feet to the curb of an arterial street.
  - b. Local Access Street.

No fence may be closer than the back of the sidewalk on a local access street. If there is no sidewalk, the fence shall be setback seven feet behind the face of the curb of a local access street.

**F. Enclosures for Pools, Hot Tubs, or Ponds.**

1. A person maintaining a swimming pool, hot tub, pond or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate, may exceed four inches in any dimension.

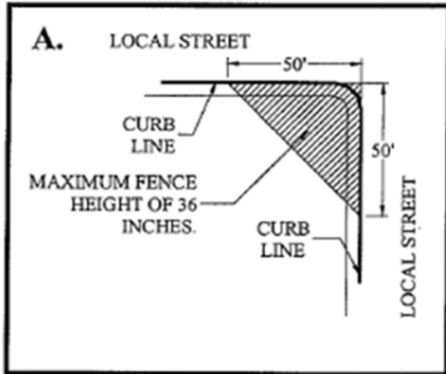
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Visibility at Intersections.

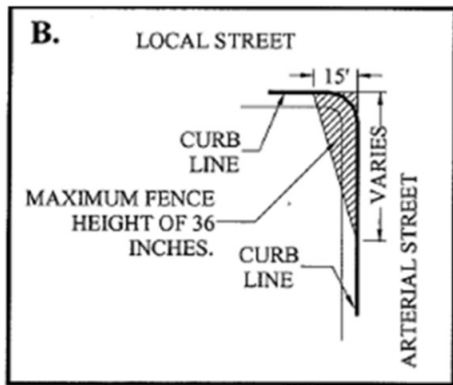
A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~((æ)) all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level ((exceeding a height of thirty six inches above the curb. may be inside the:~~

- a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~

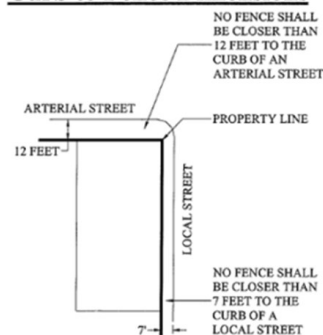


- b. ~~right triangle having a fifteen foot side measured along the curb line of the residential street and a seventy five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty five miles per hour, the triangle has a side along such arterial of one hundred twenty two feet; or~~



- c. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~  
 i. ~~the inside line of the sidewalk; or~~  
 ii. ~~if there is no sidewalk, a line seven feet inside the curb line.~~

**Curb to Fence Dimensions**



Section 4. That SMC section 17C.120.110 is amended to read as follows:

### **Section 17C.120.110 Limited Use Standards**

The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from Table 17C.120-1.

1. Group Living.

This regulation applies to all parts of Table 17C.120-1 that have a [1].

a. General Standards.

All group living uses except for alternative or post-incarceration facilities are allowed by right.

b. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses.

2. Adult Business.

This regulation applies to all parts of Table 17C.120-1 that have a [2]. Adult businesses are subject to the additional standards of chapter 17C.305 SMC.

3. Commercial Parking.

This regulation applies to all parts of Table 17C.120-1 that have a [3]. In the O and OR zones, a commercial parking use provided within a building or parking structure is a conditional use.

4. Drive-through Facility.

This regulation applies to all parts of Table 17C.120-1 that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of SMC 17C.120.290 and SMC 17C.325.

5. Quick Vehicle Servicing.

This regulation applies to all parts of Table 17C.120-1 that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of SMC 17C.120.290.

6. Retail Sales and Service Uses Size Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [6]. Retail sales and services are limited in size in order to reduce their potential impacts on residential uses and to promote a relatively local market area. Retail sales and services uses are limited to the following:

a. When retail sales and services uses are located within an office building, the retail sales and services may be larger than three thousand square feet, but may not exceed ten percent of the total floor area of the building exclusive of parking areas located within the structure.

b. Uses not within an office building which are listed as sales-oriented under SMC 17C.190.270(C), retail sales and service, are limited to three thousand square feet of total floor area per site exclusive of parking areas located within a structure.

c. Uses other than a hotel, motel, private club or lodge which are listed as personal service-oriented, entertainment-oriented or repair-oriented under SMC 17C.190.270(C), retail sales and service, that are larger than three thousand square feet are a conditional use. A hotel, motel, private club or lodge may be larger than three thousand square feet.

7. Required Residential Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [7]. The limitations are stated in SMC 17C.120.280.

8. Industrial Size Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of chapter 17C.220 SMC, the planning director may require documentation that the development will be modified to conform with the standards.

a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.

- b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.
  - c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.
9. Mini-storage Facilities Limitation.

This regulation applies to all parts of Table 17C.120-1 that have an [9]. The limitations are stated with the special standards for these uses in chapter 17C.350 SMC, Mini-storage Facilities.

10. Outdoor Activity Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.

11. [Deleted]

12. [Deleted]

13. Mobile Food Vending.

This standard applies to all parts of Table 17C.120-1 that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010 Mobile Food Vendors.

Section 5. That SMC section 17C.120.310 is amended to read as follows:

**Section 17C.120.310 Fences**

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.120.230.

a. Measured from Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured from a Side Lot Line.

Fences up to six feet high are allowed in a required setback that is measured from a side lot line.

2. Side and Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not in Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls and other structures over three and one-half feet high, and within fifteen feet of a street lot line are subject to SMC 17C.120.570, Treating Blank Walls – Building Design.

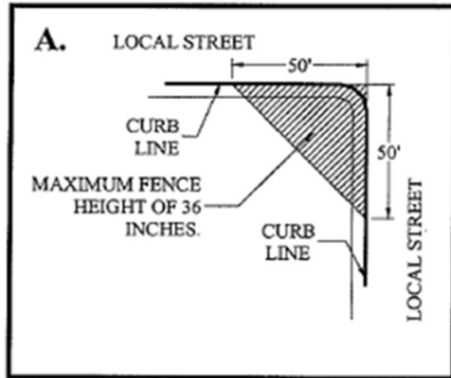
D. Prohibited Fences.

- 1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that in a CB or GC zone up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
- 2. No person may maintain a fence or barrier charged with electricity.

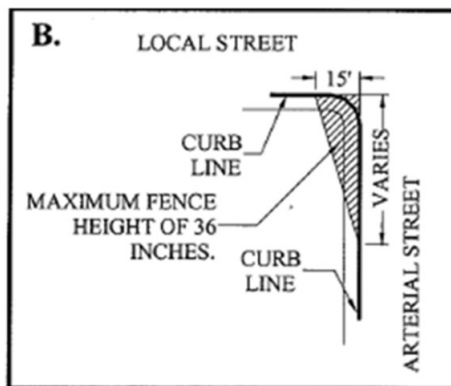
3. A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

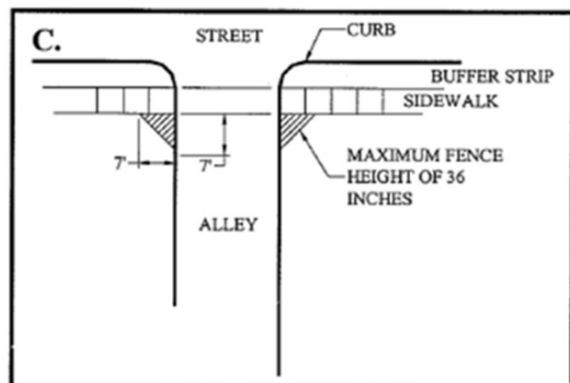
1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~((æ))~~ all fences, vegetation, and other features within the Clear View Triangle defined in SMC17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level ((exceeding a height of thirty-six inches)) above the curb. ((may be inside the:
  - a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



- b. ~~right triangle having a fifteen foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~



- c. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
  - i. ~~the inside line of the sidewalk; or~~
  - ii. ~~if there is no sidewalk, a line seven feet inside the curb line.~~



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F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible to small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any Door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Reference to Other Standards.

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence

Section 6. That SMC section 17C.122.135 is amended to read as follows:

**Section 17C.122.135 Fences**

A. Purpose.

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

a. Measured From Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured From a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

c. Fences shall not reduce the required setback width of SMC 17C.130.210.

2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not In Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

Any required or nonrequired sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.

D. Prohibited Fences.

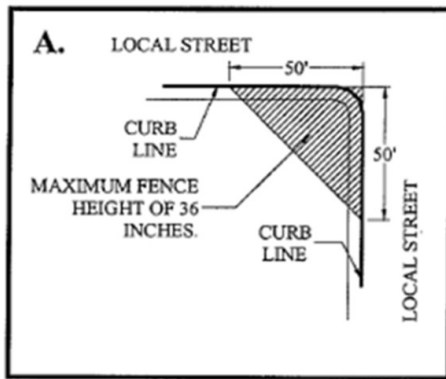
1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.



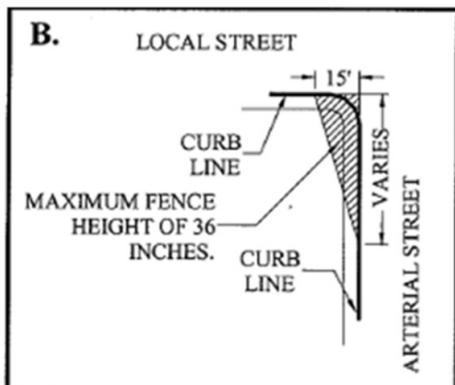
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

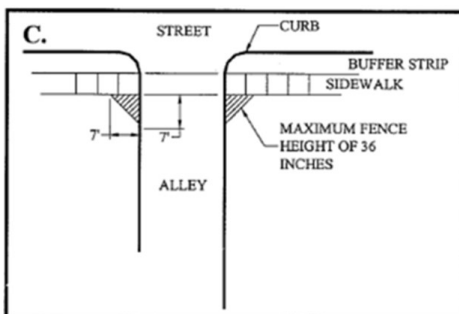
1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ((\text{æ})) all fences, vegetation, and other features within the Clear View Triangle defined in SMC17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level((exceeding a height of thirty-six inches above the curb, may be inside the:
  - a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



- b. ~~right triangle having a fifteen foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~



- c. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
  - i. ~~the inside line of the sidewalk; or~~
  - ii. ~~if there is no sidewalk, a line seven feet inside the curb line.~~



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## F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond or other impoundment of water exceeding five thousand gallons and eighteen inches or more in a depth and located on private property is required to construct and maintain an approved fence by which the pool or water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be fifty-four inches above the ground.
6. Outside of the door or gate must be at least fifty-four inches above the ground.

## G. Reference to Other Standards.

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

Section 7. That SMC section 17C.124.210, table 17C.124-2 is amended to read as follows:

Table 17C.124-2 Development Standards [1]				
Standard	DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
Maximum FAR [2]	No Limit	6	6	4
Maximum height [3]	No Limit	12 Stories [3]	12 Stories [3]	12 Stories [3]
Minimum setback from street lot line [4,5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum setback from R-zoned lots [5]	10 ft.	10 ft.	10 ft.	10 ft.
Minimum setback from lot lines [5]	0 ft.	0 ft.	0 ft.	0 ft.
((Minimum lot size))	((2,500 sq.ft.))	((2,500 sq.ft.))	((2,500 sq.ft.))	((2,500 sq.ft.))
Minimum front lot line	((25)) 10 ft	((25)) 10 ft.	((25)) 10 ft.	((25)) 10 ft.
((Minimum lot depth))	((80 ft.))	((80 ft.))	((80 ft.))	((80 ft.))
Landscaping required [6]	[6]	[6]	[6]	[6]
Parking required [7]	[7]	[7]	[7]	[7]
Notes: [1] Plan district or overlay zone standards may supersede these standards. [2] The FAR limits apply to non-residential development. There is no FAR limit for residential uses under the maximum height limit. [3] These standards apply within downtown zones that do not have a specific height specified on the zoning map. Additional height, massing, and bonus height standards are found within SMC 17C.124.220, Height and Massing. [4] These standards may be superseded by the required minimum sidewalk width. See SMC 17C.124.230. No permanent encroachments into the right-of-way are allowed at ground level. [5] Structure setbacks are measured from the lot line. [6] This part of the table is for general information purposes only; see chapter 17C.200 SMC, Landscaping and Screening, for the specific standards. [7] This part of the table is for general information purposes only; see chapter 17C.230 SMC, Parking and Loading, for the specific standards.				

Section 8. That SMC section 17C.124.310 is amended to read as follows:

### Section 17C.124.310 Fences

#### A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists.

#### B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

#### C. Location, Height, and Design.

1. Fencing along streets, alleys, and pedestrian connections. No fence over three and one-half feet in height is allowed within the right-of-way or the required sidewalk width of SMC 17C.124.230.

- a. Measured from the lot line or required sidewalk width, fencing up to six feet high is allowed within the first two feet behind the lot line or required sidewalk width. Greater than two feet back from the street lot line and the required sidewalk width; fencing is subject to the building heights for the zone.
- b. Within two feet of a pedestrian connection through the interior of a site or block, fences are limited to three and one-half feet in height.

2. Fencing shall be behind any required parking lot or site perimeter landscaping.

3. Fencing Material and Color.

Colors shall complement the primary color of the development and shall not be so extreme in contrast or intensity that the color competes with the building for attention. Proposed fencing materials and colors that differ from these standards are subject to an administrative design review process.

- a. Fence color within the public right-of-way or visible from streets shall be a dark material, preferable black or dark matte finish earth tones. Dark earth tone colored fence materials are preferred. (P)
- b. Fencing shall be of a durable material. (P)
- c. Fence materials within the public right-of-way or within eight feet of a street lot line may be wrought iron or similar in appearance, aluminum, metal, or other durable material that meets the objective. (P)
- d. Walls visible from streets shall be masonry, stone, or brick construction. Masonry walls shall have a stucco finish or a textured manufactured finish such as "split face" or "fluted" block. (P)
- e. Chain link fencing is not allowed that is visible from and/or adjacent to a public street. Chain link fencing must be painted or vinyl coated and all part must be a uniform dark matte color such as black or other dark color.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls, and other structures over three and one-half feet high and visible from a street are subject to SMC 17C.124.570, Treating Blank Walls – Building Design.

#### D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire. Three strands of barbed wire may be placed atop a lawful fence if the fence is not visible from an adjacent street or is placed behind a sight-obscuring fence or wall. The fence must be placed upon private property.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160.
4. No permanent fence may reduce the required sidewalk width.

#### E. Visibility at Intersections.

1. A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ((no))all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level((exceeding a height of thirty inches)) above the curb ((may be inside the

- ~~a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~
- ~~b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~
- ~~c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
  - ~~i. the inside line of the sidewalk; or~~
  - ~~ii. if there is no sidewalk, a line seven feet inside the curb line.))~~~~

Section 9. That SMC section 17C.130.310 is amended to read as follows:

### **Section 17C.130.310 Fences**

#### **A. Purpose**

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

#### **B. Type of Fences**

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

#### **C. Location, Height, and Design**

##### **1. Street Setbacks.**

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

##### **a. Measured from Front Lot Line.**

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

##### **b. Measured from a Side Lot Line.**

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

##### **c. Fences shall not reduce the required setback width of SMC 17C.130.210.**

##### **2. Side or Rear Structure Setbacks.**

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

##### **3. Not in Setbacks.**

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

##### **4. Sight-obscuring Fences and Walls.**

Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening).

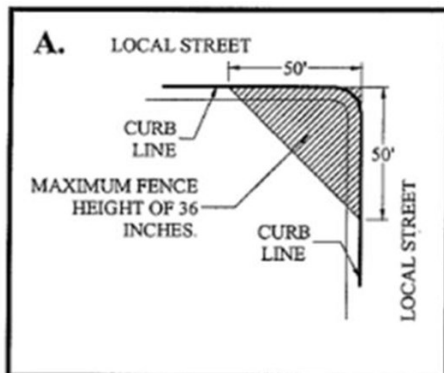
#### **D. Prohibited Fences**

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

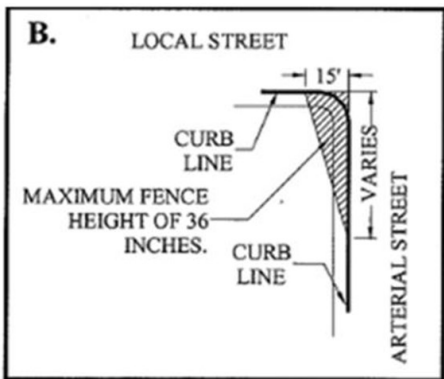
#### **E. Visibility at Intersections**

1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

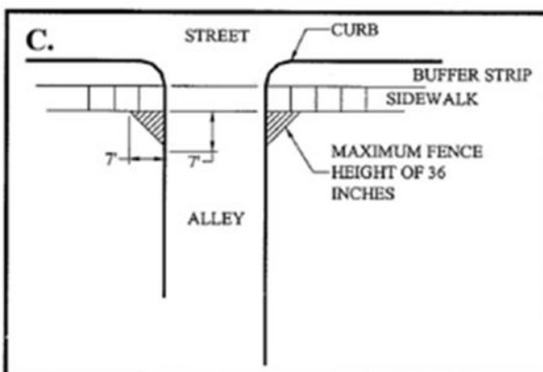
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~((no))~~ all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level ~~((exceeding a height of thirty-six inches))~~ above the curb ~~((may be inside the:~~
- a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



- b. ~~right triangle having a fifteen foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~



- c. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
- i. ~~the inside line of the sidewalk; or~~
- ii. ~~if there is no sidewalk, a line seven feet inside the curb line.~~



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#### F. Enclosures for Pools, Hot Tubs, or Ponds

1. person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.

3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Reference to Other Standards

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

Section 10. That SMC section 17C.200.020 is amended to read as follows:

**Section 17C.200.020 Plan Submittal Requirements**

Landscape plans are not required for a house((s)), an attached houses ((and)) or a duplex((es)) on a lot. For all other types of development on sites, including planned unit developments, of more than seven thousand square feet of lot area, landscape plans shall:

- A. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- B. be submitted at the time of application for a development permit; and
- C. include the following elements:
  1. The footprint of all structures.
  2. The final site grading.
  3. All parking areas and driveways.
  4. All sidewalks, pedestrian walkways and other pedestrian areas.
  5. The location, height and materials for all fences and walls.
  6. The common and scientific names of all plant materials used, along with their size at time of planting.
  7. The location of all existing and proposed plant materials on the site.
  8. A proposed irrigation plan; and
  9. Location of all overhead utility and communication lines, location of all driveways and street signs.

Section 11. That SMC section 17C.200.040 is amended to read as follows:

**Section 17C.200.040 Site Planting Standards**

Sites shall be planted in accordance with the following standards:

- A. Street Frontages.
  1. The type of plantings as specified below shall be provided inside the property lines:
    - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
    - b. along all downtown, CC1, CC2, CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050, Street Tree Requirements. Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
    - c. in the heavy industrial zone, along a parking lot, outdoor sales, or
    - d. outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
    - e. in industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
    - f. along all RA, RSF, RTF, RMF, and RHD zones, except for single-family residences and duplexes: six feet of L3 open area landscaping, including street trees as prescribed in SMC 17C.200.050. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along

street frontages. The fence and landscaping shall comply with the standards of SMC 17C.120.310 for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.

2. ~~((Except for attached and detached single family residences and duplexes,))~~~~((p))~~ Plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches within the clear view triangle at street intersections on corner lots and at driveway entries to public streets. The clear view triangle is defined in SMC 17A.020.030 ~~((SMC 17C.120.310))~~. The director of engineering services may further limit the height of plantings, landscaping structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.

#### B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. In CC zoned subject properties, the planting strip shall be eight feet in width to enhance the screening between CC and Residential zoned properties. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting and the planting width. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a five-foot wide planting strip, they together could provide one five-foot wide planting strip, so long as the required planting type, as indicated in the matrix, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:



Section 12. That SMC section 17C.200.050 is amended to read as follows:

### Section 17C.200.050 Street Tree Requirements

#### A. Purpose.

To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.

#### B. Street Tree Implementation.

1. Street trees are required along all city streets in downtown, commercial, center and corridor, industrial zones, residential zones, and in FBC zones.
2. Street trees shall be planted between the curb and the walking path of the sidewalk.



3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.
4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

#### C. Planting Zones.

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1, Tree Planting Dimensional Standards.

**TABLE 17C.200.050-1**  
**Tree Planting Dimensional Standards [1]**

<b>ZONE</b>	<b>CONTINUOUS PLANTING STRIP</b> (minimum width as measured from back of curb)	<b>INDIVIDUAL PLANTING AREA</b> (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum 6 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]
FBC	Individual Planting Areas (tree vaults ) required [1]	5 ft [2]
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, RSF, RTF	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]

**Notes:**

[1] Individual Planting Areas (tree vaults) are the standard for the Downtown and FBC Zones. Proposals for Continuous Planting Strips may be evaluated on a case by case basis.

[2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas.

[3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones.

[4] In all zones, within a school/church loading zone, street tree location may vary from the standard as long as street trees are located within the right-of-way.

[5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.

**2. Continuous Planting Strips.**

- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three feet from the edge of the automobile travel way.



**3. Individual Planting Areas.**

- a. When an individual planting area is not symmetrical, the longer dimension shall run along the curb.
- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.



**Tree Grates****Street Trees with plantings up to 3 ft.**

- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.

**Tree Grate with Tree Guard**

- d. Un-compacted soils are necessary for street trees. A minimum of one hundred cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.

**D. Size Requirements for New Street Trees.**

1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and maintenance crews.

**E. Spacing Requirements for Street Tree Spacing.**

The objective is to create a continuous tree canopy over the sidewalk.

1. Continuous planting strips.

Average spacing shall be twenty five feet for small and columnar trees and thirty feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.

2. Individual planting areas.

Average spacing for all tree sizes and types shall be twenty-five feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty feet apart.

3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

**F. Clear View Zone.**

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in SMC 17A.020.030 (~~((SMC 17C.120.310))~~) shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level (~~((above the curb))~~).



Section 13. That SMC section 17C.230.140 is amended to read as follows:

### **Section 17C.230.140 Development Standards**

#### **A. Parking Area Layout**

##### **1. Access to Parking Spaces.**

All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

##### **2. Parking Space and Aisle Dimensions.**

Parking spaces and aisles in RA, RSF, RSF-C, RTF, RMF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC, and industrial zones must meet the minimum dimensions contained in Table 17C.230-3.

Parking spaces and aisles in Downtown((;)) CC, and FBC CA1, CA2, CA3 zones must meet the minimum dimensions contained in Table 17C.230-4. In all zones, on dead end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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## **ORDINANCE NO C35347**

An ordinance relating to transportation impact fees; amending SMC sections 17D.075.020.

The City of Spokane does ordain:

Title 17D City-wide Standards

Chapter 17D.075 Transportation Impact Fees

### **Section 17D.075.020 Definitions**

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

- A. "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.
- B. "Act" means the Growth Management Act, as codified in chapter 36.70A RCW, as now in existence or as hereafter amended.
- C. "Applicant" means the owner of real property according to the records of the Spokane County, or the applicant's authorized agent.
- D. "Baseline study" means the 2008 transportation baseline study that has been developed by HDR Engineering and Planning, City Project No. 2005155.
- E. "Building permit" means the official document or certification that is issued by the building department and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure.
- F. "Capital facilities" means the facilities or improvements included in the capital facilities plan.
- G. "Capital facilities plan" means the capital facilities plan element of the City's comprehensive plan adopted pursuant to chapter 36.70A RCW, as amended from time to time.
- H. "Certificate of occupancy" means the term as defined in the International Building Code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall

specifically include certificate of occupancy and for residential development the final inspection, as those permits are defined or required by this code.

- I. "City" means the City of Spokane.
- J. "City council" means the city council of the City of Spokane.
- K. "Comprehensive plan" means the City of Spokane comprehensive plan adopted pursuant to chapter 46.70A RCW, as amended from time to time.
- L. "Complete street" means a landscaped, tree-lined street corridor designed for multiple modes of transportation, consistent with SMC 17C.124.035. Complete streets balance the various needs of pedestrian and vehicular use. Some include bicycle and transit improvements as well. Pedestrian amenities on Complete streets may include street furniture, decorative lighting, wide sidewalks with curb extensions (bulb-outs) at street corners, decorative crosswalks, public art, outdoor restaurants, plazas, and improved sidewalk-building interfaces (e.g., awnings, street-oriented retail activity).
- M. "Concurrent" or "concurrency" means that the public facilities are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which shall include the impacts fees anticipated to be generated by the development, to complete the public facilities necessary to meet the specified standards of service defined in the comprehensive plan within six years of the time the impacts of development occur.
- N. "Department" means the department of engineering services.
- O. "Development activity" means any construction or expansion of a building, structure, or use, or any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.
- P. "Development approval" means any written authorization from the City that authorizes the commencement of development activity.
- Q. "Director" means the director of engineering services, or the director's designee.
- R. "Dwelling unit" means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.
- S. "Encumbered" means to have reserved, set aside or otherwise earmarked the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.
- T. "Feepayer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity that creates the demand for additional public facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.
- U. "Gross floor area" is the total square footage of all floors in a structure as defined in chapter 17A.020 SMC.
- V. "Hearing examiner" means the person who exercises the authority of chapter 17G.050 SMC.
- W. "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit fee, an application fee, or the cost for reviewing independent fee calculations.
- X. "Impact fee account" or "account" means the account(s) established for each service area for the system improvements for which impact fees are collected. The accounts shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.
- Y. "Independent fee calculation" means the impact fee calculation and or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of schedule set forth in SMC 17D.075.180, or the calculations prepared by the Director where none of the fee categories or fee amounts in the schedules in this chapter accurately describe or capture the impacts of the new development on public facilities.
- Z. "Interest" means the interest rate earned by local jurisdictions in the State of Washington local government investment pool, if not otherwise defined.
- AA. "Interlocal agreement" or "agreement" means a transportation interlocal agreement, authorized in this chapter, by and between the City and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this chapter.
- AB. "ITE manual" means Institute of Transportation Engineers (ITE) Trip Generation Manual (~~((7th Edition)))~~ (9<sup>th</sup> Edition), as amended from time to time.

- AC. "Owner" means the owner of real property according to the records of the Spokane County department of records and elections, provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
- AD. "Pass-by trip rates" means those rate study pass-by rates set forth in SMC 17D.075.200.
- AE. "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.
- AF. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the City's capital facilities plan shall be considered a project improvement.
- AG. "Public facilities" means publicly owned streets and roads, including related sidewalk and streetscape improvements required by the City's comprehensive plan and related development regulations.
- AH. "Rate study" means the 2007 transportation impact fee rate study, dated October 26, 2007, as updated and amended from time to time.
- AI. "Residential" means housing, such as single-family dwellings, accessory dwelling units, apartments, condominiums, mobile homes, and/or manufactured homes, intended for occupancy by one or more persons and not offering other services.
- AJ. "Square footage" means the square footage of the gross floor area of the development as defined chapter 17A.020 SMC.
- AK. "Service area" means one of the four geographic areas defined by the City in which a defined set of public facilities provide service to development within each of the identified areas. The City has identified the service areas, based on sound planning and engineering principles. These service areas are generally referred to as the downtown service area, the northwest service area, the northeast service area, and the south service area. Maps depicting the service areas are set forth in SMC 17D.075.190 and shall also be maintained by the director in the offices of the engineering services department and shall be available for public inspection during regular business hours.
- AL. "System improvements" means public facilities included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.
- AM. "Trip length adjustment factor" means the trip length adjustment factors identified in SMC 17D.075.200.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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### **ORDINANCE NO C35348**

An ordinance relating to environmental standards of the Unified Development Code; amending SMC sections 17E.060.280 and Table 17E.060-04.

The City of Spokane does ordain:

Section 1. That SMC section 17E.060.280 is amended to read as follows:

#### **Section 17E.060.280 Physical and Visual Public Access**

- A. The provisions of this section recognize that there are two types of public access to the shoreline: physical public access and visual public access. Visual access is an important shoreline management objective. Consideration must be given to protecting the shoreline's visual quality to and from waterways and their adjacent shoreland features.
1. With respect to development on private property, the physical access requirements of this chapter are not intended to require property owners to increase the public's physical access to the shorelines. With respect to future development on private property, the fundamental principle underlying this chapter's access provisions is that development on private property should not result in a net loss of the public's currently existing rights to visual and physical access to the shorelines.
  2. With respect to public property, the physical access provisions are intended to promote an increase in the public's visual and physical access to the shoreline in a balanced manner, through mechanisms such as the further improvement of existing public property and potential future acquisition of additional public property.
- B. When required under this chapter, public access shall be a physical improvement in the form of one or combination of the following: pathway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching

ramp, or other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining the history and features of the Spokane River or Latah Creek.

- C. When public access is provided, it shall not result in a net loss of existing shoreline ecological functions.
- D. Except as provided in SMC 17E.060.~~((280))~~290(U) and (V), and subject to the limitations set forth in SMC 17E.060.~~((280))~~290(A), public access shall be provided for any new development activity that requires a shoreline substantial development permit, conditional use permit, and/or variance permit where any of the following conditions are present:
  - 1. Where a new development activity will create increased demand for public access to the shoreline, the development shall provide public access proportional to the degree of impact as mitigation.
  - 2. Where a new development will interfere with an existing public access way, the development shall provide public access to mitigate this impact. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby accesses; or
  - 3. Where a new development will interfere with a public use of lands or waters waterward of the ordinary-high-water-mark, the development shall provide public access.
- E. When provisions for public access are required as a condition of project approval, public access provisions shall be consistent with all relevant constitutional and other limitations on private property. The provisions of these shoreline regulations shall not be construed so as to deprive a property owner of economically viable use of private property.
- F. Submerged public rights-of-way shall not be diminished. Public access provided by existing shoreline street ends and public rights-of-way shall be preserved, maintained, and enhanced consistent with RCW 35.79.035. Vacation of shoreline street ends shall comply with the statutory provisions therein.
- G. Public access shall be fully developed and open to the public no later than the time of the director's final inspection of the proposed development.
- H. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Such easement, plat, or other legal instrument evidencing the public access conditions shall be recorded with the Spokane County auditor's office.
- I. Maintenance of the public access shall be the responsibility of the owner or developer over the life of the use or development unless otherwise accepted by public or private agency through a formal agreement recorded with the County auditor's office. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- J. Minimum width of public access easements shall be ten feet, consistent with the dimensional standards for public access stated in Table 17E.060-5, unless the director determines that undue hardship will result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
- K. Shoreline public access shall:
  - 1. be located adjacent to other planned or existing public areas, public and private accesses and trails, and connected to the nearest public street or public walkway;
  - 2. consist of an area on the property from which the water and water activities can be observed and there shall be no significant obstruction of the view from this viewpoint; and
  - 3. include provisions for handicapped and physically impaired persons where feasible.
- L. Where public access is required along the shoreline, a public pedestrian access walkway parallel to the ordinary high-water mark shall be preferred.
- M. If a parcel exceeds three hundred feet of shoreline frontage and a continuous public access pathway parallel to the river is not feasible, shoreline access points shall be provided at an average of every three hundred feet.
- N. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor. The visual and pedestrian penetration shall not be less than thirty feet wide.
- O. Pursuant to SMC 17E.060.730, public access may be provided within a required buffer area when said access demonstrates compliance with the critical areas ordinances and mitigation sequencing in SMC 17E.060.230 and shall be reviewed and approved on a case-by-case basis.
- P. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority.
- Q. Public access may be limited as to hours of availability and types of activities permitted. However, twenty-four hour availability shall be preferred and the access shall be available to the public on a regularly scheduled basis.

- R. Approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner.
- S. Access required for public projects shall include directional signage to points of interest and interpretive signage that describes shoreline features such as shoreline ecology, cultural history, and other site-specific information.
- T. Public access within the shoreline jurisdiction may be denied to any person who creates a nuisance or engages in illegal conduct on the property. The director may authorize public access to be temporarily or permanently closed if it is found that offensive conduct cannot otherwise be reasonably controlled.
- U. Physical and visual public access shall not be required for the following uses:
  - 1. Residential single-family.
  - 2. Residential two-family.
  - 3. Residential three-family.
  - 4. Residential subdivision of land into four or fewer parcels.
  - 5. Agriculture.
  - 6. Dredging.
  - 7. Forest practices.
  - 8. Landfill and excavation.
  - 9. Mining.
  - 10. Private docks serving four or fewer dwelling units.
  - 11. In-stream structures.
  - 12. Shoreline stabilization; and
  - 13. Ecological restoration or enhancement activities not associated with development when the purpose of the project would be undermined.
- V. Public access shall not be required where one or more of the following conditions apply:
  - 1. The City has adopted a public access plan that designates another preferred location in proximity to the project site.
  - 2. Environmental harm will result from the public access that cannot be mitigated.
  - 3. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means; or
  - 4. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
- W. In granting an exception to required public access, the director shall review all reasonable alternatives for public access. The alternatives shall include a provision:
  - 1. for access which is physically separated from a potential hazard or interference through barriers such as fencing and landscaping; and/or
  - 2. of access at a site geographically separated from the development site but under the control of the applicant.
- X. Except as provided in SMC 17E.060.290(U) and (V), applicants shall demonstrate that the proposed project will not decrease the existing level of physical and visual access to the shoreline. An increase in physical and visual public access is encouraged.
- Y. No permit shall be issued for any new or expanded building or structure more than thirty-five feet above average grade level within the shoreline jurisdiction that will obstruct the view of a substantial number of residences on or adjoining such shorelines except where the SMP or underlying zoning does not prohibit such development and only when overriding considerations of the public interest will be served. The applicant shall be responsible for providing sufficient information to the director to determine that such development will not obstruct the view of a substantial number of residences on or adjoining such shorelines.

Section 2. That SMC section 17E.060.690, table 17E.060-04 is amended to read as follows:

TABLE 17E.060-04  
SHORELINE PRIMARY USES

Use is:		Shoreline Environments					
P:	Permitted (with shoreline substantial development permit or exemption)	NE	UCE	SRE	LUE	IUE	WTPE
N:	Not permitted						
L:	Allowed, but special limitations						
CU:	Conditional use review required						
Agriculture							
Low intensity agriculture		N	L <sup>[1]</sup> /CU	N	N	N	N
High intensity agriculture		N	N	N	N	N	N
Aquaculture							
Aquaculture		N	N	N	N	N	N
Boating Facilities							
Marinas		N	N	N	N	N	N
Launch ramps for small non-motorized watercraft		CU	CU	CU	CU	N	CU
Capital Facilities and Utilities							
Maintenance of existing utilities or facilities		P	P	P	P	P	P
New construction or expansion of existing utilities or facilities		L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU
Over-water or underwater utility crossings		CU	CU	CU	CU	CU	CU
New bridges solely for pipelines		N	N	N	N	N	N
Facilities which constitute the final termination or destination of a transmission line		N	N	N	N	N	N
Expansions or upgrades of existing wastewater treatment plant facilities and accessory uses		N	N	N	N	N	CU
New wastewater treatment plant facilities and pumping stations		N	N	N	N	N	L <sup>[2]</sup> /CU
New wastewater treatment outfall infrastructure		CU	CU	CU	CU	CU	P
New wireless communication support tower		N	N	N	N	N	N
Commercial Development							
Water-dependent commercial uses		N	P	N	P	P	N
Water-related commercial uses		N	P	N	P	P	N
Water-enjoyment commercial uses		N	P	N	P	P	N
Non-water-oriented commercial uses		N	L <sup>[3]</sup>	N	L <sup>[3]</sup>	L <sup>[3]</sup>	N

Forest Practices						
Forest practices	N	N	N	N	N	N
Industrial Development						
Water-dependent industrial uses	N	CU	N	CU	CU	N
Water-related industrial uses	N	CU	N	CU	CU	N
Non-water-oriented industrial uses	N	L <sup>[4]</sup> /CU	N	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU	N
High-impact industrial uses	N	N	N	N	N	N
Institutional						
Water-dependent institutional	CU	CU	CU	CU	CU	N
Water-related institutional	CU	CU	CU	CU	CU	N
Water-enjoyment institutional	CU	CU	CU	CU	CU	CU
Non-water-oriented institutional	L <sup>[5]</sup> /CU	L <sup>[5]</sup> /CU	L <sup>[5]</sup> /CU	L <sup>[5]</sup> /CU	L <sup>[5]</sup> /CU	N
In-stream Structures						
In-stream structures	L <sup>[6]</sup> /CU	CU	CU	CU	CU	CU
Mining						
Mining	N	N	N	N	N	N
Recreational Development						
Water-dependent recreational	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	N
Water-enjoyment recreation	L <sup>[7]</sup> /CU	CU	CU	CU	CU	<del>((N))</del> CU
Non-water-oriented recreation	N	CU	CU	CU	CU	N
Residential Development						
Single-family residences	CU	P	P	P	P	N
Two-family residences	N	P	P	P	P	N
Three-family residences	N	P	P	P	P	N
Multi-family residences (4 or more dwelling units)	N	CU	CU	CU	CU	N
Accessory dwelling unit (ADU)	CU	P	P	P	P	N
Detached accessory structures	CU	P	P	P	P	N
Group living	N	CU	CU	CU	CU	N



Subdivision						
All subdivisions (including binding site plans)	L <sup>[8]</sup> /CU	CU	CU	CU	CU	N
Parking						
Commercial parking or parking facility as primary use	N	N	N	N	N	N
Parking, accessory to a permitted use	P	P	P	P	P	P
Transportation						
New streets or street expansions that are part of the City of Spokane designated regional arterial network	L <sup>[9]</sup> /CU	L <sup>[9]</sup> /CU	L <sup>[9]</sup> /CU	L <sup>[9]</sup> /CU	L <sup>[9]</sup> /CU	L <sup>[9]</sup> /CU
New local access streets or street expansions serving permitted shoreline uses	L <sup>[10]</sup> /CU	L <sup>[10]</sup>	L <sup>[10]</sup>	L <sup>[10]</sup>	L <sup>[10]</sup>	L <sup>[10]</sup>
Pedestrian and bicycle linkages to existing or planned transportation networks	L <sup>[11]</sup> /CU	P	P	P	P	P
Maintenance roads, accessory to a permitted use	P	P	P	P	P	P
Railroads and Rail Corridors						
New rail lines	L <sup>[12]</sup> /CU	L <sup>[12]</sup> /CU	L <sup>[12]</sup> /CU	L <sup>[12]</sup> /CU	L <sup>[12]</sup> /CU	L <sup>[12]</sup> /CU
Expansion of existing rail lines	P	P	P	P	P	P

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

#### **ORDINANCE NO C35349**

An ordinance relating to the existing building and conservation code; repealing SMC Section 17F.070.190.

The City of Spokane does ordain:

Section 1. That SMC section 17F.070.190, entitled "Number of Exits" is repealed.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

#### **ORDINANCE NO C35350**

An ordinance relating to land use fees; amending SMC sections 08.02.0220, 08.02.038, 08.02.065.

The City of Spokane does ordain:

Section 1. That SMC section 08.02.0220 is amended to read as follows:

#### **Section 08.02.0220 – Sidewalk Cafes**

- A. An annual fee of ~~((two hundred fifty))~~ one hundred dollars shall be paid for operation of a sidewalk café as long as the original approved site plan is implemented. Modifications of the sidewalk café which extend beyond the original approved plan shall require a new review and a review fee of two hundred fifty dollars.
- B. The application fee for a new sidewalk café is fifty dollars.
- C. The review fee for a new sidewalk café is three hundred dollars.

Section 2. That SMC section 08.02.038 is amended to read as follows:

#### **Section 08.02.038 Shorelines Management**

- A. The application fees for new projects are as follows:

PROJECT VALUATION	FEE
\$2,500 - \$10,000	\$1,020
\$10,001 - \$50,000	\$1,420
\$50,001 - \$250,000	\$2,700
\$250,001 - \$1,000,000	\$5,400
Over \$1,000,000	\$6,750 plus 0.1% of project value
For Variance Add	\$2,160
For Conditional Use Add	\$1,860

- B. The fee for presubmittal review is five hundred fifty-five dollars.
- C. The fee for a shoreline exemption is five hundred fifty-five dollars.
- ~~((C))~~ D. The fee for a permit amendment is eighty percent of the fee under this schedule.
- ~~((D))~~ E. The fee should accompany the formal application for a permit or amendment.

Section 3. That SMC section 08.02.065 is amended to read as follows:

#### **Section 08.02.065 Streets and Airspace**

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.065 Streets and Airspace

- A. The fees in connection with skywalks are:
1. Seven thousand one hundred sixty dollars for the application to the hearing examiner.
  2. Three hundred thirty-five dollars for annual inspection; and
  3. Two thousand two hundred ninety dollars for renewal if the renewal is sought within twenty years from date of issuance of the permit.
- For the use of public airspace other than pedestrian skywalk, the fee will be as provided in the agreement.
- B. ~~((The landowner must pay a twenty-five dollar fee plus the actual recording costs for the covenant to remove encroaching improvements in unused street right of way, as provided in SMC 17G.010.160.)) [Deleted]~~
- C. The fee for a street address assignment as provided in SMC 17D.050.030 is ten dollars. The fee for a street address change is twenty-five dollars.
- D. The street obstruction permit fees are as follows. All fees are minimum charges for time periods stated or portions of said time periods:
1. when the public way is obstructed by a dumpster or a temporary storage unit the fee is one hundred dollars per fifteen-day period.
  2. for long-term obstruction (longer than twenty-one days) in the central business district or other congested area the fee is twenty cents per square foot of public right-of-way obstructed for each month period. The director of

engineering services may adjust these boundaries in the interests of the public health, safety, and convenience, considering the need to promote traffic flows and convenience in administrative enforcement needs. ~~((See Central Business District Zone—SMC 11.19.194)))~~;

3. for an obstruction not provided for in subsections (1) or (2) of this section, the fees are stated below:
  - a. When the public way is excavated for:
    - i. the first three working days: One hundred dollars;
    - ii. each additional three-working-day period: Forty dollars.
  - b. When no excavation for:
    - i. the first three days: Twenty-five dollars per day;
    - ii. each additional three-day period: Forty dollars.
  - c. Master annual permit fee set by the ~~((director of engineering services))~~ development services center manager based on a reasonable estimate of the expense to the City of providing permit services. Permit fees are payable at least quarterly. If a master annual permit fee is revoked, the party may apply for a refund of unused permit fees;
4. a parking meter revenue loss fee of thirteen dollars per meter per day within the City central business district and six dollars fifty cents per meter per day for all other meters shall be paid for each meter affected by an obstruction of the public right-of-way;
5. a charge of five hundred dollars is levied whenever a person:
  - a. does work without a required permit; or
  - b. exempt from the requirement for a permit fails to give notice as required by SMC 12.02.0740(B);
6. a charge of two hundred fifty dollars is levied whenever a permittee does work beyond the scope of the permit;
7. no fee is charged for street obstruction permits for activities done by or under contract for the City.
- E. The review fee for a traffic control plan is fifty dollars.
- F. The fee for a building moving permit is one hundred dollars.
- G. The annual permit fee for applicators of road oil or other dust palliatives to public ways and places of public travel or resort is one hundred dollars. A contractor must notify the department of engineering services in accordance with SMC 12.02.0740(B).
- H. Street vacation application fee is four hundred dollars.
- I. The fees for approach permits are:
  1. For a commercial driveway: Thirty dollars; and
  2. For a residential driveway: Twenty dollars.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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## ORDINANCE NO C35351

An ordinance relating to Street Obstruction Permits; amending SMC sections 07.02.070.

The City of Spokane does ordain:

### **Chapter 07.02 Bonds in Favor of City**

#### **Section 07.02.070 Street Obstruction**

An applicant for a street obstruction permit, as provided in SMC 17G.010.210(D) must furnish a bond, which may be combined with another bond and cover all activities on an annual basis, approved by the ~~((director of engineering services))~~ development services center manager, in the minimum amount of ten thousand dollars, conditioned that the permittee shall:

- A. indemnify and hold harmless the City against all claims, costs, and losses arising from the obstruction of the public way;
- B. conduct all activities in strict compliance with the requirements of law and the permit;
- C. restore all public property and facilities to their original condition and guarantee the restoration for a period of two years; and

D. comply with requirements of SMC 12.02.720.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

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**ORDINANCE NO. C35353**

AN ORDINANCE OF THE CITY OF SPOKANE, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF A TAXABLE LIMITED TAX GENERAL OBLIGATION REFUNDING BOND OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$16,340,000, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; PROVIDING FOR THE REDEMPTION OF THE OUTSTANDING BONDS TO BE REFUNDED; PROVIDING FOR THE ANNUAL LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Spokane, Washington (the "City") now has outstanding its Limited Tax General Obligation Bonds, Series 2005B (Federally Taxable), issued under the date of August 3, 2005, pursuant to the 2005 Bond Ordinance, in the aggregate principal amount of \$25,625,000 (the "2005B Bonds"), which remain outstanding as follows:

Maturity Years (December 1)	Principal Amounts	Interest Rates	CUSIP Numbers
2020*	<b>5,610,000</b>	5.14%	849067H89
2027*	<b>10,455,000</b>	5.34	849067J79

\*Term Bonds

; and

WHEREAS, the 2005B Bonds maturing on and after December 1, 2020 (the "Refunded Bonds") are subject to and callable for redemption at the option of the City on any date on and after December 1, 2015, at a price of 100% of the principal amount thereof plus interest accrued to the date of redemption; and

WHEREAS, the City is authorized pursuant to chapters 35.22, 35.86, 39.36, 39.46 and 39.50 and 39.53 RCW to issue, sell and deliver its limited tax general obligation bonds for the purpose of providing funds to refund and defease its outstanding bonds prior to their stated maturity in accordance with the terms of the bonds and their authorizing ordinances; and

WHEREAS, it is deemed necessary and in the best interest of the City to obtain savings for the City by refunding the Refunded Bonds through the issuance of taxable limited tax general obligation refunding bond (the "Bond");

NOW, THEREFORE, THE CITY OF SPOKANE, WASHINGTON DOES ORDAIN, as follows:

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings:

**Beneficial Owner** means any person that has or shares the power, directly or indirectly, to make investment decisions concerning ownership of the Bond (including persons holding the Bond through nominees, depositories or other intermediaries).

**Bond** means the City of Spokane, Washington, Limited Tax General Obligation Refunding Bond, 2016 (Taxable), issued pursuant to this ordinance.

**Bond Counsel** means Workland & Witherspoon, PLLC or another firm of attorneys of nationally recognized standing pertaining to the tax-exempt nature of interest on bonds issued by states and their political subdivisions, duly admitted to the practice of law before the highest court of any state of the United States of America.

**Bond Fund** means the City of Spokane Limited Tax General Obligation Bonds Debt Service Fund previously created and maintained pursuant to Section 9 of this ordinance.

**Bond Register** means the books or records maintained by the Registrar containing the name and mailing address of the owner of the Bond or the nominee of such owner.

**Bond Year** means each one-year period that ends on the date selected by the City. The first and last Bond Years may be shorter periods. If no day is selected by the City before the earlier of the final maturity date of the Bond or the date that is five years after the date of issuance of the Bond, Bond Years end on each anniversary of the date of issue and on the final maturity date of the Bond.

**Call Date** means the date on which the Refunded Bonds will be prepaid, as selected by the Designated Representative.

**Chief Financial Officer** means the duly qualified, appointed and acting Chief Financial Officer of the City or any other officer who succeeds to the duties now delegated to that office.

**City** means the City of Spokane, a municipal corporation and first class charter city duly organized and existing under the laws of the State of Washington and the Charter of the City.

**Code** means the Internal Revenue Code of 1986, as amended, and shall include all applicable regulations and rulings relating thereto.

**Commission** means the United States Securities and Exchange Commission.

**Continuing Covenant Agreement** means an agreement entered into by the Chief Financial Officer and the Purchaser setting forth the City's and the Purchaser's certain terms and conditions.

**Council** means the City Council as the general legislative authority of the City, as the same shall be duly and regularly constituted from time to time.

**Designated Representative** means the Chief Financial Officer or the Director of Management and Budget.

**Director of Management and Budget** means the duly qualified, appointed and acting Director of Management and Budget of the City or any other officer who succeeds to the duties now delegated to that office.

**Government Obligations** means those obligations now or hereafter defined as such in chapter 39.53 RCW.

**Interest Rate** means a fixed rate of 3.24%, calculated on a 30/360 day basis.

**Issue Date** means, with respect to the Bond, the date of initial issuance and delivery of the Bond to the Purchaser in exchange for the purchase price of the Bond.

**Net Proceeds**, when used with reference with the Bond, means the principal amount of the Bond, plus accrued interest and original issue premium, if any, and less original issue discount, if any.

**Offer to Purchase** means Purchaser's letter and offer to purchase the Bond, dated December 17, 2015.

**Purchaser** means U.S. Bank National Association, as the initial purchaser of the Bond pursuant to the Offer to Purchase.

**Refunded Bonds** means the 2005B Bonds maturing on and after December 1, 2020.

**Registered Owner** means the person named as the registered owner of a Bond in the Bond Register.

**Registrar** means the City Treasurer or such other registrar as may be designated in a certificate by the Designated Representative for the purposes of registering and authenticating the Bond, maintaining the Bond Register, effecting transfer of ownership of the Bond, and paying the principal of, premium, if any, and interest on the Bond.

**Treasurer** means the Treasurer of the City or the person succeeding to the functions currently performed by the Treasurer.

**2005 Bond Ordinance** means Ordinance No. C33695, passed by the Council on July 18, 2005.

**2005B Bonds** means the Limited Tax General Obligation Bonds, Series 2005B (Taxable), issued August 3, 2005, and authorized by the 2005 Bond Ordinance.

**Rules of Interpretation.** In this ordinance, unless the context otherwise requires:

(a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of this ordinance;

(b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa;

(c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(d) Any headings preceding the text of the several articles and sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect; and

(e) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

Section 2. Emergency. The Council declares that an emergency exists in order that there be no delay in issuing the Bond, ensuring the favorable credit terms proposed by the Purchaser of the Bond for the benefit of the City. Therefore, this ordinance shall be in full force and effect immediately upon its passage by the Council.

Section 3. Authorization of Bond and Bond Details. For purposes of refunding the Refunded Bonds and thereby effecting a substantial savings to the City, and paying a portion of the costs of issuance of the Bond, the City shall issue its taxable limited tax general obligation refunding bonds in the aggregate principal amount of not to exceed \$16,340,000 (the “Bond”).

The Bond shall be a general obligation of the City, shall be designated as the “City of Spokane, Washington, Limited Tax General Obligation Refunding Bond, 2016 (Taxable),” shall be fully registered as to both principal and interest, shall be issued in the principal amount of not to exceed \$16,340,000, shall be numbered separately in the manner and with any additional designation as the Registrar deems necessary for purposes of identification, shall be dated its date of delivery, shall bear interest at the fixed rate of 3.24% per annum, and shall mature December 1, 2025. The Bond shall bear interest from its Issue Date or from its most recent interest payment date to which interest has been paid. Interest shall be payable semi-annually, commencing on June 1, 2016 and principal payable annually, commencing on December 1, 2016. The Bond shall not be transferrable except as set forth in the Continuing Covenant Agreement executed by the City and Purchaser. The interest rate payable on the Bond may change if an Event of Default, as defined in the Continuing Covenant Agreement, occurs. The Bond will be held by the Purchaser in physical form, will not be rated and will not be assigned a CUSIP number.

Section 4. Registration, Exchange and Payments.

(a) *Registrar.* The City hereby appoints the Treasurer as the Registrar for the Bond. Duties of the Treasurer as Registrar shall be limited to the authentication and delivery of the Bond to the Purchaser and to remitting money made available by the City in the Bond Fund to the Purchaser on payment dates and on the maturity of the Bond. The Registrar is authorized, on behalf of the City, to authenticate and deliver the Bond and carry out all of the duties and powers of the Registrar pursuant to this ordinance.

(b) *Place and Medium of Payment.* Both principal of and interest on the Bond shall be payable in lawful money of the United States of America. Interest on the Bond shall be calculated on the basis of a year of 360 days and twelve 30-day months. Principal of the Bond shall be payable according to the amortization schedule attached to the Bond effective December 1, 2016 and annually on each December 1 thereafter until the Maturity Date.

Section 5. Form of Bond. The Bond shall be in substantially the following form:

## UNITED STATES OF AMERICA

NO. R-1

[\$16,340,000]

**STATE OF WASHINGTON  
CITY OF SPOKANE  
LIMITED TAX GENERAL OBLIGATION REFUNDING BOND, 2016 (TAXABLE)**

**INTEREST RATE: 3.24% MATURITY DATE: December 1, 2025  
REGISTERED OWNER: U.S. BANK NATIONAL ASSOCIATION  
PRINCIPAL AMOUNT: [\$16,340,000]**

THE CITY OF SPOKANE, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from [\_\_\_\_], 2016, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on June 1, 2016, and semiannually thereafter on the first days of each succeeding December and June; provided, however, that if an Event of Default (as set forth in the Continuing Covenant Agreement ) shall occur this bond shall be subject to a default rate as set forth in the Continuing Covenant Agreement. Principal of this bond shall be payable according to the amortization schedule attached hereto effective December 1, 2016 and annually on each December 1 thereafter until the Maturity Date. Both principal of and interest on this bond are payable in lawful money of the United States of America. Initially, the City has designated the Treasurer as registrar, paying agent and authenticating agent (the "Registrar") for this bond.

This bond is issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington, the City Charter, and Ordinance No. C35353 duly passed by the City Council on January 11, 2016 (the "Bond Ordinance"). Capitalized terms used in this bond have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Registrar or its duly designated agent.

This bond is authorized in the principal amount of \$[16,340,000], and is issued pursuant to the Bond Ordinance for the purposes of refunding the City's Limited Tax General Obligation Bonds, Series 2005B (Federally Taxable) and paying costs of issuance.

This bond is not subject to redemption prior to the Maturity Date and shall not be transferred, except as permitted under the Continuing Covenant Agreement.

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually, within and as a part of the tax levy permitted to the City without a vote of the electorate, upon all the property subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

This bond is not a "private activity bond," as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). This bond has not been designated by the City as a "qualified tax-exempt obligation" under Section 265(b) of the Code for banks, thrift institutions and other financial institutions. The interest on this bond is not excludable from federal income taxation.

The pledge of tax levies for payment of principal of and interest on this bond may be discharged prior to maturity of this bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Spokane, Washington, has caused this bond to be signed with the facsimile or manual signature of the Mayor, to be attested by the facsimile or manual signature of the City Clerk, and the corporate seal of the City to be reproduced hereon, all as of this [\_\_\_\_\_] day of [\_\_\_\_\_] 2016.

CITY OF SPOKANE, WASHINGTON

By \_\_\_\_\_ /s/ manual or facsimile Mayor

ATTEST:

\_\_\_\_\_/s/ manual or facsimile  
City Clerk

[SEAL]

The Registrar's Certificate of Authentication on the Bond shall be in substantially the following form:

#### CERTIFICATE OF AUTHENTICATION

This bond is described in the within-mentioned Bond Ordinance and the Limited Tax General Obligation Refunding Bond, 2016 (Taxable), of the City of Spokane, Washington, dated [\_\_\_\_\_] 2016.

TREASURER, CITY OF SPOKANE, WASHINGTON,  
as Registrar

By \_\_\_\_\_  
Treasurer

Section 6. Execution of Bond. The Bond shall be executed on behalf of the City with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and the seal of the City shall be impressed or a facsimile thereof imprinted or otherwise reproduced on the Bond.

Only such Bond as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bond shall cease to be an officer or officers of the City before the Bond so signed shall have been authenticated or delivered by the Registrar, or issued by the City, such Bond may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. The Bond may also be signed and attested on behalf of the City by such persons who are at the actual date of delivery of such Bond the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

#### Section 7. Designation of Refunded Bonds; Refunding Plan.

(a) *Application of Bond Proceeds.* The net proceeds of the Bond (exclusive of any amounts that may be designated by the Designated Representative in a closing certificate to be allocated to pay costs of issuance), together with other available funds of the City in the amount (if any) specified by the Designated Representative, shall be held by the City and used at the direction of the Designated Representative to pay the costs of or reimbursing the City for the costs of redeeming the Refunded Bonds .

(b) *Defeasance of Refunded Bonds.* In order to effect the defeasance of the Refunded Bonds, the net proceeds of the Bond shall be deposited into the Bond Fund for the purposes of defeasing the Refunded Bonds and discharging the



obligations of the City relating thereto under the 2005 Bond Ordinance authorizing their issuance, by providing for the payment of the interest on the Refunded Bonds to the date fixed for redemption and the redemption price (the principal amount) on the date fixed for redemption of the Refunded Bonds. When the final transfer has been made for the payment of such redemption price and interest on the Refunded Bonds, any balance then remaining in the Bond Fund shall be transferred to the account designated by the City and used for the purposes specified by the Designated Representative.

Section 8. Call For Redemption of Refunded Bonds.

(a) *Call For Redemption of the Refunded Bonds.* The City hereby irrevocably sets aside sufficient funds from proceeds of the Bond to make the payments described in Section 7 of this ordinance.

The City hereby irrevocably calls the Refunded Bonds for redemption on the respective Call Date, in accordance with terms of the 2005 Bond Ordinance authorizing the redemption and retirement of the Refunded Bonds prior to their fixed maturities.

Said defeasance and call for redemption of the Refunded Bonds shall be effective and irrevocable after notice of redemption is provided to the Registrar for the Refunded Bonds.

The Treasurer of the City is hereby authorized and directed to provide for the giving of notice of the redemption of the Refunded Bonds in accordance with the applicable provisions of the 2005 Bond Ordinance.

The Treasurer of the City is hereby authorized and directed to pay to the fiscal agency or agencies of the State of Washington, sums sufficient to pay, when due, the payments specified in Section 7 of this ordinance. All such sums shall be paid from the moneys deposited in the Bond Fund pursuant to the previous section of this ordinance, and the income therefrom and proceeds thereof. All moneys deposited in the Bond Fund and any income therefrom shall be credited to a refunding account and held, invested (but only at the direction of the Treasurer) and applied in accordance with the provisions of this ordinance and with the laws of the State of Washington for the benefit of the City and owners of the Refunded Bonds.

Section 9. Bond Fund and Provision for Tax Levy Payments. The Treasurer currently maintains a fund to be used for the payment of debt service on all limited tax general obligation bonds, designated as the "Limited Tax General Obligation Bonds Debt Service Fund" (the "Bond Fund"). The taxes hereafter levied for the purpose of paying principal of and interest on the Bond and other funds to be used to pay the Bond shall be deposited in the Bond Fund no later than the date such funds are required for the payment of principal of and interest on the Bond. Money in the Bond Fund not needed to pay the interest or principal next coming due may temporarily be deposited in such institutions or invested in such obligations as may be lawful for the investment of City funds.

The City hereby irrevocably covenants and agrees for as long the Bond is outstanding and unpaid that each year it will include in its budget and levy an *ad valorem* tax upon all the property within the City subject to taxation in an amount that will be sufficient, together with all other revenues and money of the City legally available for such purposes, to pay the principal of and interest on the Bond as the same shall become due. All of such taxes so collected and any other money to be used for such purposes shall be paid into the Bond Fund.

The City hereby irrevocably pledges that the annual tax provided for herein to be levied for the payment of such principal and interest shall be within and as a part of the tax levy permitted to cities without a vote of the people pursuant to the Constitution of the State of Washington, and that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bond will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bond. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bond as the same shall become due.

Section 10. Defeasance. The City, in order to effect the payment, retirement or redemption of the Bond, shall set aside in the Bond Fund or in another special account, moneys in amounts which, together with the known earned income therefrom, are sufficient to redeem or pay and retire the Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such moneys are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bond. The owner of the Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from such special account, and the Bond shall be deemed to be not outstanding under this ordinance.

The City shall give written notice of defeasance to the owner of the Bond.

Section 11. Delegation of Authority.

(a) *Delegation of Authority.* The City has determined that it would be in the best interest of the City to delegate to the Designated Representative the authority to approve the final principal amount and price of the Bond, date of the Bond, redemption provisions, and other terms and conditions of the Bond in the manner provided hereafter so long as the principal amount of the Bond does not exceed \$16,340,000; and

(b) *Delivery of Bond; Documentation.* Upon the passage and approval of this ordinance, the proper officials of the City including the Designated Representative, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bond to the Purchaser and further to execute all closing certificates and documents required to effect the closing and delivery of the Bond. In furtherance of the foregoing, the Designated Representative is authorized to approve and enter into agreements for the payment of costs of issuance, the fees and expenses specified in the Offer to Purchase, including Bond Counsel, financial advisor, and other expenses customarily incurred in connection with issuance and sale of bonds.

Section 12. Continuing Covenant Agreement. The Designated Representative is hereby authorized to enter into a written agreement with the Purchaser setting forth the terms and conditions set forth in the Offer to Purchase, including but not limited to, the promise to provide Purchaser with audited financial statements no later than nine months after each fiscal year; a copy of the City's proposed budget within 45 days after proposal and adopted budget within 45 days after adoption; and prompt notice of any litigation likely to have a material adverse effect on the City's financial condition.

Section 13. Lost, Stolen or Destroyed Bond. In the event the Bond shall be lost, stolen or destroyed, the Registrar may execute and deliver a new Bond of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Registrar in connection therewith and upon his/her filing with the Designated Representative and the Registrar evidence satisfactory to the Designated Representative and the Registrar, respectively, that the Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and the Registrar with indemnity satisfactory to the Designated Representative and the Registrar, respectively.

Section 14. Severability. If any provision in this ordinance is declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provision of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bond.

Section 15. Effective Date. This ordinance shall become effective immediately upon its passage, pursuant to the declaration of emergency in Section 2 hereof.

PASSED by the City Council of the City of Spokane, Washington, at a regular meeting thereof, held on January 11, 2016.

**CERTIFICATE**

I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting Clerk of the City of Spokane, Washington (the "City"), and keeper of the records of the City Council (the "Council"); and

I HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. C35353 of the City (the "Ordinance"), as finally passed at a regular meeting of the Council held on the 11th day of January, 2016, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th of January, 2016.

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

**Exhibit A****NOTICE OF REDEMPTION\***

**City of Spokane, Washington**  
**Limited Tax General Obligation Bonds, Series 2005B (Federally Taxable)**

NOTICE IS HEREBY GIVEN that the City of Spokane, Washington has called for redemption on January 11, 2016, of its outstanding Limited Tax General Obligation Bonds, Series 2005B (Federally Taxable) (the "Bonds").

U.S. Bank National Association  
Global Corporate Trust Services  
111 Fillmore Ave E  
St. Paul, MN 55107

The Bonds will be redeemed at a price of one hundred percent (100%) of their principal amount, plus interest accrued to February 12, 2016. The redemption price of the Bonds is payable on presentation and surrender of the Bonds at the office of:

Interest on all Bonds or portions thereof which are redeemed shall cease to accrue on February 12, 2016.

The following Bonds are being redeemed:

<u>Maturity Years</u> <u>(December 1)</u>	<u>Principal</u> <u>Amounts</u>	<u>Interest</u> <u>Rates</u>	<u>CUSIP</u> <u>Numbers</u>
2020*	<b>\$ 5,610,000</b>	5.14%	849067H89
2027*	<b>10,455,000</b>	5.34	849067J79

**By Order of the City of Spokane, Washington**

U.S. Bank National Association, as Paying Agent

Dated: \_\_\_\_\_.

Withholding of 28% of gross redemption proceeds of any payment made within the United States may be required by the Jobs and Growth Tax Relief Reconciliation Act of 2003 (the "Act") unless the Paying Agent has the correct taxpayer identification number (social security or employer identification number) or exemption certificate of the payee. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your Bonds.

\* This notice shall be given not more than 60 nor less than 30 days prior to February 12, 2016 by certified or registered mail, postage prepaid, to each registered owner of the Refunded Bonds. In addition notice shall be posted online at [www.emma.msrb.org](http://www.emma.msrb.org) and mailed by first class mail, postage prepaid to The Depository Trust Company of New York, New York; Piper Jaffray & Co. (formerly Seattle-Northwest Securities Corporation), Financial Guaranty Insurance Company (now National Public Finance Guarantee Corporation pursuant to novation agreement), Moody's Investors Service, and Standard & Poor's Ratings Services.

**Passed by City Council January 11, 2016**

**Delivered to Mayor January 15, 2016**

# Job Opportunities

**The City of Spokane is an Equal Employment Opportunity Employer**

## **Materials Testing Supervisor SPN 223 PROMOTIONAL EXAMINATION**

**DATE OPEN:** Monday, January 18, 2016      **DATE CLOSED:** Sunday, January 31, 2016 at 11:59 p.m.  
**SALARY:** \$45,330.48 annual salary, payable bi-weekly, to a maximum of \$68,674.32

### **DUTIES:**

Performs specialized laboratory, supervisory, and field work within the City's Material Testing program.

### **MINIMUM QUALIFICATIONS:**

#### **Promotional Requirements:**

- Completion of at least two years with the City in the classification of Public Works Materials Laboratory Assistant (SPN 222) or Public Works Lead Inspector (SPN 217).
- All applicants must have at least three years experience in which a regular part of the job is hands on sampling and testing of highway construction materials (soil, asphalt and concrete) in accordance with AASHTO and/or ASTM standards.

**License:** Applicants must possess a valid driver's license.

**REQUIRED ADDITIONAL DOCUMENTS:** Must be received in our office by the closing date, preferably attached to application.

- DD Form 214 (Member-4) or NGB Form 22, if applicable. (See RCW 41.04.010 as to how Veterans' Preference is applied.)

### **EXAMINATION DETAILS:**

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The examination will consist of a written test and promotional evaluation, with weights assigned as follows:

- Written test 80%
- Promotional Evaluation 20%

### **WRITTEN TEST DETAILS:**

The written test will be conducted in the Civil Service Test Room (4th floor, City Hall) on **Thursday, February 11, 2016, at 1:00 pm**. The approximate duration of the test is 2 hours.

**Self-schedule written test date and time:** Upon acceptance of your application, you will receive an e-mail with complete instructions to self-schedule your test session. Additional sessions may be added depending on the number of applications accepted.

The written test may include such subjects as: Technical Knowledge, Safety, Supervision and Human Relations, Math and Statistics, Reports, Reading Comprehension.

Calculators will be furnished for the test. Applicants may visit Civil Service during office hours if they wish to familiarize themselves with the calculators.

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.

#### **PROMOTIONAL EVALUATION DETAILS**

Pursuant to Civil Service Rule VI, Section 9, an evaluation of an employee's job performance [in the form of a Performance Appraisal Review (PAR)] shall be a subject in all promotion exams. The PAR should be administered by the employee's supervisor within the past year.

The employee's most recent PAR is the Promotional Evaluation for this position. If the most recent PAR is expired (older than one year), the employee's payroll clerk and supervisor are notified. The supervisor is responsible for submitting an updated PAR to the HR department for approval prior to the closing date. If an updated PAR is not received by the closing date, the most recent PAR on file will be used, regardless of date administered.

Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 11:59 p.m. on the filing cut-off date.

#### **TO APPLY:**

**An application is required for promotional applicants.** Applications must be filed online at: <http://my.spokanecity.org/jobs>. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org) with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4<sup>th</sup> Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 18th day of January 2016.

CHERYL BECKETT  
Chair

GITA GEORGE-HATCHER  
Chief Examiner

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#### **DEPUTY FIRE MARSHAL SPN 942 PROMOTIONAL EXAMINATION**

**DATE OPEN:** Monday, January 18, 2016      **DATE CLOSED:** Sunday, January 31, 2016 at 11:59 p.m.  
**SALARY:** \$92,626.05 annual salary, payable bi-weekly, to a maximum of \$103,731.54

#### **DUTIES:**

Performs technical inspection work in a specialized field in the promotion and enforcement of effective fire prevention standards and methods.

#### **MINIMUM QUALIFICATIONS:**

**Promotional Requirements:** (Must be met at time of examination)

#### **Experience:**

Completion of two years of combined total service with the City in the classification of Firefighter, Fire Equipment Operator, or Firefighter Dispatcher. (**NOTE:** You must show your qualifying work history on the basic application in the Work Experience section, in order for your application to be accepted.)

**License:** Applicants must possess a valid driver's license.

**REQUIRED ADDITIONAL DOCUMENTS:** Must be received in our office by the closing date, preferably attached to application.

- DD Form 214 (Member-4) or NGB Form 22, if applicable. (See RCW 41.04.010 as to how Veterans' Preference is applied.)

**EXAMINATION DETAILS:**

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The examination will consist of a written test and a promotional evaluation, with weights assigned as follows:

- Written Test: 80%
- Promotional Evaluation: 20%

**WRITTEN TEST DETAILS:**

The written test will be conducted in the Civil Service Test Room (4th floor, City Hall) on **Wednesday, February 10, 2016 at 9:00 am**. The approximate duration of the test is 2-1/2 hours.

The multiple-choice written test may include such subjects as: 2009 International Fire Code; Fire Hazards and Prevention; Inspection and Interpersonal Relations; Written Communication. (**NOTE:** IFC books will be provided as an open-book reference for this test.)

**Self-schedule written test date and time:** Upon acceptance of your application, you will receive an e-mail with complete instructions to self-schedule your test session. Additional sessions may be added depending on the number of applications accepted.

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.

**PROMOTIONAL EVALUATION DETAILS:**

Pursuant to Civil Service Rule VI, Section 9, an evaluation of an employee's job performance [in the form of a Performance Appraisal Review (PAR)] shall be a subject in all promotion exams. The PAR should be administered by the employee's supervisor within the past year.

The employee's most recent PAR (PER) is the Promotional Evaluation for this position. If the most recent PAR is expired (older than one year), the employee's payroll clerk and supervisor are notified. The supervisor is responsible for submitting an updated PAR to the HR department for approval prior to the test date. If an updated PAR is not received by the test date, the most recent PAR on file will be used, regardless of date administered.

**TO APPLY:**

**An application is required for promotional applicants.** Applications must be filed online at: <http://my.spokanecity.org/jobs>.

Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org) with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4<sup>th</sup> Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 18th day of January 2016.

CHERYL BECKETT  
Chair

GITA GEORGE-HATCHER  
Chief Examiner

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# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### CALL FOR BIDS

#### **CSO Basin 12 Control Facility and Pettet Drive from T J Meenach Drive to Augusta Avenue**

Engineering Services File No. 2013211 (lead) & 2015099

This project consists of the construction of approximately a +700,000 gallon CSO tank with mechanical and electrical facilities, structural excavation including haul, shoring, and retaining wall construction, roadway construction with approximately  $\pm 6,400$  c.y. of roadway excavation,  $\pm 1,250$  c.y. of roadway embankment,  $\pm 6,240$  l.f. of sanitary and storm sewer pipe installation, stormwater bio-infiltration facility construction,  $\pm 1,560$  l.f. of water main installation,  $\pm 20,720$  s.y. of 3 inch and 5 inch HMA paving, trail construction, sidewalk and curb installation, communication conduit installation, landscaping and irrigation work, 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., February 8, 2016 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. 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](http://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](http://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.

Cash, cashier's check, 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 FIVE (5) 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.

A prebid conference will be held at Spokane City Hall in the Council Briefing Center the office of the (808 W. Spokane Falls Boulevard) at 9:45 a.m. on January 26, 2016.

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.

***\*\*\*\*Time is of the essence due to the length of the construction window and/or the time of year in which the project is being constructed. Please note that various award phase steps have shorter than normal time frames as detailed in section 1-03.3, 1-08.4, and 1-08.5.***

*"It is anticipated that this project will be funded in part by the Washington State Department of Ecology. Neither the State of Washington nor any of its departments or employees are, or shall be, a party to this contract or any subcontract."*

*"The Successful bidder will be required to conform to the wage requirements prescribed by the federal Davis-Bacon and Relate Acts which requires that all laborers and mechanics employed by contractors and subcontractors performing on contracts funded in whole or in part by SRF appropriations in excess of \$2000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits, and determined by the Secretary of Labor, for corresponding classes of laborers and mechanics employed on similar projects in the area."\*\*\*\**

Publish January 20, 27 and February 3, 2016

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