



# Official Gazette

## City of Spokane, Washington

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

Volume 111

NOVEMBER 3, 2021

Issue 44 Part I of II



### MAYOR AND CITY COUNCIL

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBERS:

KATE BURKE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

BETSY WILKERSON (DISTRICT 2)

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### INSIDE THIS ISSUE

MINUTES	1002
HEARING NOTICES	1014
ORDINANCES	1015

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# Minutes

## MINUTES OF SPOKANE CITY COUNCIL

Monday, October 25, 2021

### BRIEFING SESSION

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:31 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

The regularly scheduled Spokane City Council 3:30 p.m. Briefing/Administrative Sessions and the 6:00 p.m. Legislative Session were held virtually and streamed live online and aired on City Cable 5. Pursuant to Governor Jay Inslee's Fifteenth Updated Proclamation 20-28.15, dated January 19, 2021, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and the in-person attendance requirement in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first. Proclamations 20-28, et seq, were amended by the Washington State Legislature to recognize the extension of statutory waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.

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

The public was encouraged to tune in to the meeting live on Channel 5, at <https://my.spokanecity.org/citycable5/live>, or by calling 408-418-9388 and entering an access code when prompted.

**Roll Call**

On roll call, Council President Beggs and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were present. (Council President Beggs was in attendance in the Council Chambers and also participated in the meeting via WebEx. Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson attended the meeting via WebEx.)

City Attorney Mike Ormsby (WebEx), Director of Policy and Government Relations Brian McClatchey (WebEx), and City Clerk Terri Pfister (in Chambers) were also virtually present for the meeting.

**Advance Agenda Review**

The City Council received an overview from staff on the November 1, 2021, Advance Agenda items.

**Action to Approve November 1, 2021, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the November 1, 2021, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.B):

**Motion** by Council Member Wilkerson, seconded by Council Member Kinnear, **to approve** the November 1, 2021, Advance agenda; **carried unanimously**.

### ADMINISTRATIVE SESSION

**Current Agenda Review**

The City Council considered the October 25, 2021, Current Agenda.

Ordinance C36116 – Relating to Stormwater Facilities

**Motion** by Council Member Mumm, seconded by Council Member Burke, **to substitute** Ordinance C36116—relating to Stormwater Facilities—with version filed on October 13, 2021; **carried unanimously**.

**Resolution 2021-0087 – Sustainability Action Plan**

Following City Council discussion, the following actions were taken:

**Motion** by Council Member Cathcart, seconded by Council Member Burke, **to include** the following principle within the Sustainability Action Plan that will be titled, “City Council Principle(s)” on page 21, or immediately preceding the section titled, “Summary of sector strategies”:

Amendment 1.) No policy, strategy, or implementation proposal of the SAP shall be construed as prohibiting or limiting the generation, delivery, or use of any source of clean or renewable energy within the City of Spokane. This includes, but is not limited to natural gas, hydrologic power, and incineration-based energy practices.

**Motion rejected 1-6.**

**Motion** by Council Member Cathcart, seconded by Council Member Burke, **to include** the following principle within the Sustainability Action Plan that will be titled, “City Council Principle(s)” on page 21, or immediately preceding the section titled, “Summary of sector strategies”:

Amendment 2.) Any policy, strategy, or implementation proposal of the SAP that is in conflict with any of the four priorities identified on page v of the 2021 Housing Action Plan Executive Summary, shall not be pursued until such time as both single-family and multi-family housing stock within the City of Spokane are determined to be at traditionally healthy supply levels.

**Motion rejected 1-6.**

**Motion** by Council Member Cathcart, seconded by Council Member Burke, **to include** the following principle within the Sustainability Action Plan that will be titled, “City Council Principle(s)” on page 21, or immediately preceding the section titled, “Summary of sector strategies”:

Amendment 3.) Implementation of the SAP will begin once a thorough financial analysis is conducted of all proposals contained within as required under SMC 04.36.040. To be complete, this analysis will also include the creation of a metric of environmental effectiveness which will calculate the cost of each unit of CO<sub>2</sub>e (CO<sub>2</sub> equivalent) avoided or reduced.

**Motion rejected 1-6.****CONSENT AGENDA**

**Upon Unanimous Voice Vote (in the affirmative), the City Council approved Staff Recommendations for the following items:**

Contract Amendment No. 2 with Jacob Engineering Group Inc. (Spokane) to add additional funds to contingency amount and extension for the On-Call Sewer Model Support project—\$250,000. (Council Sponsor: Council President Beggs) (OPR 2019-1078 / ENG 2017090)

Low Bid of Halme Construction, Inc. (Spokane) for the Hatch Bridge Deck Replacement—\$1,931,822. An administrative reserve of \$193,182.20, which is 10% of the contract price, will be set aside. (Latah/Hangman Neighborhood) (Council Sponsor: Council President Beggs and Council Member Cathcart) (OPR 2021-0674 / ENG 2018085)

Contract Amendments with Etter, McMahon, Van Wert & Oreskovich, P.C., for Outside Counsel services in the legal matters of:

- a. West Terrace Golf, LLC v. City of Spokane—increase of \$25,000. Total Contract Amount: \$375,000. (OPR 2017-0501)
- b. John Durgan, et. al., v. City of Spokane—increase of \$50,000. Total Contract Amount: \$610,000. (OPR 2017-0546)  
(Council Sponsor: Council President Beggs)

Recommendation to list the following on the Spokane Register of Historical Places:

- a. The Framingham Building, 1722 E. Sprague Avenue (OPR 2021-0675);
- b. The Armour Building, 123 S. Wall Street (OPR 2021-0676).

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through October 15, 2021, total \$7,271,934.36 (Check Nos. 582123 – 582244; ACH Payment Nos. 95397 – 95668), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$7,065,941.10.
- b. Payroll claims of previously approved obligations through October 16, 2021: \$7,667,000.31 (Payroll Check Nos. 561200 – 561317).

City Council Meeting Minutes: October 11, 2021. (OPR 2021-0013)

**Multiple Family Housing Property Tax Exemption Conditional Agreements (taken separately) (Council Sponsors: Council Members Mumm and Stratton)**

**Upon 6-1 Voice Vote**, the City Council approved Multiple Family Housing Property Tax Exemption Conditional Agreements with:

- a. NoDo Spokane, LLC for the construction of 256 housing units at Parcel No. 35181.0201 commonly known as 127 W. Mission Avenue. (OPR 2021-0677)
- b. NoDo Spokane, LLC for the construction of 24 housing units at Parcel Nos. 35181.0501, 35181.0502, and 35181.0503 commonly known as 1335, 1331, and 1325 N. Normandie Street. (OPR 2021-0678)
- c. Broadway Apartments, LLC for the construction of 22 housing units at Parcel No. 35182.4811 commonly known as 1324 W. Broadway Avenue. (OPR 2021-0679)

These Conditional Agreements will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office post construction.

**POINT OF PERSONAL PRIVILEGE**

Council Member Kinnear took a point of personal privilege to make the City Council aware that she received a public records request on her texts from a person who regularly watches the City Council meetings. She noted there are multiple ways that constituents can contact City Council Members both during a meeting and outside of a meeting. We all have our computers open because we are working virtually. She noted she has her phone because her assistant texts her sometimes with things that she needs to know during the meeting. Council Member Kinnear suggested that we may need some policy around it and she requested Director of Policy and Government Relations Brian McClatchey to look into it, and maybe Assistant City Attorney Mike Piccolo or City Attorney Mike Ormsby can as well, as this is new territory as the City Council has not been virtual before the pandemic. She further stated she would like City Council to consider if this is something we want to do going forward or should we set policy in our rules that either prohibit or allow different modes of communication.

**Council Recess/Executive Session**

The City Council adjourned at 4:21 p.m. No Executive Session was held. The City Council reconvened at 6:02 p.m. for the Legislative Session.

**LEGISLATIVE SESSION**

**Roll Call**

On roll call, Council President Beggs, and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were present. (Council President Beggs was in attendance in the Council Chambers and also participated in the meeting via WebEx. Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson attended the meeting via WebEx.)

Director of Policy and Government Relations Brian McClatchey (WebEx) and City Clerk Terri Pfister (in Chambers) were also virtually present for the meeting.

**PROCLAMATIONS**

November 2021 *Health Care Workers Appreciation Month in Spokane*

Council Member Kinnear read the proclamation. Rupert Salmon virtually accepted the proclamation and remarked on the event.

November 2021 *Family Court Awareness Month in Spokane*

Council Member Mumm read the proclamation. Kim, a volunteer with the Family Court Awareness Committee, virtually accepted the proclamation and remarked on the event.

There was no **City Administrative Report**.

There were no **Boards and Commissions Appointments**.

There were no **Council Committee Reports**.

## LEGISLATIVE AGENDA

There were no **Special Budget Ordinances**.

There were no **Emergency Ordinances**.

### RESOLUTIONS

#### **Resolution 2021-0086 (Council Sponsor: Council President Beggs)**

Subsequent to a presentation by Inga Note from the Integrated Capital Management Department; an opportunity for public testimony, with no individuals requesting to speak; and Council commentary, the following the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2021-0086** revising the "School Zone Speed Schedule."

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson

**Nays:** None

**Abstain:** None

**Absent:** None

#### **Resolution 2021-0087 (Council Sponsors: Council President Beggs and Council Member Kinnear)**

Subsequent to a presentation by Kara Odegard from the City Council Office, public testimony, and Council commentary, the following action was taken:

**Upon 6-1 Roll Call Vote**, the City Council **adopted Resolution 2021-0087** adopting the City of Spokane Sustainability Action Plan.

**Ayes:** Beggs, Burke, Kinnear, Mumm, Stratton, and Wilkerson

**Nays:** Cathcart

**Abstain:** None

**Absent:** None

#### **Resolution 2021-0088 (Council Sponsors: Council Member Wilkerson)**

After the opportunity for public testimony, with one individual requesting to speak, and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2021-0088** approving settlement of Stephen Kessler arising out of an incident occurring on May 9, 2019, in the City of Spokane, as more fully described in the claim for damages—\$60,000.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson

**Nays:** None

**Abstain:** None

**Absent:** None

#### **Resolution 2021-0089 (Council Sponsors: Council Member Wilkerson)**

After the opportunity for public testimony, with no individuals requesting to speak, and the opportunity for Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2021-0089** approving settlement of Erin Stacey arising out of an incident occurring June 30, 2019, in the City of Spokane, as more fully described in the claim for damages—\$62,500.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** None  
**Abstain:** None  
**Absent:** None

#### **FINAL READING ORDINANCES**

**For Council Action on Ordinance C36116, see section of minutes under “Hearings.”**

**For Council Action on Ordinance C36117, see section of minutes under “Hearings.”**

**For Council Action on Ordinance C36118, see section of minutes under “Hearings.”**

#### **FIRST READING ORDINANCES**

The following Ordinances were read for the first time, with further action deferred. There was an opportunity for public testimony, with no individuals requesting to speak.

**ORD C36121** Relating to the Parking Advisory Committee amending SMC section 07.08.130; adding a new chapter 04.38 to title 04; adopting new sections 04.38.010, 04.38.020, 04.38.030, 04.38.040, 04.38.050, 04.38.060, 04.38.070, and 04.38.080 to chapter 04.38 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council Members Kinnear and Stratton)

**ORD C36122** Approving an amendment to the Riverpoint Village PUD that will remove Unit 12 from the boundaries of the PUD so that it may be developed independent of the PUD, in accordance with the standards of the existing zoning regulations. The parcel number is 35173.3003, located in the City and County of Spokane, State of Washington, by amending the Official Zoning Map. (Council Sponsor: Council Member Stratton)

**For Council action on Ordinance C36120, see section of minutes under Hearings.”**

There were no **Special Considerations**.

#### **HEARINGS**

##### **Hearing on Vacation of Adams Street (as requested by Volunteers of America Hope House)**

During its 6:00 p.m. Legislative Session held virtually Monday, October 25, 2021, the Spokane City Council held a hearing on the vacation of Adams Street and the nearby alley between Third, I-90, Adams, and Jefferson, as requested by the Volunteers of America Hope House. Subsequent to a presentation by Eldon Brown of Developer Services, public testimony, and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **approved, subject to conditions** (in the Street Vacation Report dated August 26, 2021), the vacation of Adams Street and the nearby alley between Third, I-90, Adams, and Jefferson.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** None  
**Abstain:** None  
**Absent:** None

In conjunction with the hearing, Ordinance C36120—vacating the east 55 feet of Adams Street from the south line of 3<sup>rd</sup> Avenue to the north line of I-90, together with the alley between 3<sup>rd</sup> Avenue and I-90, from the east line of Adams Street to the west line of Jefferson Street—was read for the first time, with further action deferred.

##### **Final Reading Ordinance C36116 (as substituted during 3:30 p.m. Administrative Session) (Council Sponsor: Council President Beggs)**

The City Council held a hearing on Final Reading Ordinance C36116. Subsequent to an opportunity for public testimony, with no individuals requesting to speak, and Council commentary, the following action was taken:

**Upon 6-1 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36116** relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date.

**Ayes:** Beggs, Burke, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** Cathcart  
**Abstain:** None  
**Absent:** None

**Final Reading Ordinance C36117 (Council Sponsor: Council Member Kinnear)**

The City Council held a hearing on Final Reading Ordinance C36117. Subsequent to an opportunity for public testimony and Council commentary, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C36117** relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** None  
**Abstain:** None  
**Absent:** None

**Final Reading Ordinance C36118 (Council Sponsor: Council Member Kinnear)**

The City Council held a hearing on Final Reading Ordinance C36118. Subsequent to an opportunity for public testimony and Council commentary, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C36118** relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** None  
**Abstain:** None  
**Absent:** None

**Public Hearing before City Council for Possible Revenue Sources for the 2022 Budget**

The City Council held a hearing on possible revenue sources for the 2022 Budget. Subsequent to a presentation by Budget Director Paul Ingiosi; public testimony from one individual; and Council commentary, the following action was taken:

**Motion** by Council Member Mumm, seconded by Council Member Kinnear, **to close** the revenue budget hearing; **carried unanimously**.

**OPEN FORUM**

The following individuals spoke during Open Forum:

- James E
- Nicolette Ocheltree
- Elizabeth Williams
- Mercy Aguilar

**ADJOURNMENT**

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 8:18 p.m.

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**MINUTES OF SPOKANE CITY COUNCIL****Monday, October 18, 2021****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.

The regularly scheduled Spokane City Council 3:30 p.m. Briefing/Administrative Sessions and the 6:00 p.m. Legislative Session were held virtually and streamed live online and aired on City Cable 5. Pursuant to Governor Jay Inslee's Fifteenth Updated Proclamation 20-28.15, dated January 19, 2021, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and the in-person attendance requirement in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first. Proclamations 20-28, et seq, were amended by the Washington State Legislature to recognize the extension of statutory waivers and suspensions therein until termination of the state of emergency pursuant to RCW 43.06.210 or until rescinded.

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**Roll Call**

On roll call, Council President Beggs and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were present. (Council President Beggs was in attendance in the Council Chambers and also participated in the meeting via WebEx. Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson attended the meeting via WebEx.)

City Attorney Mike Ormsby (WebEx), Director of Policy and Government Relations Brian McClatchey (WebEx), and City Clerk Terri Pfister (in Chambers) were also virtually present for the meeting.

**Advance Agenda Review**

The City Council received an overview from staff on the October 25, 2021, Advance Agenda items.

**Action to Approve October 25, 2021, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the October 25, 2021, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.B):

**Motion** by Council Member Burke, seconded by Council Member Wilkerson, **to approve** the October 25, Advance Agenda; **carried unanimously.**

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

The City Council considered the October 18, 2021, Current Agenda.

Emergency Ordinance C36064 (Deferred from October 4, 2021, Agenda)

**Motion** by Council Member Wilkerson, seconded by Council Member Burke, **to defer** Emergency Ordinance C36064—clarifying the requirements for the adaptive re-use of historic properties—to January 24, 2022; **carried unanimously.**

Council Suspension of the Rules

**Motion** by Council Member Cathcart, seconded by Council Member Stratton, **to suspend** Council Rules for purposes of amending the resolution language (Resolution 2021-0069); **carried 6-1.**

Resolution 2021-0069 (Council Sponsor: Council Member Wilkerson)

Subsequent to Council deliberations, the following action was taken:

**Motion** by Council Member Cathcart, seconded by Council Member Stratton, **to amend** the language of the resolution (Resolution 2021-0069) to, as a condition of funding, require the operating agreement to



include the following provision: "The lower portion of 55 W. Mission will only be used for onsite isolation/quarantine purposes or for the expansion of bridge housing and related services and will not be used for low barrier or emergency sheltering." **Motion rejected 3-4.**

Final Reading Ordinance C36114 (Council Sponsor: Council Member Wilkerson)  
Subsequent to Council deliberation, the following action was taken:

**Motion** by Council Member Cathcart, seconded by Council Member Burke, that under Section 08.02.0206, subsections A and B, modifying the date to go through January 1, 2023 and under Section 08.02.0206, subsection L, modifying the date to go through December 31, 2022. **Motion carried 6-1.**

### CONSENT AGENDA

**Upon Unanimous Voice Vote (in the affirmative), the City Council approved Staff Recommendations for the following items:**

Setting a hearing for the Citywide Capital Improvement Program 2022-2027 on November 8, 2021. (Council Sponsor: Council President Beggs)

Setting the hearings for review of the 2022 Proposed Budget beginning November 8, 2021, and continuing thereafter at the regular Council meetings through December 6, 2021. (Council Sponsor: Council President Beggs)

Setting a public hearing on possible revenue sources for the 2022 Budget on October 25, 2021. (Council Sponsor: Council President Beggs)

Purchases from:

- a. AAA Concrete, Inc. (Spokane) and Specialty Mobile Mix (Spokane Valley) of concrete mix on an as-needed basis to use for various concrete repair projects—up to \$70,000. (OPR 2021-0661 / RFQ 5492-21)
- b. Salt Distributors, Inc. (Spokane Valley) of Road Salt on an as-needed basis—not to exceed \$135,000 annually. (OPR 2019-0217 / RFQ 743-18)
- c. Salt Distributors, Inc. (Spokane Valley) of Ice Kicker utilizing State Contract #02714—not to exceed \$100,000 annually. (OPR 2021-0662)

(Council Sponsor: Council President Beggs)

(Renewal) Contract with TransMap to perform pavement inspection work for the Street Department—not to exceed \$138,000. (Council Sponsor: Council President Beggs) (OPR 2020-0731) (Clerical Note: The October 18, 2021, Current Agenda incorrectly reflected the file number as OPR 2021-0663. The correct assigned number is OPR 2020-0731, as this is a renewal contract.)

Contract with Property Registration Champions, LLC, d/b/a ProChamps, (Melbourne, FL) to establish and maintain an electronic foreclosure registry funded by annual per property registration fees—\$150,000 revenue. (Council Sponsor: Council Member Kinnear) (OPR 2021-0664 / RFP 5424-21)

Contract Renewal No. 2 of 4 with Racom Corporation (Spokane Valley) for Installation of Radio and Electrical Equipment for Fleet Services from October 1, 2021 through September 30, 2022 using IRFP #5153-20—\$150,000. (Council Sponsor: Council Member Kinnear) (OPR 2019-0885)

Contract Renewal No. 1 of 2 with Clean Energy (Newport Beach, CA) for the Maintenance and Operation of the Compressed Natural Gas Fueling Facility—\$250,000 (incl. tax). (Council Sponsor: Council Member Kinnear) (OPR 2020-0756)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through October 8, 2021, total \$8,187,092.38 (Check Nos.: 582041 – 582122; ACH Payment Nos.: 95223 – 95396), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$7,606,650.29.

City Council Meeting Minutes: October 4, October 7, and October 14, 2021. (OPR 2021-0013)

**Council Recess/Executive Session**

The City Council adjourned at 4:47 p.m. No Executive Session was held. The City Council reconvened at 6:02 p.m. for the Legislative Session.

## LEGISLATIVE SESSION

### Roll Call

On roll call, Council President Beggs, and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were present. (Council President Beggs was in attendance in the Council Chambers and also participated in the meeting via WebEx. Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson attended the meeting via WebEx.)

Director of Policy and Government Relations Brian McClatchey (WebEx) and City Clerk Terri Pfister (in Chambers) were also virtually present for the meeting.

There were no **Proclamations**.

## BOARDS AND COMMISSIONS APPOINTMENTS

### Spokane Human Rights Commission (CPR 1991-0068) and Hotel Advisory Commission (CPR 2004-0017)

**Upon Unanimous Voice Vote**, the City Council **approved** (and thereby confirmed) the following reappointments and appointment:

#### Spokane Human Rights Commission (CPR 1991-0068)

- Reappointment of Jac Archer to serve a three-year term, from July 24, 2021, to December 31, 2024.

#### Hotel Advisory Commission (CPR 2004-0017)

- Reappointment of Meredith Rainville to serve a three-year term, from December 1, 2021, to November 30, 2024.
- Reappointment of Dean Feldmeier to serve a three-year term, from December 1, 2021, to November 30, 2024.
- Appointment of Matt Jensen to serve a three-year term, from November 1, 2021, to October 31, 2024.

## CITY ADMINISTRATIVE REPORT

### Cable Advisory Board for Learning and Education

The City Council received a report from Gary Stokes, KSPS, on the Cable Advisory Board for Learning and Education.

There were no **Council Committee Reports**.

## LEGISLATIVE AGENDA

## SPECIAL BUDGET ORDINANCES

### Ordinance C36112 (Council Sponsor: Council Member Kinnear)

After brief commentary by Council President Beggs and the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Special Budget Ordinance C36112** amending Ordinance No. C35971 passed by the City Council December 14, 2020, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2021, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2021, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Section 1. Asset Management Fund

(1) Increase appropriation by \$128,512.

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

and

Section 2. Asset Management Fire Capital Fund

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

(This action allows for capital expenditures in the Asset Management Fire Capital Fund.)

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson

**Nays:** None

**Abstain:** None

**Absent:** None

**Ordinance C36113 (Council Sponsor: Council Member Kinnear)**

After the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Special Budget Ordinance C36113** amending Ordinance No. C35971 passed by the City Council December 14, 2020, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2021, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2021, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

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

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

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson

**Nays:** None

**Abstain:** None

**Absent:** None

**EMERGENCY ORDINANCE**

For Council action on Emergency Ordinance C36064, see section of minutes under 3:30 p.m. Briefing Session.

**RESOLUTIONS**

**Resolution 2021-0069 (Deferred from October 4, 2021, Agenda) (Council Sponsor: Council Member Wilkerson)**

Subsequent to public testimony, with one individual speaking, and Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **adopted Resolution 2021-0069** of the City Council of the City of Spokane to revise the Appropriation of funds from the City of Spokane Community Housing and Human Services (CHHS) Department to the Salvation Army for the purpose of funding a regional targeted-capacity emergency shelter called The Way Out Center for the period of July 1, 2021, through June 30, 2026, and other matters relating thereto.

**Ayes:** Beggs, Burke, Kinnear, Mumm, and Wilkerson

**Nays:** Cathcart and Stratton

**Abstain:** None

**Absent:** None

**Resolution 2021-0085 (Council Sponsor: Council Member Kinnear)**

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

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2021-0085** declaring Enviro-Clean Equipment, Inc. a sole source provider and authorizing the purchase of replacement vacuum assemblies for the Vac-Con X-Cavator Cleaner Trucks for the Fleet Services Department for a period of five years for up to \$150,000.00 without public bidding.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** None  
**Abstain:** None  
**Absent:** None

### FINAL READING ORDINANCES

#### Final Reading Ordinance C36114 (as amended during the 3:30 p.m. Briefing Session) (Council Sponsor: Council Member Wilkerson)

After the opportunity for public testimony, with no individuals requesting to speak, and Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C36114 (as amended)** relating to the adjustment of the City of Spokane's Business Registration Fee and amending SMC 08.02.0206.

**Ayes:** Beggs, Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson  
**Nays:** None  
**Abstain:** None  
**Absent:** None

### FIRST READING ORDINANCES

The following Ordinances were read for the first time with further action deferred. There was an opportunity for public testimony on First Reading Ordinances, with no individuals requesting to speak.

**ORD C36116** Relating to Stormwater Facilities; amending SMC sections 17D.060.030; 17D.060.050, 17D.060.140, 17D.060.190, 17D.090.030, 17D.090.070; 17D.090.110; 17D.090.210; chapter 17D of the Spokane Municipal Code and setting an effective date. (Council Sponsor: Council President Beggs)

**ORD C36117** Relating to Administration Definitions; amending Spokane Municipal Code (SMC) Sections 17A.020.010, 17A.020.020, 17A.020.040, 17A.020.060, 17A.020.080, 17A.020.130, 17A.020.140, and 17A.020.190. (Council Sponsor: Council Member Kinnear)

**ORD C36118** Relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170. (Council Sponsor: Council Member Kinnear)

There were no **Special Considerations**.

There were no **Hearings**.

### OPEN FORUM

The following individual spoke during Open Forum:

- Nicolette Ocheltree

### POINT OF PERSONAL PRIVILEGE

Council Member Burke requested a point of privilege and provided remarks on the protest that happened this past Friday night in Spokane. She noted she was downtown enjoying her evening when a group of anti-vaxers and anti-maskers came by. She stated for the record that she hopes everyone in our community gets their vaccine and wears a mask to keep our community safe.

### ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 6:40 p.m.

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**STUDY SESSION MEETING MINUTES  
SPOKANE CITY COUNCIL  
Thursday, October 28, 2021**

A regularly scheduled Study Session of the Spokane City Council was held virtually on the above date at 11:02 a.m. in the City Council Chambers, Lower Level – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Beggs, and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were present via Webex. The public was encouraged to tune in to the meeting live on Channel 5, at <https://my.spokanecity.org/citycable5/live>, or by calling in.

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

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

The purpose of the meeting was to hold discussion on the following topic:

- City / County Agreement with The Salvation Army
- North-South Corridor Project Update and Discussion
- 2021 Comprehensive Plan Amendments
- American Rescue Plan and Budget Updates

The meeting was open to the public but was conducted in a study session format. No public testimony was taken and discussion was limited to appropriate officials and staff.

Council Member Stratton left at 12:27 p.m.

The meeting adjourned at 12:36 p.m.

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**SPECIAL MEETING MINUTES  
SPOKANE CITY COUNCIL**

**Thursday, October 21, 2021**

A Special Meeting of the Spokane City Council was held virtually via WebEx on the above date at 11:03 a.m. Council President Beggs, and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were present via Webex. The purpose of the Special Meeting was for the City Council to hold a Special Administrative Session to consider approval of HUD HOME-ARP Grant Agreement and to hold its regularly scheduled Study Session.

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

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

The physical meeting was not open to the public; however, the public was encouraged to listen to the meeting by calling 1-408-418-9388 and entering an access code when prompted or at [my.spokanecity.org/citycable5/live](https://my.spokanecity.org/citycable5/live). No public comment was taken as the Special Administrative Session agenda item would typically have been on Council's Consent Agenda. The Study Session portion of the meeting was conducted in a study session format, with discussion limited to appropriate officials, presenters, and staff.

**SPECIAL ADMINISTRATIVE SESSION****Roll Call**

On Roll Call, Council President Beggs and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton, and Wilkerson were virtually present.

**CONSENT AGENDA**Approval of CHHS Department Grant Application for the HUD HOME-ARP Grant Agreement (OPR 2021-0692)

Subsequent to an introduction of the matter by Council President Beggs and Council commentary, with response by Ariane Schmidt, a contractor with CHHS (Integrate Technology LLC), the following action was taken:

**Upon Unanimous Voice Vote**, the City Council **approved** the CHHS Department Grant Application for the HUD HOME-ARP Grant Agreement for serving homeless and other vulnerable populations by October 22, 2021.

The Special Administrative Session portion of the meeting ended at 11:09 a.m. and the City Council immediately reconvened into the Study Session portion of the meeting.

**STUDY SESSION AGENDA**

The City Council held discussion on the following topics:

- Plan Commission Resolution 2022 Comprehensive Plan Amendments
- American Rescue Plan and Budget Updates

The meeting was open to the public but was conducted in a study session format. No public testimony was taken and discussion was limited to appropriate officials and staff.

Council Members Burke and Kinnear left the meeting at 12:00 p.m.

**Adjournment**

The study session portion of the meeting adjourned at 12:04 p.m.

# Hearing Notices

**CITY OF SPOKANE  
BUDGET NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to RCW 35.33.061, that the Mayor's Final Proposed Budget of the City of Spokane for the City's ensuing Fiscal Year (January 1, 2022-December 31, 2022), has been filed in the City Clerk's Office on (or before) November 1, 2021. A copy thereof will be furnished to any taxpayer who will call at the City Clerk's Office therefor – (509) 625-6350 or [clerks@spokanecity.org](mailto:clerks@spokanecity.org). Copies will be made available no later than November 1, 2021. In addition, a copy of the Proposed Budget will be available for citizen review online at the following link: <https://my.spokanecity.org/budget/>.

NOTICE IS HEREBY FURTHER GIVEN, pursuant to RCW 35.33.061, that the Spokane City Council will meet on or before the first Monday of December for the purpose of fixing the final budget. The Council plans to meet on the dates indicated (below) in its consideration of the 2022 Proposed Budget during its Regular Legislative Sessions to be held at 6:00 p.m. on Monday evenings in the Council Chamber, 808 W. Spokane Falls Boulevard:

OCTOBER 25, 2021

- Hold Public Hearing on possible Revenue Sources for 2022 Budget.

NOVEMBER 8, 2021

- Begin Budget Hearing on the Proposed 2022 Budget.

NOVEMBER 15, 2021

- Continue Hearing on the Proposed 2022 Budget.

NOVEMBER 22, 2021

- Continue Hearing on the Proposed 2022 Budget.

NOVEMBER 29, 2021

- Continue Hearing on the Proposed 2022 Budget.

DECEMBER 6, 2021

- Continue Hearing on the Proposed 2022 Budget.

The City Council reserves the right to conclude the budget hearings on or before December 6, 2021. The City Council can continue the budget hearings up to the 25<sup>th</sup> day prior to the beginning of the next fiscal year (RCW 35.33.071) (no later than December 7, 2021). Any taxpayer who wishes may appear at any of these meetings and be heard for or against any part of the Budget.

Notice is hereby given that, pursuant to Governor Jay Inslee's Revised Proclamation 20-28.15, dated January 19, 2021, all public meetings subject to the Open Public Meetings Act are to be held remotely and that the in-person attendance requirement in RCW 42.30.030 has been suspended until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first.

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

Individuals wishing to provide public testimony at remotely (virtually) held City Council meetings shall sign in to participate telephonically through the instructions set out in the City Council's agenda packet(s) which are posted each week at the following link: <https://my.spokanecity.org/citycouncil/documents/>. Any changes to the procedures that will be followed for this hearing will be posted on the City Council's website: <https://my.spokanecity.org/citycouncil/meetings/>.

# 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. C36116

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

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

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

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

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

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

-- Now, Therefore,

The City of Spokane does ordain:

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

**17D.060.030 Standards**

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

B. Standards References.

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

1. Standard Specifications of the Washington State ~~((d))~~ Department of ((t)) Transportation, latest edition.
2. General Special Provisions of the City of Spokane, latest edition.
3. City of Spokane Design Standards and Standard Plans, latest edition.
4. The Spokane Regional Stormwater Manual (SRSM), latest edition.
5. ~~((G))~~ Guidance for UIC Wells that Manage Stormwater by Washington State department of ecology dated December 2006 (Publication Number 05-10-067-))

~~((6))~~ 5. Spokane Aquifer Water Quality Management Plan. Spokane County, Washington "208" Program. County engineers office.

~~((7))~~ 6. Stormwater Management Manual for Eastern Washington (SWMMEW), Washington State Department of Ecology, latest edition.

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

C. Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.

D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the *Official Gazette*. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the *Official Gazette* issue in which they are published.

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

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

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

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

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

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

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



**17D.060.140 Runoff and Infiltration Controls**

- A. Runoff and infiltration controls apply in all areas of the City except where exempt or modified.
- B. Unless otherwise specified, street and alley paving projects funded by local improvement districts are exempt from the provisions of SMC 17D.060.130 and SMC 17D.060.140.
- C. Drainage plans shall be prepared and submitted for review and acceptance for all proposed plats and land disturbing activities prior to issuance of any permits for site disturbance, including but not limited to grading permits and building permits. The ~~((d))~~Director of Wastewater Management has authority to waive requirements to the necessity for a drainage plan, but must do so in writing. Factors considered in the evaluation of a waiver request include, but are not limited to:
1. soil characteristics and depth,
  2. number of lots,
  3. infill development,
  4. percent impervious area,
  5. pass-through drainage,
  6. history and trends of runoff-related problems,
  7. depth to ground water.
- D. With respect to drainage plans required under subsection (C) of this section:
1. the volume and rate of surface water runoff after new development shall be no greater than the runoff volume and rate leaving the site prior to development, unless the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services approves the discharge of additional runoff based on a comprehensive drainage plan and down gradient impact study;
  2. drainage plans for development proposals in SDDs shall not rely upon infiltration to accommodate the additional runoff resulting from the proposed development. However, approval to use infiltration in part or in whole may be granted by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services upon a showing, after assessing new, existing, and cumulative impacts from prior developments, that no adverse impact to the side, adjacent, or down gradient properties would occur;
  3. drainage plans submitted for development proposals shall comply with the Spokane Regional Stormwater Manual and the City of Spokane Design Standards, as approved by and on file with the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services, for the design of onsite stormwater facilities, including any limitations applicable to any specific SDD;
  4. drainage plans shall include identification of all properties to be reserved for onsite stormwater facilities and the location of all natural drainage systems.
- E. The developer, property owner, or other responsible, authorized and designated entity acceptable to the ~~((d))~~Director of Wastewater Management (e.g., a homeowners association) shall be responsible for accepting and maintaining onsite stormwater facilities. The developer shall provide a perpetual maintenance plan, including funding mechanisms and appropriate financial security for such onsite stormwater facilities acceptable to the ~~((d))~~Director of Wastewater Management.
1. Any private stormwater facilities that receive post-construction stormwater runoff from new development or redevelopment projects which (a) were approved in 2011 or later, and (b) whose disturbance was one acre or more, or projects that were less than one acre and are part of a larger common plan of development or sale, shall be inspected annually by a qualified stormwater professional. Private property owners, or other responsible person, authorized and designated entity shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.
- F. New plats shall expressly identify tracts of land devoted to the conveyance and/or disposal of stormwater flows. The location of all on-site stormwater facilities shall meet the requirements of the Spokane Regional Stormwater Manual.

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

**17D.060.190 Illicit Discharge(s)****A. General Intent and Prohibition.**

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

**B. Objectives.**

The objectives of this section are:

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

**C. Applicability.**

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

**D. Requirement to Implement Best Management Practices.**

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

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

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

1. Treated storm water from the public right-of-way.
2. Other discharges approved by the ~~((d))~~ Director of Wastewater Management which are in compliance with permit WAR04-6505 or subsequent permits, and determined by the ~~((d))~~ Director of Wastewater Management to not be a significant source of pollution.
3. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4.
4. Unintentional discharges from lawn watering and other irrigation runoff. A discharge is not unintentional if a previous warning has been given or the party to be held responsible knew or should have known of the warning or discharge event.

5. Swimming pool discharges are allowed if dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4; and do not surcharge the City's system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
6. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through public education activities and/or water conservation efforts. To avoid washing pollutants into the MS4, the City shall minimize the amount of street wash and dust control water uses. At active construction sites, street sweeping shall be performed prior to washing the street.
7. Other non-stormwater discharges. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan approved by the City of Spokane which addresses control of such discharges.
8. discharges resulting from emergency fire fighting activities.

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

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

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

~~(F)~~G. Enforcement.

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

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

**17D.090.030 Referenced Regulations**

- A. Spokane Regional Stormwater Manual (SRSM or Stormwater Manual), as adopted by the City of Spokane and published and maintained by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services
- B. Stormwater Management Manual for Eastern Washington (SWMMEW). The SWMMEW is published and maintained by the Washington State department of ecology and supplements the SRSM.
- C. Washington State Standard Specifications for Road and Bridge Construction. The State Supplemental Specifications are published and maintained by the Washington State ~~((d))~~Department of ~~((t))~~Transportation (WSDOT).
- D. City of Spokane General Special Provisions, as adopted by the City of Spokane and published and maintained by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services. These materials supplement and are complimentary to the WSDOT materials.
- E. City of Spokane Design Standards. The City of Spokane Design Standards are published and maintained by the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services.

F. Washington State Department of Ecology Construction General Stormwater Permit. Construction sites disturbing one acre or more, and construction projects of less than one acre that are part of a larger common plan of development or sale, must obtain a Construction General Stormwater Permit.

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

**17D.090.070 Plan Required**

- A. A responsible party must submit an erosion and sediment control (ESC) plan or a Stormwater Pollution Prevention Plan (SWPPP) for permitted development projects to the ~~((d))~~ Director of Wastewater Management for review. ~~((if the disturbance area is:))~~
1. An ESC is required if the disturbance area is:
    - ~~((4))~~ A. five thousand square feet or greater in area;
    - ~~((2))~~ B. in a special site per SMC 17D.090.080.
  2. A SWPPP is required and must be fully implemented in accordance with the Construction General Stormwater Permit if the disturbance area is:
    - A. one acre or more; or
    - B. is a construction project less than one acre that is part of a larger common plan of development or sale.
- B. An ~~((erosion and sediment control))~~ ESC plan or SWPPP is not required for work that does not require a City issued permit unless otherwise required by the terms of a compliance order or land use decision.
- C. Where a plan is required, the responsible party shall not commence any construction before the ~~((d))~~ Director of Wastewater Management has accepted the proposed plan.

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

**Section 17D.090.110 Minimum Plan Requirements**

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

- A. Construction Sequence.  
Sequence the construction in order to best minimize the potential for erosion and sediment control problems.
- B. Clearing Limits Delineation.  
Identify and delineate on the plan and in the field all clearing limits, sensitive/critical areas, buffers, trees to be preserved, and drainage courses.
- C. Construction Access Route.  
Access for construction vehicles should be limited to one route whenever possible. The access route must be stabilized to minimize the tracking of sediment onto roads.
- D. Sediment Tapping Measures.  
Design and construct sediment ponds and traps, perimeter dikes, sediment barriers, and other on-site sediment trapping BMPs as necessary prior to the start of other ground disturbing activities.
- E. Protection of Adjacent Properties/Water Bodies/Public and Private Streets.  
Protect adjacent and/or downstream properties, water bodies, public and private streets from erosion and sediment deposition. The intent is to keep sediment on the project site and not allow it to reach adjacent and/or downstream properties, water bodies, and public and private streets. These measures shall be made functional prior to any upslope development taking place.
- F. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule. Permanent ground disturbing activities that do not require a permit may achieve compliance with this schedule by installing and maintaining approved permanent BMPs that meet the purpose of this chapter.

1. Between October 1 and April 30, all denuded sites shall be provided with either temporary or permanent soil stabilization as soon as practicable, but in no case more than five days after ground-disturbing activity occurs.
  2. Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than ten days after ground-disturbing activity occurs.
  3. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
  4. Temporary measures shall be maintained until permanent measures are established. As used herein, "temporary" means approved measures that are not intended to be a final or long-term resolution of compliance requirements.
- G. Protection of Inlets.  
Protect downstream inlets to drywells, catch basins, and other stormwater management facilities that are functioning during the course of the construction by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.
- H. Increased Runoff from Construction Sites.  
Consider and mitigate the effects and impacts of increased and concentrated runoff from ground disturbing activities on downstream properties, water bodies, and public and private streets.
- I. Washout Site for Concrete Trucks and Equipment.  
Designate an on-site location of a slurry pit where concrete trucks and equipment can be washed out. Slurry pits shall not be located in a swale, drainage area, stormwater facility, water body, or in an area where a stormwater facility is proposed.
- J. Material Storage/Stockpile.  
Identify the location within the proposed ESC plan boundaries for storage or stockpile areas for any soil, earthen, or landscape material which is used or will be used on-site.
- K. Cut and Fill Slopes.  
Design and construct cut and fill slopes in a manner that will minimize erosion.
- L. Stabilization of Temporary Conveyance Channels and Outlets.  
Design, construct, and stabilize all temporary on-site conveyance channels to prevent erosion from the velocity of runoff from storms under developed conditions. Design, construct, and stabilize all temporary conveyance system outlets to prevent erosion of stormwater facilities, adjacent stream banks, slopes, and downstream reaches.
- M. Dewatering Construction Site.  
Design dewatering devices to discharge appropriately to sediment traps or sediment ponds.
- N. Control of Pollutants Other than Sediment on Construction Sites.  
Control all on-site pollutants (including waste materials and demolition debris) other than sediment in a manner that does not cause contamination of stormwater, groundwater, or aquifer.
- O. Removal of Temporary BMPs.  
Remove all temporary sediment control BMPs within thirty days after final site stabilization or after the temporary BMPs are no longer needed. Trapped sediment shall be removed from the project site or stabilized on-site. Stabilize disturbed soil areas resulting from removal of the temporary BMPs.
- P. Maintenance and Permanent BMPs.  
Maintenance of all erosion and sediment control BMPs is required during the ground-disturbing activity. A maintenance schedule for each BMP shall be included in the plan. Regular inspection and maintenance of all erosion and sediment control BMPs is required to ensure successful performance of the BMPs. Permanent BMPs shall be included on the plan to ensure that successful transition from temporary BMPs to permanent BMPs occurs.

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

#### **17D.090.210 City Inspections – Permitted Activities**

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

1. Pre-construction Inspection.  
The ((e))Director of Wastewater Management may conduct inspections after initial, temporary erosion and sediment control measures have been put in place and prior to any ground disturbance in addition to that necessary for the installation of the erosion, sediment, and pollutant control measures. When the development is being conducted in phases, this inspection shall occur at the beginning of each phase. Any sites which may have a high potential for sediment transport shall be inspected prior to clearing or grading.
  2. Permanent Measures Inspection.  
The ((e))Director of Wastewater Management may conduct inspections after permanent measures are put in place. When the development is being conducted in phases, this inspection shall occur after permanent measures have been installed for each phase.
  3. Interim Inspections.  
The ((e))Director of Wastewater Management may conduct other inspections not specifically addressed above to determine compliance with this chapter.
  4. Final Erosion Control Inspection.  
For special sites as defined in SMC 17D.090.080, an inspection shall be conducted after construction completion to determine the effectiveness of permanent erosion and sediment control measures. This inspection shall be conducted six months after construction completion or at other times directed by the ((e))Director of Wastewater Management. This inspection may be conducted at sites other than special sites as determined by the ((e))Director of Wastewater Management.
- B. Where the ((e))Director of Wastewater Management has determined that special site conditions exist, the ((e))Director of Wastewater Management may designate a special inspector to monitor erosion and sediment control at that site. The special inspector shall be qualified to perform such monitoring.

Section 9: Effective Date:

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

**Passed by City Council October 25, 2021**  
**Delivered to Mayor November 1, 2021**

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**ORDINANCE NO. C36117**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, Therefore, The City of Spokane does ordain:

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

**17A.020.010 "A" Definitions**

- A. Abandoned Sign Structure.  
See SMC 17C.240.015.
- B. Aboveground Storage Tank or AST.  
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. Accepted.  
A project for which the required plans have been found to be technically adequate.
- D. Accessory Dwelling Unit (ADU).  
An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:
  - 1. "Mother-in-law apartments,"
  - 2. "Accessory apartments," or
  - 3. "Second units."

E. Accessory Structure.

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

1. Accessory structures may be attached or detached from the primary structure.

2. Examples of accessory structures include:

- a. Garages,
- b. Decks,
- c. Fences,
- d. Trellises,
- e. Flagpoles,
- f. Stairways,
- g. Heat pumps,
- h. Awnings, and
- i. Other structures.

3. See also SMC 17A.020.160 ("Primary Structure").

F. Accessory Use.

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

G. Activity.

See Regulated Activity.

H. Administrative Decision.

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

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in SMC 17A.020.190, or "specified sexual activities," as defined in SMC 17A.020.190. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
- b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
- c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
- d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said



items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or

- f. The establishment regularly offers for sale or rental at least two thousand of said items; or
- g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.

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

J. Adult Business.

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

K. Adult Entertainment Establishment.

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

L. Adult Family Home.

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

M. Agency or Agencies.

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

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
  - a. Producing, breeding, or increasing agricultural products;
  - b. Rotating and changing agricultural crops;
  - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
  - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
  - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
  - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
  - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
  - h. Maintaining agricultural lands under production or cultivation.
2. The City of Spokane shoreline master program defines agriculture activities as:
  - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
  - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

O. Agricultural Land.

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

P. AKART.

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

Q. Alkali Wetlands.

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

R. All Weather Surface.

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

S. Alley.

See “Public Way” (SMC 17A.020.160).

T. Alteration.

A physical change to a structure or site.

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

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

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

V. Alteration of Watercourse.

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

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

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

~~((W))~~ X. [Deleted]

~~((X))~~ Y. [Deleted]

~~((Y))~~ Z. [Deleted]

~~((Z))~~ AA. API 653.

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

~~((AA))~~ AB. Appeal.

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

~~((AB))~~ AC. Appeal – Standing For.

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

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
  - a. The land use decision has prejudiced or is likely to prejudice that person;
  - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
  - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.

~~((AK))~~ AL. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

~~((AL))~~ AM. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.  
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

~~((AM))~~ AN. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

~~((AN))~~ AO. ~~((A))~~Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

~~((AO))~~ AP. Arterial.

See:

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

~~((AP))~~ AQ. Articulation.

The emphasis of architectural elements, such as windows, balconies, and entries that create a complementary pattern or rhythm, dividing the buildings into smaller identifiable pieces.

~~((AQ))~~ AR. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AR))~~ AS. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~((AS))~~ AT. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((AT))~~ AU. Available Capacity.

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

~~((AU))~~ AV. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

~~((AV))~~ AW. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

**17A.020.020 "B" Definitions**

- A. Backed Sign.  
See SMC 17C.240.015.
- B. Balloon Sign.  
See SMC 17C.240.015.
- C. Bank Carving.  
The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.
- D. Bank Erosion.  
The incorporation of masses of alluvium or other weak bank materials into a stream channel.
- E. Bankfull Width.
  1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.

2. For lakes, ponds, and impoundments, line of mean high water.
  3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.
- F. Banner.  
See SMC 17C.240.015.
- G. Bas-relief.  
Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.
- H. Base Flood.
- ~~((4-))~~ The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”
- ~~((2- Designation on maps always includes the letters A or V.))~~
- I. Base Flood Elevation (BFE)  
The elevation to which floodwater is anticipated to rise during the base flood.
- ~~((4))~~ J. Basement.  
The portion of a building having its floor sub-grade (below ground level) on all sides.
- ~~((4))~~ K. Bedrock.  
Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
- ~~((K))~~ L. Bee.  
Any stage of development of the common domestic honeybee, *Apis mellifera* species.
- ~~((L))~~ M. Beekeeper.  
A person owning, possession, or controlling one or more colonies of bees.
- ~~((M))~~ N. Best Available Science.  
Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.
- ~~((N))~~ O. Best Management Practices.  
The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.
- ~~((O))~~ P. Bicycle Facilities  
Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:
1. Bike-Friendly Route.
  2. Shared lane.
  3. Neighborhood Greenway.
  4. Bicycle lane, both striped and physically protected.
  5. Shared-use pathway.
- ~~((P))~~ Q. Binding Site Plan – Final.  
A drawing to a scale which:
1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in SMC 17G.080.060;
  2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

((Q)) R. Binding Site Plan – Preliminary.

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((R)) S. Block.

A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((S)) T. Block Frontage.

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((T)) U. Board.

The board of county commissioners of Spokane County.

((U)) V. Boating Facilities.

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.

((V)) W. Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((W)) X. Breakaway Wall.

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((X)) Y. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

((Y)) Z. Building.

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.
- 5.

((Z)) AA. Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

((AA)) AB. Building Coverage.

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((AB)) AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

((AC)) AD. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

((AD)) AE. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

((AE)) AF. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 3. That Section 17A.020.040 SMC is amended to read as follows:

**17A.020.040 “D” Definitions**

A. Day.

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. “Decibel (dB)” means the measure of sound pressure or intensity.

E. Dedication.

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City’s option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.

The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.

H. Density.

The number of housing units per acre as permitted by the zoning code.

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.



- K. Design Departure.  
Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter 17G.030 SMC, Design Departures.
- L. Design Criteria.  
A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The provisions are adopted public statements of intent and are used to evaluate the acceptability of a project's design.
- M. Design Review Board.  
The design review board is defined in chapter 4.13 SMC. The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.
- N. Designation.  
The declaration of a building, district, object, site, or structure as a landmark or historic district.
- O. Desired Character.  
The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design criteria for an area.
- P. Detailed Site Plan.  
A general site plan to which the following detailed information has been added:
1. Natural vegetation, landscaping, and open spaces.
  2. Ingress, egress, circulation, parking areas, and walkways.
  3. Utility services.
  4. Lighting.
  5. Signs.
  6. Flood plains, waterways, wetlands, and drainage.
  7. Berms, buffers, and screening devices; and
  8. Such other elements as required in this chapter.
- Q. Developable Area.  
Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.
- R. Development.  
Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, binding site plan, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.
- S. Development – Shoreline.  
“Development” for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. “Development” does not include dismantling or removing structures if there is no other associated development or redevelopment.
- T. Development ((Activity ))– Floodplain.  
Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- U. Development Approval.  
Any recommendation or approval for development required or permitted by this code.

V. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

W. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

X. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

Y. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

AA. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

AB. Directional Sign.

See SMC 17C.240.015.

AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

AD. Discharge (n).

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

AE. Discharge (v).

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

AF. Discharger.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

AG. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

AH. Disturbance Area.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

AI. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

AJ. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

**AK. Domestic Animal.****1. Large Domestic Animals.**

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
- b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
- c. Bovines under ten months in age.
- d. Sheep, goats, and swine under three months in age are not included when counting large animals.

**2. Small Domestic Animals.**

- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
- b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
- c. Small livestock are defined as:
  - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
  - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
  - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
  - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
  - v. No horned rams shall be permitted as a small livestock.
  - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
- d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

**AL. Drainage Ditch.**

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

**AM. Dredge Spoil.**

The material removed by dredging.

**AN. Dredging.**

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

**AO. Drift Cell.**

Or "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

**AP. Driveway.**

An all-weather surface driveway structure as shown in the standard plans.

**AQ. Duplex.**

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

**AR. Dwelling Unit.**

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 4. That Section 17A.020.060 SMC is amended to read as follows:

**17A.020.060 “F” Definitions****A. Facade.**

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

**B. Facade Easement.**

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

**C. Facility and Service Provider.**

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

**D. Factory-built Structure.**

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.]

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

**E. Fair Market Value.**

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

**F. Fascia Sign.**

See SMC 17C.240.015.

**G. Feasible (Shoreline Master Program).**

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

b. The action provides a reasonable likelihood of achieving its intended purpose; and

c. The action does not physically preclude achieving the project's primary intended legal use.

2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.

3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**H. Feature.**

To give special prominence to.

I. Feeder Bluff.

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

J. Fill.

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

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

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

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

M. Flag.

See SMC 17C.240.015.

N. Float.

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

O. Flood Insurance Rate Map or FIRM.

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

P. Flood Insurance Study (FIS).

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

Q. Flood or Flooding.

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

- a. The overflow of inland waters; ~~((or))~~

- ~~((2-))~~ b. The unusual and rapid accumulation of runoff of surface waters from any source~~((:));~~ or

c. Mudslides or mudflows, which are proximately caused by flooding as defined in section (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in section (1)(a) of this definition.

R. Flood Elevation Study.

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide or mudflow, and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

S. Flood Insurance Rate Map (FIRM).

The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

T. Floodplain or Flood Prone Area.

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

U. Floodplain administrator.

The community official designated by title to administer and enforce the floodplain management regulations.

~~((S))~~ V. Floodway.

1. ~~(The area, as identified in the shoreline master program, that either:)~~ As identified in the Shoreline Master Program, the area that either:

a. The floodway is the area that either

i. has been established in federal emergency management agency flood insurance rate maps or floodway maps; or

ii. consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

b. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

2. For floodplain management purposes, the floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

~~((T))~~ W. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and

6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

~~((U))~~ X. ~~((Flood-proofing))~~ Flood Proofing.

~~((Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.))~~ Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

~~((Y))~~ Y. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

~~((W))~~ Z. Focused Growth Area.

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

~~((X))~~ AA. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

~~((Y))~~ AB. Freestanding Sign.

See SMC 17C.240.015.

~~((Z))~~ AC. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

AD. Functionally Dependent Water-Use.

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Section 5. That Section 17A.020.080 SMC is amended to read as follows:

#### **17A.020.080 "H" Definitions**

A. Habitat.

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under SMC 17E.010.140.
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height of the highest roof surface. Building height for structures in the residential zones is referenced in SMC 17C.110.215, Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

~~((K))~~ L. Historic Landmark.

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

~~((J))~~ M. Historic Preservation Officer (HPO).

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development, conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

N. Historic Structure

For purposes of the floodplain regulations in chapter 17E.030 SMC, any structure that is:

1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

~~((L))~~ O. Hive.

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

~~((M))~~ P. Homeowners' Association.

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.



~~((N))~~ Q. House.

A detached dwelling unit located on its own lot.

~~((O))~~ R. Household.

A housekeeping unit consisting of:

1. an individual;
2. two or more related persons as defined in SMC 17A.020.180(M);
3. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
4. adult family homes as defined under Washington State law; or
5. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
6. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
7. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
8. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

~~((P))~~ S. Household Pet.

Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

~~((Q))~~ T. Hydraulic Project Approval (HPA).

A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.

~~((R))~~ U. Hydric Soil.

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

~~((S))~~ V. Hydrophytic Vegetation.

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 6. That Section 17A.020.130 SMC is amended to read as follows:

**17A.020.130 "M" Definitions**

A. Main Assembly Area.

The principal room for persons gathering for religious services.

B. Maintenance.

Or "repair" means those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

C. Manufactured Home.

1. "Manufactured home" is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.

2. "Manufactured home accessory structure" is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch, or storage structure, which is ordinarily appurtenant.
- D. **Manufactured Home Park.**  
Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.
- E. **Marquee Sign.**  
See SMC 17C.240.015.
- F. **Marsh.**  
A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.
- G. **Mean Annual Flow.**  
The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten years should be used in determining mean annual flow.
- H. **Mean Sea Level.**  
For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.
- ~~((H))~~ **I.** **Mining.**  
The extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use.
- ~~((I))~~ **J.** **Minor Arterials**  
A street providing service for trips of moderate length, connecting the principal arterial system to local streets, generally prioritizing mobility over access, and providing intra-community circulation.
- ~~((J))~~ **K.** **Mitigation – Mitigate.**  
An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.
- ~~((K))~~ **L.** **Mitigation – Mitigation Sequencing.**  
The use of any or all of the following actions listed in descending order of preference:
1. Avoiding the impact altogether by not taking a certain action or parts of an action.
  2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
  3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
  4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
  5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
  6. Monitoring the impact and the compensation project and taking appropriate corrective measures.
- Mitigation may include a combination of the above measures.
- ~~((L))~~ **M.** **Mobile Home.**  
A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.
- ~~((M))~~ **N.** **Mobile Home Park.**  
Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

- ~~((N))~~ Q. Modification to a Preliminary Plat, Short Plat, or Binding Site Plan.  
A change, prior to recording, of an approved preliminary plat, preliminary short plat, or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.
- ~~((O))~~ P. Modular Home.  
A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “pre-fabricated,” “panelized,” and “factory-built” units.
- ~~((P))~~ Q. Modulation.  
A measured and proportioned inflection in a building’s face. Articulation, modulation, and their interval create a sense of scale important to residential buildings.
- ~~((Q))~~ R. Monitoring.  
Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development, and use of the site by birds and animals.
- ~~((R))~~ S. Monument.  
A physical survey monument as shown in the City's standard plans.
- ~~((S))~~ T. Monument Sign.  
See SMC 17C.240.015.
- ~~((T))~~ U. Multi-family Residential Building.  
A common wall dwelling or apartment house that consists of three or more dwelling units.
- ~~((U))~~ V. Multiple Containment.  
A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.
1. Containment layers must be resistant to the material stored.
  2. The volume within the containment system must be at least as large as the primary container.
  3. Containment layers may be separated by an interstitial space.
- ~~((V))~~ W. Municipal Separate Storm Sewer System (MS4).  
A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under state law such as sewer district, flood control district, or drainage district, designated and approved management agency under section 208 of the Clean Water Act that discharges to water of the United States;
  2. designed or used for collecting or conveying stormwater;
  3. which is not a combined sewer; and
  4. which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR (Code of Federal Regulation) 122.2.
- ~~((W))~~ X. MUTCD.  
The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 7. That Section 17A.020.140 SMC is amended to read as follows:

#### **Section 17A.020.140 “N” Definitions**

- A. National Pollutant Discharge Elimination System (NPDES).  
The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are

referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.

B. National Register.

The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

C. Native Plant Community.

The collective product of individual plants indigenous to a particular locale responding to shared habitats.

D. Native Vegetation.

Plant species, which are indigenous to the planning area.

E. Natural Location of Drainage Systems.

The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.

F. New Construction – Floodplain.

~~((Structures for which the date of complete application for permit commenced on or after July 1, 2004.))~~ For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

G. New Manufactured Home Park or Subdivision – Floodplain.((A))

A manufactured home park or subdivision for which a complete application, as defined by SMC 17G.060.090, for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

H. NFPA 30.

The National Fire Prevention Association's flammable and combustible liquids code.

I. "Noise level reduction (NLR)" means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

J. "Noise reduction coefficient (NRC)" means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

K. No Net Loss of Shoreline Ecological Functions.

A public policy goal that means the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

L. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

M. Nomination.

The process by which a building, district, object, site, or structure is recommended for placement on a register.

N. Nonbuildable Tract.

Land reserved for specified uses including, but not limited to:

1. reserve tracts,
2. recreation,
3. open space,
4. critical areas,

5. surface water retention,
6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

- O. **Nonconforming Development.**  
An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.
- P. **Nonconforming Sign.**  
See SMC 17C.240.015.
- Q. **Nonconforming Situation.**  
A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.
- R. **Nonconforming Use.**  
A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.
- S. **Non-water Oriented Uses.**  
A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the shoreline management act. Any use that does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water oriented.
- T. **Noxious Weeds.**  
Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.
- U. **Nursing Home.**  
A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.
1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
  2. This definition excludes hospitals or sanitariums.

Section 8. That Section 17A.020.190 SMC is amended to read as follows:

**17A.020.190 “S” Definitions**

- A. **Salmonid.**  
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. **Sandwich Board Sign.**  
See SMC 17C.240.015.
- C. **Scrub-shrub Wetland.**  
An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.
- D. **Secondary Building Walls.**  
Exterior building walls that are not classified as primary building walls.
- E. **Secondary Containment.**  
A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.
- F. **Sediment.**  
Mineral or organic matter deposited as a result of erosion.

- G. Sedimentation.  
The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.
- H. SEPA Rules.  
Chapter 197-11 WAC adopted by the department of ecology.
- I. Service Area.  
A geographic area defined by the City, which encompasses public facilities that are part of a plan.
- J. Serviceable.  
Means presently useable.
- K. Setback.  
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:
1. "Front setback" means a setback that is measured from a front lot line.
  2. "Rear setback" means a setback that is measured from a rear lot line.
  3. "Side setback" means a setback that is measured from a side lot line.
  4. "Street setback" means a setback that is measured from a street lot line.
- L. Sex Paraphernalia Store.  
A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:
1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
  2. Any establishment located within an enclosed regional shopping mall.
- M. Sexual Device.  
Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- N. Shall.  
Unless the context indicates otherwise, the term "shall" means:
1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
  2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
  3. The future tense of the verb "to be."
- O. Shallow Groundwater.  
Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.
- P. Shared Use Pathway.  
A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.

Q. Shorelands.

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

R. Shoreline and Ecosystems Enhancement Plan and Program.

See SMC 17E.020.090, Habitat Management Plans.

S. Shoreline Buffer.

1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

T. Shoreline Enhancement.

Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

U. Shoreline Environment Designations.

The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).

V. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

W. Shoreline Jurisdiction.

See “Shorelands.”

X. Shoreline Letter of Exemption.

Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.

Y. Shoreline Master Program.

1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
4. Shoreline Regulations (chapter 17E.060 SMC),
5. City of Spokane Shoreline Restoration Plan (stand-alone document), and

6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Z. Shoreline Mixed Use.

Combination of water-oriented and non-water oriented uses within the same structure or development area.

AA. Shoreline Modifications.

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

**Note: For the remaining portion of Ordinance C36117, Ordinance C36118, Job Opportunities and Notices for Bids, see Volume 111, Issue 44, Part II of the *Official Gazette*.**





# Official Gazette

## City of Spokane, Washington

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

Volume 111

NOVEMBER 3, 2021

Issue 44 Part II of II



### MAYOR AND CITY COUNCIL

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### INSIDE THIS ISSUE

ORDINANCES	1050
JOB OPPORTUNITIES	1070
NOTICES FOR BIDS	1070

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# Ordinances Cont.

**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*.**

## Continuation of Ordinance C36117

### AB. Shoreline Protection.

1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

### AC. Shoreline Recreational Development.

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

### AD. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of

toxic materials.

2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

### AE. Shoreline Stabilization.

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties, and breakwaters, which are intended to influence wave action, currents, and/or the natural transport of sediments along the shoreline.

### AF. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

### AG. Shorelines Hearings Board (SHB).

The shorelines hearings board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying, or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW.
2. Appeals of department rules, regulations, or guidelines; and
3. Appeals from department decisions to approve, reject, or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

### AH. Short Plat – Final.

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

AI. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

AJ. Short Subdivision.

A division or redivision of land into nine or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or transfer of ownership. (RCW 58.17.020(6)).

AK. Sign.

See SMC 17C.240.015.

AL. Sign – Animated Sign.

See SMC 17C.240.015.

AM. Sign – Electronic Message Center Sign.

See SMC 17C.240.015.

AN. Sign Face.

See SMC 17C.240.015.

AO. Sign – Flashing Sign.

See SMC 17C.240.015.

AP. Sign Maintenance.

See SMC 17C.240.015.

AQ. Sign – Off-premises.

See SMC 17C.240.015.

AR. Sign Repair.

See SMC 17C.240.015.

AS. Sign Structure.

See SMC 17C.240.015.

AT. Significant Vegetation Removal.

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation.

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

AU. Single-family Residential Building.

A dwelling containing only one dwelling unit.

AV. Single-room Occupancy Housing (SRO).

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

AW. Site.

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

AX. Site – Archaeological.

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

- a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
  - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural, or archaeological significance.

**AY. Site, Parent.**

The initial aggregated area containing a development, and from which individual lots may be divided, as used in the context of SMC 17C.110.360 Pocket Residential Development, and SMC 17G.080.065, Alternative Residential Subdivisions.

**AZ. Slump.**

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

**BA. SMC.**

The Spokane Municipal Code, as amended.

**BB. Soil.**

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

**BC. Sound Contours.**

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

**BD. Sound Transmission Class (STC).**

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

**BE. Special Drainage District (SDD).**

An area associated with shallow groundwater, intermittent standing water, or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

**BF. Special Event Sign.**

See SMC 17C.240.015.

**BG. Species of Concern.**

Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

**BH. Specified Anatomical Areas.**

They are human:

1. Genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

**BI. Specified Sexual Activities.**

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**BJ. Spokane Regional Stormwater Manual (SRSM).**

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

**BK. Spokane Register of Historic Places.**

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

**BL. Sports Field.**

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

**BM. Stabilization.**

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

**BN. Standard Plans.**

Refers to the City of Spokane's standard plans.

**BO. Standard References**

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

**BP. Start of Construction**

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**~~((BP))~~ BQ. State Candidate Species.**

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

**~~((BQ))~~ BR. State Endangered Species.**

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

**~~((BR))~~ BS. State Register.**

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

**~~((BS))~~ BT. State Sensitive Species.**

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

**~~((BT))~~ BU. State Threatened Species.**

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

**~~((BU))~~ BV. Stealth Facilities.**

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

**~~((BV))~~ BW. Stewardship.**

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

~~((BW))~~ BX. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

~~((BX))~~ BY. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

~~((BY))~~ BZ. Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. That portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. That portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. A basement or unused under-floor space is a story if the finished floor level directly above is either more than:
  - a. Six feet above grade for more than half of the total perimeter, or
  - b. Twelve feet above grade at any point.

~~((BZ))~~ CA. Stream.

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained with a channel (WAC 173-22-030(8)).

~~((CA))~~ CB. Street.

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

~~((CB))~~ CC. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
  - a. Principal arterial.
  - b. Minor arterial.
  - c. Collector arterial.
  - d. Local access street.
  - e. Parkway.
2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

~~((CC))~~ CD. Street Frontage.

The lot line abutting a street.

~~((CD))~~ CE. Strobe Light.

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

~~((CE))~~ CF. Structural Alteration.  
See SMC 17C.240.015.

~~((CF))~~ CG. Structure.  
Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:

- a. Buildings,
- b. Decks,
- c. Fences,
- d. Towers,
- e. Flag poles,
- f. Signs, and
- g. Other similar objects.

2. Structure does not include paved areas or vegetative landscaping materials.

3. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

~~((CG))~~ CH. Structure – Historic.  
A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

~~((CH))~~ CI. Subdivision.  
A division or redivision of land into ten or more lots, tracts, or parcels for the purpose of sale, lease, or transfer of ownership (RCW 58.17.020).

~~((CI))~~ CJ. Subject Property.  
The site where an activity requiring a permit or approval under this code will occur.

~~((CJ))~~ CK. Sublevel Construction Controls.  
Design and construction requirements provided in SMC 17F.100.090.

~~((CK))~~ CL. Submerged Aquatic Beds.  
Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

~~((CL))~~ CM. Substantial Damage – Floodplain.  
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the ~~((assessed))~~ market value of the structure before the damage occurred.

~~((CM))~~ CN. Substantial Development.  
For the shoreline master program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

~~((CN))~~ CO. Substantial Improvement – Floodplain.

1. This definition includes structures that have incurred “substantial damage,” regardless of the actual work performed.

2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred.

3. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

4. The term does not, however, include either any:
  - a. Project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - b. Alteration of a "historic structure" ((listed on the National Register of Historic or State Inventory of Historic Places)), provided the alteration will not preclude the structure's continued designation as a "historic structure."

((CO)) CP. Suffix.

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050A.040(U).

**Passed by City Council October 25, 2021**

**Delivered to Mayor November 1, 2021**

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### ORDINANCE NO. C36118

AN ORDINANCE relating to Floodplain Management amending Spokane Municipal Code (SMC) Sections 17E.030.030, 17E.030.050, 17E.030.060, 17E.030.070, 17E.030.080, 17E.030.090, 17E.030.100, 17E.030.120, 17E.030.130, 17E.030.140, 17E.030.150, 17E.030.160, and 17E.030.170.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Now, Therefore, The City of Spokane does ordain:

Section 1. That Section 17E.030.030 SMC is amended to read as follows:

#### **Section 17E.030.030 Purpose**

It is the purpose of this chapter to promote the public health, safety and general welfare, reduce the annual cost of flood insurance, and to minimize to the extent allowed by these provisions public and private losses due to flood conditions in specific areas, and to protect ecological systems, and their functions and values, by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money and costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas subject to flooding;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. adopt procedures to notify potential buyers that property is in a special flood hazard area; and
- H. encourage those who occupy areas of special flood hazard to assume responsibility for their actions.

Section 2. That Section 17E.030.050 SMC is amended to read as follows:

#### **Section 17E.030.050 General Provisions**

In all areas of special flood hazards, the following standards are required:

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.
- B. Basis for Establishing the Areas of Special Flood Hazard.  
The areas of special flood hazards identified by the Federal Insurance ((Administration)) Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County, Washington and Incorporated Areas" dated July 6, 2010, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The procedure for map corrections is set forth in the federal code of regulations, 44 CFR Part 70. The Flood Insurance Study and Flood Insurance Rate Maps are on file in the City planning department. The best available

information for flood hazard area identification as outlined in Section 17E.030.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17E.030.080(B).

**C. Compliance**

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

**D. Abrogation and Greater Restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another Spokane Municipal Code section, shoreline master program and any revisions thereto, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**E. Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under the laws of the State of Washington.

**F. Warning and Disclaimer of Liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**G. Severability**

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 3. That Section 17E.030.060 SMC is amended to read as follows:

**Section 17E.030.060 Establishment of Development Permit**

**A. Development Permit Required.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in SMC 17E.030.050(B). The permit shall be for all structures including manufactured homes, as defined in chapter 17A.020 SMC and for all development, including fill and other activities also as defined in chapter 17A.020 SMC.

**B. A pre-development conference as set forth in chapter 17G.060 SMC is required for all development proposed in areas identified as potential critical areas within the City of Spokane, including areas of special flood hazard established in SMC 17E.030.050(B).**

**C. Application for Floodplain Development Permit.**

Application for a floodplain development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities and the location of foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator((-));
2. Elevation in relation to mean sea level to which any structure has been floodproofed((-));
3. ~~((Certification))~~ Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SMC 17E.030.130((-);

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development((-);
  5. A completed critical areas checklist as established at chapter 17G.060 SMC((-);
  6. A completed environmental checklist, unless the ((~~local administrator~~)) Floodplain Administrator as designated in SMC 17E.030.070 has determined that the project is categorically exempt from chapter 17E.050 SMC; and
  7. Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation; and
  8. ((~~AH~~)) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application, including all studies, reports and information required by reviewing departments or agencies to fully disclose potential environmental impacts of the proposal. These studies are required to demonstrate acceptance by the applicable department or agencies prior to the application being certified complete.
- D. Fee Processing.  
Floodplain development permits shall be processed as set forth in chapter 17G.060 SMC.
- E. Fee Schedule.  
The fees for processing a floodplain development permit are set forth in SMC 8.02.066(F).

Section 4. That Section 17E.030.070 SMC is amended to read as follows:

**Section 17E.030.070 Designation of the ((~~Local~~)) Floodplain Administrator**

The director of planning services and/or his or her designee is hereby appointed as ((~~local administrator~~)) Floodplain Administrator to administer ((~~and~~)), implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions.

Section 5. That Section 17E.030.080 SMC is amended to read as follows:

**Section 17E.030.080 Duties and Responsibilities of the ((~~Local~~)) Floodplain Administrator**

- A. The duties and responsibilities of the ((~~local administrator~~)) Floodplain Administrator shall include, but not be limited to, review of all development permits to determine:
1. that the permit requirements of this chapter have been satisfied, all necessary information has been provided for a determination that the application is counter complete;
  2. that all ((~~necessary~~)) other required state and federal permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; ((~~and~~))
  3. that the site is reasonably safe from flooding;
  4. ((~~#~~)) that the proposed development is not located in the floodway. If located in the floodway, assure that the encroachment provisions of SMC 17E.030.160 are met((-);
  5. if the proposed development complies with the policies, provisions, and requirements of the shoreline master program, as now or hereafter amended((-); and
  6. notify FEMA when annexations occur in the Special Flood Hazard Area.
- B. Use of Other Base Flood Data in "A" Zones.  
When base flood elevation data has not been provided ("A" Zones) in accordance with SMC 17E.030.050, the ((~~local administrator~~)) Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer SMC 17E.050.140 and SMC 17E.050.160.
- C. Information to be Obtained and Maintained.
1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, the ((~~local administrator~~)) Floodplain Administrator shall record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in the subsection above, the ~~((local administrator))~~ Floodplain Administrator shall:
    - a. obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed, and
    - b. maintain the flood proofing certifications required in SMC 17E.030.060.
  3. The ~~((local administrator))~~ Floodplain Administrator shall maintain for public inspection all records pertaining to the provisions of this chapter.
  4. Certification required in SMC 17E.030.160(A) (No Rise Standard).
  5. Records of all variance actions, including justification for their issuance.
  6. Improvement and damage calculations.
- D. Alteration of Watercourses.  
Whenever a watercourse is to be altered or relocated:
1. The ~~((local administrator))~~ Floodplain Administrator shall notify adjacent communities and the Washington state department of ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means (44 CFR 60.3(b)(6)).
  2. The ~~((local administrator))~~ Floodplain Administrator shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
- E. Interpretation of FIRM Boundaries.  
The ~~((local administrator))~~ Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SMC 17E.030.090. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP.
- F. Review of Building Permits
1. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source outlined in Section 17E.030.080(B), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
  2. Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.
- G. Changes to Special Flood Hazard Area (SFHA)
1. If a project will encroach on the regulatory floodway or alter boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive, approvals required by FEMA.
  2. If a CLOMR or LOMR application is made, then the project proponent shall also supply the full CLOMR or LOMR documentation package, as applicable, to the Floodplain Administrator, including all required property owner notifications. The Floodplain Administrator may condition permits to address Letter of Map Change determinations after issuance of the permit.

Section 6. That Section 17E.030.090 SMC is amended to read as follows:

**Section 17E.030. Variance Procedure – Hearing Examiner**

- A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.

- B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the director in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the hearing examiner, or any taxpayer, may appeal such decisions to the Spokane County superior court, as provided in chapter 17G.060 SMC.
- D. In passing upon such applications, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
1. danger that materials may be swept onto other lands to the injury of others
  2. danger to life and property due to flooding or erosion damage;
  3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. importance of the services provided by the proposed facility to the community;
  5. necessity to the facility of a waterfront location, where applicable;
  6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. compatibility of the proposed use with existing and anticipated development;
  8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
  12. cumulative impact of additional requests of like actions in the area; and
  13. relationship of the proposed development to the shoreline master program policies and regulations as now or hereafter amended, and floodplain management for that area.
- E. Upon consideration of the factors of subsection (D) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the variances as he/she deems necessary to further the purposes of this chapter.
- F. The ~~((local administrator))~~ Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Section 7. That Section 17E.030.100 SMC is amended to read as follows:

### **Section 17E.030.100 Variances**

A. Conditions.

A variance shall be granted if conditions set forth in SMC 17G.060.170(E) are met. In addition to SMC 17G.060.170 (E), the following additional conditions should be considered:

1. Generally, the only condition under which a variance from the elevation standard is issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the decision criteria in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. Variances from the standards and conditions of this chapter are not allowed for residential uses in the floodway except for historic buildings as allowed by this section.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Spokane Register of Historic Places, ~~((without regard to the procedures set forth in this section))~~ upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances will not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances will only be issued upon a:
  - a. showing of good and sufficient cause;
  - b. determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

~~((7-))~~ Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except this section, and otherwise complies with SMC 17E.030.050.

~~((8-))~~ 7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction below the BFE increases risks to life and property.

- B. Variances will be processed as set forth in Table 17G.060-3.
- C. The fees for processing a variance are set forth in SMC 8.02.066(G).

Section 8. That Section 17E.030.120 SMC is henceforth repealed :

**~~((Section 17E.030.120 Resource Material))~~**

~~((The following required standards are prescribed in all areas of special flood hazards. Except where this chapter provides otherwise, the most current edition of the following publications may be used as reference documents:~~

- A. ~~“Guideline and Specification for Contractors,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- B. ~~“Floodplain Management Conferences,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- C. ~~“Guide for Ordinance Development,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- D. ~~“Coordination During Flood Insurance Studies,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- E. ~~“The Floodway: A Guide for Community Permit Officials,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- F. ~~“Floodplain Management Handbook for Local Administrators,” Washington State Department of Ecology.~~
- G. ~~“Program for Map Changes by Letter,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- H. ~~“Appeals, Revisions, and Amendments to Flood Insurance Maps,” Federal Emergency Management Agency, Federal Insurance Administration.~~
- I. ~~“Base Flood Elevation Determination,” Federal Emergency Management Agency, Federal Insurance Administration.))~~

Section 9. That Section 17E.030.130 SMC is amended to read as follows:

### **Section 17E.030.130 General Standards**

In all areas of special flood hazards, the following standards, in addition to those imposed by other existing regulations are required:

#### **A. Anchoring.**

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the buoyancy.
2. All manufactured homes shall likewise be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to:
  - a. use of over-the-top or frame ties is provided at each of the four corners of the manufactured home, with two additional ties per site at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;
  - b. frame ties is provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;
  - c. all components at the anchoring system are capable of carrying a force of four thousand eight hundred pounds; and
  - d. any additions to the manufactured home are similarly anchored.
3. The guidebook "Manufactured Home Installation in Flood Hazard Areas, FEMA-85 (~~(-9/85)~~)" is adopted by reference for further manufactured home anchoring techniques.

#### ~~((B. AO Zone Drainage.~~

~~Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.))~~

#### ~~((C.))~~ **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **C. Storage of Materials and Equipment**

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

#### **D. Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. Any proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. ~~((Subdivision Proposals))~~ Development and Subdivision Proposals.  
 ((All subdivisions proposals shall:

- ~~1. be consistent with this chapter;~~
- ~~2. be consistent with the need to minimize flood damage;~~
- ~~3. have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~
- ~~4. have adequate drainage provided to reduce exposure to flood damage; and~~
5. be generated by an engineer hired by the applicant for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less; where base flood elevation data has not been provided or is not available from another source.))

All development, including subdivisions, shall:

1. Be consistent with the need to minimize flood damage;
2. Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. Have adequate drainage provided to reduce exposure to flood damage; and
4. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application, and prepared by an engineer licensed in the State of Washington.

~~((F. Review of Building Permits.~~

~~Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building and land use permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, et cetera, where available. Failure to elevate at least two feet above highest adjacent grade in these zones may result in higher insurance rates. The applicant will provide studies and information as necessary for review.))~~

F. Minimum Requirements.

All development or which specific provisions are not specified in the Spokane Municipal Code or the state building codes, and adopted amendments, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials;
5. Meet the flood opening requirements of SMC 17E.030.140(A)(3), and
6. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 10. That Section 17E.030.140 SMC is amended to read as follows:

**Section 17E.030.140 Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in ((this chapter,)) Section 17E.030.050(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 17E.030.080(B), Use of Other Base Flood Data in "A" Zones, the following provisions are required:



## A. Residential Construction.

1. New construction and substantial improvement of any residential structure in AE and other A Zones where BFE has been determined or can be reasonably obtained shall have the lowest floor, including basement, elevated two feet above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated least two foot above the BFE.
  2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- ~~((2-))~~ 3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:
- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
  - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
  - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

## B. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~((either have the lowest floor, including basement, elevated two feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall))~~ meet the requirements of subsection 1 or 2, below:

- ~~((1. be floodproofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the local administrator as set forth in SMC 17E.030.080;~~
- ~~4. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A) of this section;))~~

1. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
  - a. In AE, A1-30 zones, or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement shall have the lowest floor, including basement, elevated two foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater.
  - b. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
  - c. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
  - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered architect and must meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.
    - b. The bottom of all openings must be no higher ~~((that))~~ than one foot above grade.
    - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
    - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
    - e. Alternatively, a registered engineer or architect may design and certify engineered openings.

- i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one foot above grade; and
  - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.
- i. Alternatively, a registered engineer or architect may design and certify engineered openings.
2. If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:
- a. Be dry floodproofed so that below two foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in SMC 17E.030.080;
  - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in SMC 17E.030.140(A)(3).
- ((5.)) 3. ((applicants)) Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level is rated as one foot below).
- C. Manufactured Homes.
1. All manufactured homes to be placed or substantially improved ((within zones A1-A30, AH, AO and AE on the City's flood insurance rate map on sites)) on sites within the City's Special Flood Hazard Areas (SFHAs) shall be elevated on a permanent foundation such that:
- ~~((a. outside of a manufactured home park or subdivision;~~
  - ~~b. in a new manufactured home park or subdivision;~~
  - ~~c. in an expansion to an existing manufactured home park or subdivision, or~~
  - ~~d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~
- ~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~
2. ~~Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, AO and AE on the City's flood insurance rate map that are not subject to the above manufactured home provisions shall be elevated so that either:~~
- ~~a. the lowest floor of the manufactured home is elevated two feet or more above the base flood elevation; or~~
  - ~~b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.))~~
- a. the lowest floor of the manufactured home is elevated two feet above the Base Flood Elevation (BFE); and

- b. it be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; and
- c. comply with SMC 17E.030.060(C) in completing an Elevation Certificate with the other necessary permits.

D. Recreational Vehicles.

Recreational vehicles placed on sites ~~((within zones A1-30, AH, AO and AE on the City's flood insurance rate map))~~ are required to either:

1. be on the site for fewer than one hundred and eighty consecutive days;
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

E. Livestock Sanctuary Areas

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated two feet above the Base Flood Elevation (BFE). Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of Chapter 17E.030.

F. Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Section 11. That Section 17E.030.150 SMC is amended to read as follows:

**Section 17E.030.150 ((Before Regulatory Floodway)) AE Zones with Base Flood Elevations but No Floodways**

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted ~~((within zones A1-30 and AE on the City's FIRM,))~~ unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

Section 12. That Section 17E.030.160 SMC is amended to read as follows:

**Section 17E.030.160 Floodways**

Located within areas of special flood hazard established in SMC 17E.030.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and increase erosion potential, the following provisions apply:

A. No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any ~~((increasing))~~ increase in flood levels during the occurrence of the base flood discharge.

B. Residential Construction in Floodways.

Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
2. repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the ~~((assessed))~~ market value of the structure either:
  - a. before the repair or reconstruction is started; or
  - b. if the structure has been damaged, and is being restored, before the damage occurred.

3. Any ((project of)) improvement ((of a structure)) to structures identified as historic places or to correct existing violations of state or local health, sanitary or safety code specification ((which)) that have been identified by the local code enforcement official and ((which)) are the minimum necessary to assure safe living conditions ((or to structures identified as historic places)) shall not be included in the fifty percent.

C. Replacement of Farmhouses in Floodway.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

1. The new farmhouse is a replacement for an existing farmhouse on the same farm site;
2. There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
3. Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
4. A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
5. A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
6. For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
7. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
8. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
9. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. Substantially Damaged Residences in Floodway.

1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
2. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
  - a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
  - b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
  - c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
  - d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
  - e. New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
  - f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

- g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~((D-))~~ E. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SMC 17E.030.130 ~~((and))~~ , 17E.030.140, and 17E.030.130(F).

Section 13. That Section 17E.030.170 SMC is amended to read as follows:

**Section 17E.030.170 ((Standards for Shallow Flooding Areas (AO Zones)) Essential Public and Critical Facilities within Special Flood Hazard Areas**

~~((A. Shallow flooding areas appear on FIRMS as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:~~

- ~~1. New construction and substantial improvements of residential structures and manufactures homes within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade to the structure, two feet or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).~~
- ~~2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 
  - ~~a. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
  - ~~b. together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic an hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in SMC 17E.030.140(B)(3).~~~~
- ~~3. Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.~~
- ~~4. Recreational vehicles placed on sites within AO zones on the community's FIRM are required to either:
 
  - ~~a. be on the site for fewer than one hundred eighty consecutive days, or~~
  - ~~b. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
  - ~~c. meet the requirements of subsections (A)(1) and (A)(3) of this section and the anchoring requirements for manufactured homes (SMC 17E.030.130(A)(2)).~~~~

~~B. Essential Public Facilities.))~~

1. Construction of ((new)) essential public facilities, as defined in SMC 17C.190.530, or another critical facility shall be, to the extent possible, located outside the limits of the special flood hazard area.
2. Construction of new essential public facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.
3. ((Essential public facilities)) Facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher.
4. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. All ((essential public)) facilities shall have access routes elevated to or above the level of the base flood elevation.
5. Access to and from the facility should also be protected to the height utilized above.

# Job Opportunities

We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.

## AMENDMENT

## AMENDMENT

## AMENDMENT

### ELECTRONICS TECHNICAL AIDE

SPN 271 (Announcement of 10/11/2021)

The above titled announcement is hereby amended to read:

**CLOSING DATE/TIME:** Tuesday, November 16, 2021 at 4:00 p.m. Pacific Time

### EXAMINATION DETAILS

Candidates must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The examination will consist of a written multiple-choice test, with scoring weight assigned as follows:

- Multiple-choice test: 100%

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.

### WRITTEN TEST DETAILS

**You will receive a link to the Electronics Technical Aide examination in a separate email, on the morning of Thursday, November 18, 2021. Please note that this email will be sent from FastTest ([noreply@fasttestweb.com](mailto:noreply@fasttestweb.com)). The test will be available until 4:00 PM Pacific time on Tuesday, November 23, 2021.**

*If you do not have access to a personal computer, you may schedule to test in the Civil Service Test Room, on a provided computer, on Thursday, November 18, 2021 at 1:00 p.m..*

The approximate duration of the test is 1 hour, 30 minutes. The written test may include such subjects as:

- Computer Skills
- Electricity/Electronics
- Public & Employee Relations
- Safety & Occupational Hazards
- Schematics

# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### SIA System Additional Reservoir Engineering Services File No. 2018050

This project consists of the construction of a drinking water reservoir and other related miscellaneous items.

The City of Spokane will receive bids until 1:00 p.m. December 6, 2021, for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. Hand-delivered bids shall be delivered between noon and 1:00 p.m. to the first floor, City Hall, 808 W. Spokane Falls Blvd,

Spokane WA 99201-3316. The bids will be publicly opened and read at 1:15 p.m. on the first floor of City Hall. In order to comply with the "Stay Home, Stay Safe" order as much as possible, please utilize one of the following options to participate in the bid opening. To watch, go to our website: <https://my.spokanecity.org/business/bid-and-design/current-projects/> click on the link to the Microsoft Teams meeting on the right-hand side of the page. Alternatively, it may be simpler to listen by phone, which can be done as follows: call (323) 618-1887, then enter the access code 533 854 149 followed by #.

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: <https://my.spokanecity.org/business/bid-and-design/current-projects/>.

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 the regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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. The Bidder, and all sub-contractors, shall be licensed or have applied for a license to do business in the State of Washington prior to submittal of this bid proposal.

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 TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

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

Note regarding new specifications: The City of Spokane is using WSDOT's 2021 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2021 Standard Specifications prior to bidding the project.

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 B. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

This project is funded through the Washington State Drinking Water State Revolving Fund program with federal funds from the Environmental Protection Agency. As such, all Contractors and Subcontractors shall meet the requirements and provisions for DWSRF funded projects. Additional funding has been provided by the Public Works Trust Fund through the Washington Department of Commerce.

The City of Spokane is an Equal Opportunity and Affirmative Action Employer. Small, Minority- and Women- owned firms are encouraged to submit bids. All work performed on this project will be subject to the higher of the prevailing state or federal wage rates.

\*\*\*\*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.

Publish: October 20, 27 and November 3, 2021

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**2022 Street Maintenance ADA Ramps  
Engineering Services File No. 2021042**

This project consists of the construction of approximately 120 ADA accessible wheelchair ramps, including 3,000 linear feet curb removal and replacement, 2,000 square yards of sidewalk, pavement repair, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane will receive bids until 1:00 p.m. November 22, 2021 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. Hand-delivered bids shall be delivered between noon and 1:00 p.m. to the first floor, City Hall, 808 W. Spokane Falls Blvd, Spokane WA 99201-3316. The bids will be publicly opened and read at 1:15 p.m. on the first floor of City Hall. In order to comply with the "Stay Home, Stay Safe" order as much as possible, please utilize one of the following options to participate in the bid opening. To watch, go to our website: <https://my.spokanecity.org/business/bid-and-design/current-projects/> click on the link to the Microsoft Teams meeting on the right-hand side of the page. Alternatively, it may be simpler to listen by phone, which can be done as follows: call (323) 618-1887, then enter the access code 533 854 149 followed by #.

**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: <https://my.spokanecity.org/business/bid-and-design/current-projects/>.

The City of Spokane, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252,42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin 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.

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 TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

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

**Note regarding new specifications:** The City of Spokane is using WSDOT's 2021 Standard Specifications. Bidders should allow sufficient time to familiarize themselves with the WSDOT 2021 Standard Specifications prior to bidding the project.

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 B. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Publish: November 3, 10 and 17, 2021

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# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### SCAFFOLDING SERVICES FOR SCHEDULED OUTAGES AND EMERGENCY OUTAGES

City of Spokane Solid Waste Disposal Department

**ITB # 5537-21**

**Description:** The City of Spokane is soliciting bids for scaffolding construction in the Waste To Energy plant. Scaffolding will need to be built inside WTE's boiler to accommodate contractors to repair/replace boiler tubes, do refractory work and or other maintenance repairs. Approved engineered prints and drawings will be required at the time of contract signing for the main boiler scaffolding and other miscellaneous scaffolding which will be required in the rest of the plant. There will be two (2) planned outages each year and any other needed miscellaneous scaffolding that could arise at any time during the year.

**A Mandatory pre-proposal walk through will be held on Thursday, November 11, 2021 at 1:00 p.m. at the Waste to Energy Facility, 2900 S Geiger Blvd – Meet at the Administration Bldg. Boilers are down at this time for maintenance. This meeting is MANDATORY only bidders who attended would be able to submit a bid.**

Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **MONDAY, JANUARY 10, 2022**, for **SCAFFOLDING SERVICES FOR SCHEDULED OUTAGES AND EMERGENCY OUTAGES** for the City of Spokane Solid Waste Disposal Department. To watch the City of Spokane Bid Opening Meeting, go to our website: <https://my.spokanecity.org/administrative/purchasing/> and then click on the "join meeting" link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane's online procurement system <https://spokane.procureware.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person.

It is the responsibility of Proposers to check the City of Spokane's online procurement system identified above for Addenda or other additional information that may be posted regarding this Request for Proposals.

Questions from potential Proposers will be accepted through the "Clarifications" tab under the associated project number in the online procurement system.

All Proposal documents shall be submitted electronically through the City of Spokane's online procurement system **no later than 1:00 p.m. on Monday, January 10, 2022**. Hard copy and/or late submittals will not be accepted. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals submitted late.

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

Rick Rinderle  
City of Spokane Purchasing

Publish: October 27 and November 3, 2021

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**UPRIVER DAM SPILLWAY REHABILITATION PHASE III**  
Water & Hydroelectric Services

**PW ITB #5538-21**

**Description:** The City of Spokane is seeking electronic bids for Spillway Rehabilitation at Upriver Dam for the Water & Hydroelectric Services department. The scope of work for this project constitutes a public work under state law.

**A mandatory pre-bid meeting for this project is scheduled for Thursday, November 4<sup>th</sup> at 11:00am.** Prime contractors must attend to be able to bid and are responsible for any subcontractors utilized. Subcontractors do not have to attend in order to be utilized.

**Bid Opening:** Sealed electronic bids will be accepted until **Monday, November 22, 2021 at 1:00pm.** Bids will be publicly opened at 1:15pm. To participate in bid opening, please visit the City's website at <https://my.spokanecity.org/administrative/purchasing/> for the link to attend virtually and the number to attend by telephone. All bid responses must be submitted electronically through the City of Spokane's bidding portal at <https://spokane.procureware.com> before the aforementioned deadline. Hard copy and/or late bids will not be accepted.

To view this solicitation and submit a bid response, you must be a registered supplier on the City's bidding portal at <https://spokane.procureware.com>. Solicitation documents will not be mailed, e-mailed, or provided in person. Once registered, you will also be added to the solicitation's distribution list for changes and/or modifications via email notification.

Please submit any questions on our bidding portal to the 'Clarifications' tab under the applicable project number.

The City reserves the right to reject any and all submissions and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm submissions completed and submitted electronically will be tabulated.**

Samantha Johnson  
Purchasing Department

Publish: November 3, 10, and 17, 2021



