



# Official Gazette

## City of Spokane, Washington

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

Volume 113

**MARCH 22, 2023**

Issue 12



### MAYOR AND CITY COUNCIL

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBERS:

JONATHAN BINGLE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

KAREN STRATTON (DISTRICT 3)

BETSY WILKERSON (DISTRICT 2)

ZACK ZAPPONE (DISTRICT 3)

### The Official Gazette

(USPS 403-480)

Published by Authority of City Charter Section 39

The Official Gazette is published weekly by the Office of the City Clerk  
5th Floor, Municipal Building, Spokane, WA 99201-3342

Official Gazette Archive:

<https://my.spokanecity.org/gazettes/>

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**The Official Gazette**

USPS 403-480

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Periodical postage paid at  
Spokane, WA**POSTMASTER:****Send address changes to:**

Official Gazette

Office of the Spokane City Clerk

808 W. Spokane Falls Blvd.

5th Floor Municipal Bldg.

Spokane, WA 99201-3342

**Subscription Rates:**

Within Spokane County:

\$4.75 per year

Outside Spokane County:

\$13.75 per year

**Subscription checks made  
payable to:**

City Treasurer

**Address Change:**

Official Gazette

Office of Spokane City Clerk

808 W. Spokane Falls Blvd.

5th Floor Municipal Bldg.

Spokane, WA 99201-3342

# Minutes

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, March 13, 2023**

The minutes for the Monday, March 13, 2023, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published as soon as they become available.

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, March 6, 2023**

The minutes for the Monday, March 6, 2023, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published as soon as they become available.

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, February 27, 2023**

The minutes for the Monday, February 27, 2023, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published as soon as they become available.

**MEETING MINUTES****City of Spokane****City Council Study Session****March 16, 2023****Call to Order:** 11:00 a.m.Recording of the meeting may be viewed here at <https://vimeo.com/spokanecitycouncil>.Direct link: <https://vimeo.com/80915815>**Attendance:**

Committee Members Present: Council President Beggs (arrived at 11:04 a.m.), Council Members Kinnear, Stratton, Cathcart, Wilkerson and Zappone.

Committee Members Absent: Council Member Bingle

**Agenda Items:****1. Short-Term Rental Data Review & Code Proposals**• **Presenters:**

Donna DeBit, City of Spokane; Amanda Beck, City of Spokane; Elizabeth Schoedel, City of Spokane

• **Action taken:**

No action taken. Presentation and discussion only.

**2. 6-Year Streets Program Update**• **Presenters:**

Kevin Picanco, City of Spokane; Inga Note, City of Spokane

• **Action taken:**

No action taken. Presentation and discussion only.

**Executive Session:** None

**Adjournment:**

The meeting adjourned at 12:16 p.m.

# General Notices

**NOTICE  
CITY OF SPOKANE  
PROPOSED FRANCHISE ORDINANCE C36360**

Franchise to MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services which is a Delaware Limited Liability Corporation company based in Basking Ridge New Jersey. MCImetro is also registered as a limited liability company with the Washington State Secretary of State to operate in the State of Washington as a telecommunications company. MCImetro is seeking a franchise agreement to operate telecommunications operations in City's right of way. Franchise term: 10 years with (2) two (5) five year options. For more information contact Dina Dye (972) 457-8337; email: [Dina.dye@verizon.com](mailto:Dina.dye@verizon.com). (Final Reading of Ordinance C36360 is anticipated to be held before Spokane City Council on April 10, 2023.)

**NOTICE  
CITY OF SPOKANE  
PROPOSED FRANCHISE ORDINANCE C36361**

Franchise to Fatbeam LLC which is a Washington State Limited Liability Corporation company and has its home office in Coeur d' Alene, Idaho. Fatbeam is a registered as a limited liability company with the Washington State Secretary of State to operate in in the State of Washington as a telecommunications company. Fatbeam LLC is seeking a franchise agreement to operate telecommunications operations in City's right of way. The franchise agreement is for a ten (10) year term. For more information call: (509) 344-1008; email: [regulatory@fatbeam.com](mailto:regulatory@fatbeam.com). (Final Reading of Ordinance C36361 is anticipated to be held before City Council on April 10, 2023.)

# 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. C36364**

An ordinance amending Ordinance No. C36345, passed by the City Council December 12, 2022, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2023, making appropriations in the various funds of the City of Spokane government for the year ending December 31, 2023, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2023 budget Ordinance No. C36345, as above entitled, and which passed the City Council December 12, 2022, it is necessary to make changes in the appropriations of the Park Cumulative Reserve Fund and Arterial Street Fund which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase revenue by \$2,829,500.

- A) Of the increased revenue, \$1,415,000 is provided solely as an operating transfer-in from the Real Estate Excise Tax Fund.
- B) Of the increased revenue, \$1,414,500 is provided by the Recreation and Conservation Office via a reimbursable grant.
- 2) Increase appropriation by \$2,829,500.
- A) Of the increased appropriation, \$2,829,500 is provided solely for capital expenditures related to the South Suspension Bridge.

Section 2. That in the budget of the Arterial Street Fund, and the budget annexed thereto with reference to the Fund, the following changes be made:

- 1) Decrease revenue by \$1,415,000.
- A) Of the decreased revenue, \$1,415,000 is removed from an operating transfer-in from the Real Estate Excise Tax Fund.
- 2) Decrease appropriation by \$1,415,000.
- A) Of the decreased appropriation, \$1,415,000 is removed solely from capital expenditures related to the Flexible Arterial Maintenance Program.

Section 3. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the escalated timeline of the Expo+50 capital projects, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

**Passed by City Council March 13, 2023**

**Delivered to Mayor March 17, 2023**

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## MAYORAL VETO MESSAGE REGARDING ORDINANCE C36366



Mayor Nadine Woodward

RECEIVED

MAR 13 2023

Council President Beggs and Councilmembers,

CITY CLERK'S OFFICE

I am vetoing Ordinance C-36366. This ordinance will be detrimental to the city's efforts to enhance employment opportunities, eliminates options available to renters in the housing market, and will impede development of much needed housing stock in our city. This ordinance effectively ends the reasonable pricing for tenants looking to save in an effort to purchase a home by adding unnecessary regulations to an industry that is already one of the most highly regulated in the country thanks to current state laws and increases the risk of doing business here in Spokane.

I expressed my concern to Council that we will see a large amount of sell offs of current rental supply like in Portland and Seattle when similar ordinances passed. On Friday, I was made aware of a family with four young children that has been notified that they will have to find a place to live by May 5 because the landlord is selling the home and no longer wants to operate in the city. We all heard from several owners and managers, both large and small, that they would likely sell their property should this ordinance stay in place. Unfortunately, that is now happening.

With a vacancy rate under 2 percent, tenants are not in a strong position to move to another unit that may be cheaper. That can only happen if we can add more units to our system, which this ordinance endangers.

Now is the time where we should be inviting more investment and making it easier to build housing here in Spokane. I am asking Council to reconsider this ordinance, and instead, work with the Administration on ways to add housing and make it easier for tenants to find safe, clean and affordable housing.

Regards,

A handwritten signature in blue ink that reads "Nadine Woodward".

Nadine Woodward

Mayor

***The City of Choice***

808 W. Spokane Falls Blvd. • Spokane, Washington 99201-3335  
Phone: 509.625.5250 FAX: 509.625.6553

**ORDINANCE NO. C36366**

An ordinance relating to landlord tenant regulations; adopting new sections 10.57.080, 10.57.090, 10.57.100, 10.57.110, 10.57.120, 10.57.130, and 10.57.140 to chapter 10.57; and enacting new sections 07.08.157 and 07.08.158 of the Spokane Municipal Code.

**WHEREAS**, the City of Spokane desires to reduce the costs of background checks to tenants by supplying portable background checks at no cost to the landlord; and

**WHEREAS**, the City of Spokane desires to utilize funds authorized under SMC Section 08.07C to fund the housing related services of tenant relocation and legal services for qualified tenants; and

**WHEREAS**, current Washington law does not provide a civil remedy to violations of residential rental unit regulations in municipal court other than for issues of habitability and therefore the only reasonable legal remedy for many provisions in the Spokane Municipal Code is a private right of action, a private right of action is created for specified violations of the residential rental code; and

**WHEREAS**, the City of Spokane desires to utilize funds under SMC Section 08.07C to fund the housing related services of rental property damage mitigation for those landlords that work with programs that provide housing support to low income individuals.

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

**Section 1.** That there are adopted new sections to chapter 10.57 of the Spokane Municipal Code to read as follows:

**SMC 10.57.080 Portable Background and Credit Checks**  
**SMC 10.57.090 Residential Rental Property Mitigation Program**  
**SMC 10.57.100 Legal Services and Relocation Program**  
**SMC 10.57.110 Landlord Walkthroughs and Inspections**  
**SMC 10.57.120 Disclosures**  
**SMC 10.57.130 Anti-Retaliation Protections**  
**SMC 10.57.140 Private Right of Action**

**Section 10.57.080 Portable Background and Credit Checks**

**A. Purpose and Intent.**

1. The screening of a prospective tenant's rental history, financial history, and criminal background is a common aspect of renting residential real property and provides an important benefit to both landlords and tenants.
2. While tenants usually pay a fee associated with this screening each time they apply for a unit, state law requires that fees collected can only cover the actual cost of screenings performed. Multiple applications for rental housing currently require prospective tenants to pay multiple fees which can be burdensome to prospective tenants, especially in a tight rental market.
3. The intent of this section is consistent with RCW 59.18.257 to support landlords getting the data they need to make an informed decision about a prospective tenant at no cost to the landlord and in compliance with state law, while ensuring that prospective tenants are not unduly burdened by the need to pay multiple background and credit check fees.

**B. Portable background and credit checks program.**

1. The City of Spokane's department of Code Enforcement is authorized to publish a request for qualifications ("RFQ") from consumer reporting agencies that have the capability to provide certified portable background and credit checks.
2. The content of the background and credit report must comply with state and federal laws and housing requirements, including guidance from the federal government on criminal background checks, and would be decided by the Spokane City Council upon the recommendation of an advisory group that must include representatives from landlord, tenant and social services housing organizations.
3. All portable background and credit checks conducted under this section shall be valid for at least ninety (90) days from the date of issuance.



4. The City of Spokane and its agents shall have no right to access the information included in a portable background check unless provided to them by the prospective tenant subject of the report.
5. Prospective tenants are responsible for paying the fee for the creation of the portable background and credit check and landlords cannot be charged for it. Landlords cannot charge tenants an additional fee for accessing the check.
6. Landlords that accept a portable background check pursuant to RCW 59.18.257(1)(iv) may not charge a tenant for a second background and credit screening service.
7. Nothing in this section restricts a landlord from asking a prospective tenant about their criminal, credit or rental history, or making a decision on whether or not to rent to an individual based on that history.

#### **Section 10.57.090 Residential Rental Property Mitigation Program.**

- A. The department of Community, Housing and Human Services is authorized to operate a rental property mitigation program, which is intended to assist in the repair of residential rental properties that are damaged during a tenancy and where damage occurs through no fault of the landlord.
- B. The City's fund will be supplemental to any similar state or federal program, and will only be used after the applicant has completed a timely and complete application for those funds, exhausted the tenant's damage deposit, and still has not been fully compensated for the damage.
- C. The department of Community, Housing and Human Services is authorized to establish public rules for the operation of the rental property mitigation fund, and shall publish and accept public comment on such rules for sixty (60) days prior to the effective date of the rules for the program.
- D. Landlords applying for funding from the rental property mitigation fund must meet the criteria established by the Community, Housing and Human Services department pursuant to subsection (C) of this section. Within a calendar year, disbursement of such funds shall prioritize assistance to landlords where a government, nonprofit operated program, or privately operated program under government contract that provides housing support to low income individuals referred the tenant to the landlord or provided a portion of their rent or damage deposit, with remaining funding disbursed to all other qualifying applicants thereafter.
- E. The City may contract with another entity to administer its Residential Rental Property Mitigation Program.

#### **Section 10.57.100 Legal Services and Relocation Program**

- A. City of Spokane is authorized to use monies from the Legal Services and Relocation Fund to contract with another entity to provide attorney services for landlord and tenant legal services and mediation costs, with a focus on habitability and violations of the Chapter 59.18 RCW - Residential Landlord Tenant Act ("RLTA"). The city investment would provide seed money for first year of salary and benefits for an attorney and reasonable litigation costs, including mediation fees. Legal fees from successful representation would be used to sustain the attorney(s) and associated costs for the long term.
- B. The City is further authorized to disburse monies from the Legal Services and Relocation Fund to provide immediate relocation funds to tenants living in rental units that are below the standards of habitability and likely to be able to recover relocation funds from their landlord, which will reimburse the fund. The City is also authorized to disburse monies from the Legal Services and Relocation Fund to landlords to assist with tenant removal or relocation. The attorney described in Section A shall establish an application, review, and appeals process for the relocation fund program.
- C. Minimum program requirements:
  1. A program that focuses on pursuing legal remedies for rental housing units that clearly fall below standard of habitability defined in the Spokane Municipal Code and/or violate the RLTA in consultation with Code Enforcement.
  2. A program that provides prompt relocation funds from City directly to the tenant once it appears to the attorney described in Section A that a landlord is more likely than not to be held liable under state law and then collects from the landlord and any settlement funds as first priority a reimbursement to the relocation funds advanced and any attorney fees that could be used to fund the attorney positions in the future.
  3. A program that builds increased capacity for these services, including education and outreach.

4. Services provided under this section may only be provided to individuals from households with incomes less than 400% of the federal poverty level.

#### **Section 10.57.110 Landlord Walkthroughs and Inspections**

- A. Prior to any rental occupancy, the landlord or owner or manager of residential rental real property shall self-inspect the unit ensuring it meets the requirements of applicable building and housing codes impacting health, safety, and livability.
- B. The owner of residential rental real property shall make all necessary repairs to keep the premises in habitable condition as defined by the Spokane Municipal Code before a tenant may occupy the unit.
- C. Any entity or individual operating rental housing shall maintain all move-in and move-out inspection records for at least three years.
- D. Execution of any rental agreement shall act as certification by the landlord or owner or manager of residential rental real property that all relevant state and municipal building and housing codes impacting health, safety, and habitability are met.

#### **Section 10.57.120 Disclosures**

- A. Prior to entering into a lease or rental agreement, the landlord, owner or manager of residential rental real property must disclose to prospective tenants whether the unit has had a history of mold, any remediation, and whether the landlord has been informed by past tenants of any health concerns related to mold.
- B. The landlord or owner or manager of residential rental real property must disclose to tenants within ten (10) days when a unit they are renting is part of a building or parcel that has been listed for sale. In the event that the property is sold, the landlord or owner or manager of residential rental real property must provide all known contact information for the new owner(s) to the tenants.
- C. The landlord or owner or manager of residential rental real property must disclose any known history of methamphetamine manufacturing on the premises.

#### **Section 10.57.130 Anti-Retaliation Protections**

- A. Purpose and Intent.  
Due to fears of retaliation, tenants may fear speaking up about housing habitability issues or organizing as tenants. State law provides protection against retaliation, and the City of Spokane intends for its code to provide additional protections.
- B. Prohibition on retaliation.
  1. No landlord or owner or manager of residential rental real property in Spokane may intimidate any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise rights granted or protected by the fair housing laws, or engaging in political speech or political organizing.
  2. No person may threaten any employee or agent with dismissal or an adverse employment action, or take such adverse employment action, for any effort to assist any person in the exercise of their fair housing rights.
  3. For purposes of this section, "fair housing laws" and "fair housing rights" include the federal Fair Housing Act, the Washington Law Against Discrimination, and Title 18 of the Spokane Municipal Code.

#### **Section 10.57.140 Private Right of Action**

- A. Any person or class of persons who claim to have been injured by a violation of sections 10.57.020(H), 10.57.110, 10.57.120, or 10.57.130 may commence a civil action in Superior Court, not later than three (3) years after the occurrence of the alleged violation to obtain relief with respect to such violation. Upon prevailing, such aggrieved person may be awarded reasonable attorneys' fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages, a penalty of up to \$500, and injunctive relief.
- B. If a landlord fails to comply with the requirements of sections 10.57.020(H), 10.57.110, 10.57.120, or 10.57.130 and such failure was not caused by the tenant, the tenant may terminate the rental agreement by written notice pursuant to law.



**Section 2.** That there is enacted a new section 07.08.157 of the Spokane Municipal Code to read as follows:

**Section 07.08.157 Residential Rental Property Mitigation Fund**

- A. There is established a special revenue fund entitled the “residential rental property mitigation fund” into which shall be paid 10% of fees from business registration that have at least one listed residential rental property.
- B. As provided in the annual budget, the “residential rental property mitigation fund” is appropriated to provide for payment of repairs of residential rental properties that are damaged during a tenancy where a government or nonprofit operated program, that provides housing support to low income individuals, referred the tenant to the landlord or provided a portion of their rent or damage deposit, and where damage occurs through no fault of the landlord, as established by SMC 10.57.080. The city council may also provide for additional revenues to be paid into such fund from time to time from any available funds of the City, including an initial investment of startup money.

**Section 3.** That there is enacted a new section 07.08.158 of the Spokane Municipal Code to read as follows:

**Section 07.08.158 Legal Services and Relocation Fund**

- A. There is established a special revenue fund entitled the “legal services and relocation fund” into which shall be paid two percent of all revenue collected pursuant to SMC 8.07C each year for five calendar years (2023-2027) to seed the fund and then it shall thereafter be maintained with 100% proceeds from substandard housing enforcement actions by the Legal Services and Relocation Program.
- B. As provided in the annual budget, the “legal services and relocation fund” is appropriated to provide for legal services and relocation funds arising out of rental units that fall below standards of habitability, as established by SMC 10.57.070. The city council may also provide for additional revenues to be paid into such fund from time to time from any available funds of the City.

**Passed by City Council February 27, 2023**

**Delivered to Mayor March 3, 2023**

**Vetoed by Mayor March 13, 2023**

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**ORDINANCE NO. C36367**

An ordinance amending Appendix D of the Comprehensive Plan to revise the Capital Facilities Plan to include additional capacity improvement transportation projects; and declaring an emergency.

WHEREAS, Washington’s legislature adopted RCW 82.02.050 *et seq* in order to enable cities to plan for new growth and development and to recoup from developers a predictable share of the infrastructure costs attributable to anticipated growth, and further intended that impact fees are to be a proportionate share of the costs of transportation system improvements that are reasonably related to and reasonably benefit the development; and

WHEREAS, pursuant to Ordinance No. C36276, the City Council recently imposed a moratorium on building permits for new residential construction in the Latah/Hangman and Grandview/Thorpe Neighborhood (the “Moratorium”); and

WHEREAS, as outlined in the Moratorium (the recitals of which along with the Council’s related supplemental findings in support of the Moratorium are incorporated herein), the City has identified several capacity improvement transportation projects that are needed in order to accommodate the increased growth and development occurring and anticipated in the Latah/Hangman and Grandview/Thorpe Neighborhoods (the “Neighborhood”); and

WHEREAS, the purpose of the Moratorium was to give the City time to update its transportation impact fees to include these new capacity improvements in order to recoup from new development in the Neighborhood a predictable and proportionate share of the infrastructure costs that are reasonably related to and that will reasonably benefit their development(s); and

WHEREAS, in order to add these projects to the City’s transportation impact fee project list, it is necessary to update the capital facilities element of the City’s Comprehensive Plan to include the projects; and

WHEREAS, pursuant to Chapter 36.70A RCW (“GMA”), the City’s comprehensive plan is subject to continuing review and evaluation by the City, but amendments to the plan are generally limited to once per year, except that, after appropriate public participation, amendments may be adopted whenever an emergency exists; and

WHEREAS, the City established an impact fee advisory board consisting of various community representatives which worked to review proposed changes to the fee schedules and service area boundaries; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 29, 2022, with additional information provided on January 31, 2023; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-- Significance was issued on February 1, 2023; and

WHEREAS, staff requested comments from agencies and departments on February 7, 2023, and a public comment period ran from February 7, 2023, to March 13, 2023; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing was published on February 8, 2023, and February 15, 2023; and

WHEREAS, the Spokane Plan Commission held a workshop to study the proposal on February 8, 2023; and

WHEREAS, a staff report reviewed all the criteria relevant to consideration of the proposal was published on February 14, 2023; and

WHEREAS, the Spokane Plan Commission held a public hearing, including the taking of public testimony, on February 22, 2023, during which the verbal public record was closed; and

WHEREAS, the Spokane Plan Commission closed the public written record on February 22, 2023; and

WHEREAS, the Spokane Plan Commission found the proposal is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found the proposal satisfies the final review criteria for Comprehensive Plan Amendments set forth in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission, by a vote of 9 – 0, recommended that the City Council adopt the Comprehensive Plan Amendment; and

WHEREAS, the Spokane Plan Commission concluded the proposed amendments to Appendix D, as detailed in File Z23-039COMP (Appendix D) (the “Comprehensive Plan Amendment”) qualify as an emergency situation of neighborhood or community-wide significance and not a personal emergency on the party of any particular applicant or property owner. The amendments are also consistent with the comprehensive plan applicable guiding principles and the amendment review criteria as detailed in the Staff Report prepared by Planning staff; and

WHEREAS, this ordinance was reviewed and evaluated consistent with the requirements of RCW 36.70A.370; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Staff Report and the City of Spokane Plan Commission for the same purposes; and

WHEREAS, the City Council adopts the foregoing together with the recitals in Ordinance No. C\_\_\_\_\_ relating to transportation impact fees and amending portions of Chapter 17D.075 SMC as its findings of fact documenting the existence of an emergency allowing this ordinance to become effective immediately upon adoption; and

WHEREAS, the city Council finds that this ordinance is necessary for the protection of public peace, health, or safety and for the immediate support of City government and its existing public institutions.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. Approval. The Capital Facilities Element of the Comprehensive Plan, specifically the Impact Fee Project List within Appendix D is amended to adopt an updated list of capital projects as shown on Exhibit A attached hereto.

Section 2. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance is necessary for the protection of the public safety and for the immediate support of City government and its existing public institutions, shall become effective immediately upon its passage. Without the updates approved by this ordinance, the City would not be able to require new growth and development to pay its proportionate share of the costs of system improvements that reasonably benefit the new development and transportation impact fees collected in the Neighborhood will be inadequate to cover the cost of system improvements that are reasonably related

to and that will reasonably benefit new growth and development occurring and anticipated in the Neighborhood, thereby slowing the City's ability to finance and construct the needed system improvements.

Referenced attachments on file in the Office of the City Clerk.

**Passed by City Council March 13, 2023**

**Delivered to Mayor March 17, 2023**

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**ORDINANCE NO. C36368**

An ordinance relating to transportation impact fees and amending SMC 17D.075.040 Assessment of Impact Fees, 17D.075.070 Credits, 17D.075.140 Review, 17D.075.180 Impact Fee Schedule, 17D.075.190 Service Area Map, and 17D.075.210 Impact Fee Project list; and declaring an emergency.

WHEREAS, the City Council previously adopted Ordinance No. C34673, implementing the transportation impact fees authorized by Chapter 82.02 RCW, establishing transportation impact fee service areas, project lists, and adopting transportation impact fee schedules, all of which is codified in Chapter 17D.075 of the Spokane Municipal Code (SMC); and

WHEREAS, the Growth Management Act authorizes the City to collect impact fees in order (i) to ensure that adequate facilities are available to serve new growth and development, (ii) to promote orderly growth and development by establishing standards by which new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development, and (iii) to ensure that such fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact; and

WHEREAS, consistent with the foregoing, CFU 2.4 in the City's Comprehensive Plan identifies impact fees as a mechanism to fund capital improvements so that new growth and development activity that has an impact on public facilities pays a proportionate share of the cost of facilities needed to serve the new growth and development; and

WHEREAS, SMC 17D.075.140 anticipates periodic review and updates to the project lists and fee schedules, and further anticipates the formation of an impact fee advisory board consisting of various community representatives; and

WHEREAS, there has been a significant increase in interest in residential development in the Latah/Hangman and Grandview/Thorpe Neighborhoods ("Latah Valley") in recent years; and

WHEREAS, the Washington State Department of Transportation (WSDOT) has voiced its concerns about the ability of US 195 to handle additional local trips associated with new development and has threatened to remove local access from US 195 making it more difficult for residents of Latah Valley to reach destinations within the City of Spokane; and

WHEREAS, the Spokane Regional Transportation Council (SRTC) in collaboration with WSDOT, the City of Spokane, and the Spokane Transit Authority (STA) recently completed the US 195/I-90 Transportation Study (the "Study"); and

WHEREAS, the Study was initiated to address both existing and future challenges related to safety, traffic operations, multimodal access, increasing traffic levels, and limited pedestrian, bicycle, and transit infrastructure in the study area which consists primarily of Latah Valley; and

WHEREAS, the Study's goals included improving existing and future safety conditions, accommodating the transportation needs of planned development, increasing modal options such as walking, biking and transit, and identifying projects that are practical, implementable, and fundable in a reasonable timeline; and

WHEREAS, out of the Study, the City has identified a number of transportation projects that are needed to serve the increased growth and development occurring and anticipated in the Latah Valley and that will reasonably benefit such new growth and development; and

WHEREAS, in addition, the City has identified a number of additional transportation projects that are needed to serve the increased growth and development occurring and anticipated in the south and west parts of the City and that will reasonably benefit such new growth and development; and

WHEREAS, without planning for the transportation projects referenced in the preceding recitals, the City's transportation system would be unable to accommodate the growth anticipated in the City and particularly in Latah Valley; and

WHEREAS, Washington's legislature adopted RCW 82.02.050 *et seq* in order to enable cities to plan for new growth and development and to recoup from developers a predictable share of the infrastructure costs attributable to anticipated growth, and further intended that impact fees are to be a proportionate share of the costs of transportation system improvements that are reasonably related to and reasonably benefit the development; and

WHEREAS, under the present Transportation Impact Fee schedules in Chapter 17D.075 SMC, the impact fees that are being collected from new development occurring in the City and Latah Valley in particular are not adequate to cover the developments' proportionate share of the cost of necessary new system improvements that will be reasonably related to and that will reasonably benefit the new development; and

WHEREAS, the City Council recently adopted Ordinance No. C36276 imposing a moratorium regarding building permit applications for residential structures in the Latah/Hangman and Grandview/Thorpe Neighborhoods, and declaring an emergency (the "Moratorium"); and

WHEREAS, the City Council adopted the Moratorium to give the City time to update the City's Transportation Impact Fees so that the fees (i) are adequate to cover the cost of system improvements that are reasonably related to new growth and development occurring and anticipated in the City, (ii) do not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development, and (iii) will be used for system improvements that will reasonably benefit the new development; and

WHEREAS, as reflected in the Impact Fee Rate Calculation Methodology dated February 20, 2023 and prepared by CivTech (the "CivTech Report"), the City conducted a detailed analysis of each of the foregoing projects (i) in order to remove the cost of correcting any existing deficiencies and (ii) to only include project costs associated with providing the additional capacity that will reasonably benefit new growth and development; and

WHEREAS, as reflected in the CivTech Report, the updated cost per trip to be imposed for various land use categories per unit of development reflect new development's proportionate share of the estimated cost of the projects included in the updated Impact Fee Project List that are reasonably related to new development and will reasonably benefit new development; and

WHEREAS, in determining the proportionate share of system improvement costs to be assessed by the City, the City considered (i) the cost of public facilities necessitated by new development, (ii) an adjustment to the cost for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of taxes or other payments earmarked for particular system improvements, (iii) the availability of other means of funding public facility improvements, (iv) the cost of existing public facilities improvements, and (v) the methods by which public facilities improvements were financed; and

WHEREAS, State law requires the City to establish one or more reasonable service areas on the basis of sound planning or engineering principles within which it must calculate and impose impact fees for various land use categories per unit of development; and

WHEREAS, City staff developed transportation impact fee service area boundary options based on geographic transportation barriers, existing traffic patterns and regional travel demand model outputs to ensure fees paid are assigned to projects reasonably related to their development; and

WHEREAS, as reflected in the Impact Fee Rate Calculation Methodology dated February 20, 2023 and prepared by CivTech, the updated impact fee schedules have been prepared to reflect new development's proportionate share of the estimated cost of the projects included in the updated Impact Fee Project List (the "Updated Impact Fee Rate Schedule") that are reasonably related to anticipated new development within the respective service areas and that will reasonably benefit the new development; and

WHEREAS, the fees in the Updated Impact Fee Rate Schedule includes a schedule of impact fees for each type of development activity that is subject to impact fees, and specifies the amount of the impact fee to be imposed; and

WHEREAS, in determining the proportionate share of system improvement costs to be assessed in the Updated Impact Fee Rate Schedule, the City considered (i) the cost of public facilities necessitated by new development, (ii) an adjustment to the cost for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of taxes or other payments earmarked for particular system improvements, (iii) the availability of other means of funding public facility improvements, (iv) the cost of existing public facilities improvements, and (v) the methods by which public facilities improvements were financed; and

WHEREAS, consistent with SMC 17D.075.140, the City established an impact fee advisory board consisting of various community representatives which worked to review proposed changes to the fee schedules and service area boundaries set forth in Chapter 17D.075 SMC; and

WHEREAS, in connection with the original Impact Fee Ordinance, the responsible official issued a Determination of Nonsignificance, dated March 27, 2008 ("DNS"); and

WHEREAS, pursuant to WAC 197-11-800, this update to Chapter 17D.075 SMC is categorically exempt from the threshold determination and environmental impact statement requirements under Chapter 43.21C RCW (SEPA); and

WHEREAS, on or about February 22, 2023, following a public process involving a public workshop and a public hearing, the City of Spokane Plan Commission voted to recommend various updates to the City's transportation impact fee program including (i) an amendment to Appendix D in the Comprehensive Plan listing the projects to be funded with impact fees and (ii) various text amendments to Chapter 17D.075 SMC as proposed by staff, but voted that none of the presented service area boundary options should be adopted and expressed its desire for the City to consider alternative service area boundaries; and

WHEREAS, while some members of the Plan Commission expressed support for a City-wide service area for purposes of collecting and spending transportation impact fees, the City Council does not support that approach and finds instead that the service area boundary options proposed by staff are based on sound planning and engineering principles; and

WHEREAS, pursuant to the Updated Impact Fee Rate Schedule, the impact fee(s) assessed a specific development will be proportionate to and reasonably related to the service area-wide need for new transportation improvements created by the development; and

WHEREAS, Chapter 17D.075 SMC, as amended by this Ordinance, is consistent with the City's Comprehensive Plan which, in CFU 2.4, recognizes impact fees as a mechanism to help fund capital improvements so new growth and development activity that has an impact upon public facilities pays a proportionate share of the cost of facilities that reasonably benefit the development; and

WHEREAS, Chapter 17D.075 SMC, as amended by this Ordinance, bears a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, the Comprehensive Plan and the entire record relative to the adoption of the Moratorium, Chapter 17D.075 SMC, and this update are incorporated into this Ordinance by reference; and

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

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Ordinance and documenting the existence of an emergency allowing this Ordinance to become effective immediately upon adoption;

NOW, THEREFORE,

The City of Spokane does ordain:

**Section 1.** That SMC Section 17D.075.040 is amended to read as follows:

#### **17D.075.040 Assessment of Impact Fees**

A. The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation as provided for in SMC 17D.075.050, from any applicant seeking development approval from the City. The impact fees in SMC 17D.075.180 are generated from the formula for calculating impact fees set forth in the rate study, one copy of which shall be kept on file with the office of the city clerk and which is adopted and incorporated herein by reference. Except as otherwise provided in this chapter, all new development approval in the City will be charged the transportation impact fees in SMC 17D.075.180. Subject to the review provisions set forth in SMC 17D.075.140 below, the transportation impact fees in SMC 17D.075.180 ~~will increase annually in the amount of 1.96% starting January 1<sup>st</sup>, 2019. This annual increase is based on the average of the Federal Highway Administration's National Highway Construction Cost Index for the years 2012 through 2016, and shall remain in effect until the transportation impact fee advisory board meets again.~~ will increase annually by the five-year rolling average of the Engineering News Record Construction Cost Index calculated by City staff, not to exceed 5% increase per year. This annual increase will start January 1<sup>st</sup>, 2024. Provided further, for purposes of this chapter only, the following shall not constitute development activity:

1. Replacement of a commercial structure with a new structure of the same size and use or a residential structure with the same number of residential units, both at the same site or lot, where demolition of the prior commercial or residential structure occurred after May 2001. Replacement of a commercial structure with a new commercial structure of the same size shall be interpreted to include any structure for which the gross square footage of the

building will not be increased by more than one hundred twenty square feet. It shall be the feepayer's responsibility to establish the existence of a qualifying prior use to the director's reasonable satisfaction.

2. Expansions of existing residential structures that do not add residential dwelling units.
  3. Alteration of an existing nonresidential structure that does not expand the usable space, add any residential units, or result in a change in use
  4. Miscellaneous improvements that do not create additional demand and need for public facilities, including, but not limited to, fences, walls, swimming pools, and signs.
  5. Demolition or moving of a structure.
  6. Re-use or change in use of existing structure.
    - a. Re-use or change in use of an existing structure that does not create additional demand and need for public facilities (*i.e.*, where the trip generation of the re-use is equal to or less than trip generation of prior use) shall not constitute development activity for purposes of this chapter.
    - b. It shall be the feepayer's responsibility to establish the existence of a qualifying prior use to the Director's reasonable satisfaction.
    - c. For a change in use of an existing structure that does create additional demand and need for public facilities (*i.e.*, where the trip generation of the re-use is greater than the trip generation of the prior use), the City shall collect impact fees for the new use based on the schedules in SMC 17D.075.180, less the fees that would have been payable as a result of the prior use.
- B. The director shall be authorized to determine whether a particular development activity constitutes development activity subject to the payment of impact fees under this chapter. Determinations of the Director shall be in writing issued within fourteen days of submitting a complete application and shall be subject to the appeals procedures set forth in SMC 17D.075.090.
- C. Impact fees shall be assessed prior to the issuance of a building permit for each unit in a development, using either the impact fee schedules then in effect or an independent fee calculation, at the election of the applicant and pursuant to the requirements set forth in SMC 17D.075.050. The impact fees shall be paid at the issuance of a building permit or at the completion of construction. To defer the payment of the impact fee to the end of construction, the developer shall provide prior to issuance of a building permit a recorded "certificate of title notice" evidencing an encumbrance on the title for each parcel of land, on forms provided by the city attorney's office, recorded with the Spokane County auditor's office which requires that the impact fee be paid as part of the closing of the construction financing, transfer of title to another party or issuance of a certificate of occupancy, whichever shall first occur. For commercial development involving multiple users, impact fees shall be assessed and collected prior to issuance of building permits that authorize completion of tenant improvements for each use. Furthermore, the City shall not accept an application for a building permit unless, prior to submittal or concurrent with submittal, the feepayer submits complete applications for all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.
- D. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 17D.075.070, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to SMC 17D.075.070 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued for each unit in the development.
- E. For mixed use buildings or development, impact fees shall be imposed for the proportionate share of each land use based on the applicable unit of measurement found on the schedule in SMC 17D.075.180.
- F. The department shall place a hold on permits for development approval unless and until the impact fees required by this chapter, less any permitted exemptions, credits or deductions, have been paid.

**Section 2.** That SMC Section 17D.075.070 is amended to read as follows:

**17D.075.070 Fee Reductions and Credits**

- ~~A. A feepayer can request a credit for the total value of dedicated land or public facilities provided by the feepayer if the land and public facilities are identified as system improvements or in cases where the director, in the director's~~

~~discretion, determines that such dedication of land or public facilities would serve the goals and objectives of the capital facilities plan.~~

~~BA.~~ The city council finds that certain types of development activity such as development within the City's center and corridor zones and housing at a density of at least fifteen (15) units per acre) are likely to generate fewer p.m. peak hour vehicle trips than other development activity. Consistent with this finding, a feepayer may request a partial credit fee reduction for the following:

1. Development within center and corridor zones shall qualify for a partial credit fee reduction of ten percent of the impact fees otherwise payable as a result of the development activity.
2. Mixed use development which features both an "active" first floor (e.g. office, retail) and a residential component shall qualify for a partial credit fee reduction of ten percent (10%) of the impact fees otherwise payable as a result of the development activity, which shall be doubled if at least twenty percent (20%) of the residential portion of the mixed-use development is affordable housing for low-income households or individuals, as these terms are defined in SMC 08.15.020(A) and (G).
3. Development of bicycle and pedestrian connections through their site to a public park or school, or that expand the connectivity of the trail network shall entitle a feepayer to a ~~((partial credit))~~ fee reduction of ten percent of the impact fees otherwise payable as a result of the development activity. ~~The credit provided for in this section shall be limited to the cost incurred by the feepayer in developing the connection.~~
4. Development projects that incorporate covered and lockable bicycle storage for at least fifty percent of their required bicycle parking shall qualify for a partial credit fee reduction of \$1,000 per bike space, ~~subject to the limitation in subsection (B)(6) below.~~ The bicycle storage area must be dedicated for that use only. See SMC 17C.230.200 for space requirements.
5. Development projects located on a ~~within one-quarter-mile of a frequent transit corridor may~~ shall qualify for a fee reduction of ten percent of impact fees otherwise payable as a result of the development activity. ~~make improvements in coordination with Spokane Transit Authority (STA) and will qualify for a partial credit of up to ten percent of the impact fees otherwise payable as a result of the development activity. The credit provided for in this section shall be limited to the cost incurred by the feepayer in developing the improvements. Eligible improvements include the installation of weather cover, lighting, HPTN stop infrastructure or the dedication of right of way for transit stop improvements, as warranted by current or reasonably anticipated future usage of a transit stop, consistent with STA's established policies and design standards. The credit provided for in this section shall be limited to the cost of the right of way or the expense incurred by the feepayer in developing the transit stop. Frequent transit is defined as fixed route service at intervals of no less than fifteen minutes for at least five hours during the peak hours of operation on weekdays.~~
6. The director shall be authorized to determine whether a particular development activity falls within a ~~credit fee~~ reduction identified in this Section ~~BA~~, in any other section, or under other applicable law. ~~Determinations of the director shall be in writing issued within fourteen days of a complete application and shall be subject to the appeals procedures set forth in SMC 17D.075.090.~~

~~B.~~ A feepayer can request a credit for the total value of dedicated land or public facilities provided by the feepayer if the land and public facilities are identified as system improvements or in cases where the director, in the director's discretion, determines that such dedication of land or public facilities would serve the goals and objectives of the capital facilities plan.

- C. For each request for a credit, under subsection ~~(A)~~ (B) above, if appropriate, the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director. The appraiser must be a Washington State certified appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised.
- D. The appraiser shall be directed to determine the total value of the dedicated land and/or public facilities provided by the feepayer on a case-by-case basis.
- E. The feepayer shall pay for the cost of the appraisal. The feepayer may request that the cost of the appraisal be deducted from the credit which the director may be providing to the feepayer, in the event that a credit is awarded. In lieu of an appraisal the feepayer may also choose to use the county assessor's current square foot valuation of the dedicated land.



- F. After receiving the appraisal, and where consistent with the requirements of this section, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within sixty calendar days shall nullify the credit. The credit must be used within seventy-two months of the award of the credit.
- G. Any claim for credit must be made prior to issuance of a building permit, provided any claim for credit submitted later than twenty calendar days after the submission of an application for a building permit shall constitute a waiver and suspension of timelines established by state and/or local law for processing of permit applications.
- H. In no event shall the credit exceed the amount of the impact fees that would have been due for the proposed development activity.
- I. No credit shall be given for project improvements.
- J. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in SMC 17D.075.090.

**Section 3.** That SMC Section 17D.075.180 is amended as follows:

**17D.075.180 Appendix A – Impact Fee Schedule**

**Section 4.** That SMC Section 17D.075.190 is amended as follows:

**17D.075.190 Appendix B – Service Area Map**

The transportation impact fee service area boundaries are hereby designated on the Appendix B – Service Area Map. Properties within the “Airport-owned” boundary shall be automatically added to the West Plains Service Area if no longer owned by the Airport Board.

**Section 5.** That SMC Section 17D.075.210 is amended as follows:

**17D.075.210 Appendix D – Impact Fee Project List**

**Section 6.** This Ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance is necessary for the protection of the public safety and for the immediate support of City government and its existing public institutions, shall become effective immediately upon its passage. Without the updates approved by this Ordinance, the City would not be able to require new growth and development to pay its proportionate share of the costs of system improvements that reasonably benefit the new development and transportation impact fees collected by the City will be inadequate to cover the cost of system improvements that are reasonably related to and that will reasonably benefit new growth and development occurring and anticipated in the City, thereby slowing the City's ability to finance and construct the needed system improvements.

**Section 6.** This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance is necessary for the protection of the public safety and for the immediate support of City government and its existing public institutions, shall become effective immediately upon its passage. Without the updates approved by this ordinance, the City would not be able to require new growth and development to pay its proportionate share of the costs of system improvements that reasonably benefit the new development and transportation impact fees collected in the Neighborhood will be inadequate to cover the cost of system improvements that are reasonably related to and that will reasonably benefit new growth and development occurring and anticipated in the Neighborhood, thereby slowing the City's ability to finance and construct the needed system improvements.

Referenced attachments on file in the Office of the City Clerk.

**Passed by City Council March 13, 2023**

**Delivered to Mayor March 17, 2023**

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**ORDINANCE NO. C36369**

AN ORDINANCE relating to GFC public utilities and services; amending SMC sections 13.03.0730, 13.03.0732; and adopting a new section 13.03.0734 to chapter 13.03 of the Spokane Municipal Code; and 13.04.2040, 13.04.2042; and adopting a new section 13.04.2044 to chapter 13.04 of the Spokane Municipal Code; and setting an effective date and declaring an emergency.

WHEREAS, the Spokane City Council last adopted General Facility Charges (GFC) for water and sewer infrastructure connections in 2002; and

WHEREAS, since adoption, the GFC have not been updated and are grossly out of date with current costs and expenses associated with building new infrastructure capacity; and

WHEREAS, the City has engaged a consultant, FCS Group, to study its utility rates and charges, including GFCs. The GFC analysis study was initiated in 2021 to address both existing and future challenges related to development and requests for capacity in the City's sewer and water systems; and

WHEREAS, since 2021, FCS has evaluated, modeled and completed its study of impacts of new capacity costs based on analysis. This evaluation shows the City's GFCs are grossly out of date and do not cover costs associated with growth and new system demand for capacity; and

WHEREAS, the City Council recently adopted Ordinance No. C36276 imposing a moratorium regarding building permit applications for residential structures in the Latah/Hangman and Grandview/Thorpe Neighborhoods, and declaring an emergency (the "Moratorium"); and

WHEREAS, the City Council adopted the Moratorium to give the City time it is to update the City's GFCs (and Transportation Impact Fees) so that the fees are (1) adequate to cover the cost of system improvements that are reasonably related to new growth and development occurring and anticipated in the City; (2) do not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development, and (3) will be used for system improvements that will reasonably benefit the new development; and

WHEREAS, the City conducted a detailed analysis of both water and sewer projects used to calculate the updated GFCs in order to (1) remove the cost of correcting any existing deficiencies and (2) to include project costs associated with providing additional capacity that will reasonably benefit new growth and development; and

WHEREAS, Chapter 13.03 SMC and Chapter 13.04 SMC, as amended by this Ordinance, is consistent with the City's Comprehensive Plan, which recognizes GFC charges as a mechanism to fund capital improvement so new growth and development activity that has an impact upon utility facilities pays a proportionate share of the cost of facilities that reasonably benefit the development; and

WHEREAS, without appropriate GFCs, the cost of constructing new water and sewer capacity for growth would result in a higher burden on customers and ratepayers already connected to these utility systems; and

WHEREAS, the City Council finds that the updated GFCs approved by this Ordinance (a) will be imposed for system improvements that are reasonably related to new growth and development, (b) will not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development, and (c) will be used for system improvements that will reasonably benefit the new development; and

WHEREAS, the City Council finds that any future waivers to GFCs will need to have alternative funding sources to ensure future capital is adequately funded; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Ordinance and documenting the existence of an emergency allowing this Ordinance to become effective immediately upon adoption;

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1: That SMC section 13.03.0730 is amended to read as follows:

**13.03.0730 Wastewater General Facilities Charge General Provision – Long Connections**

- A. There is hereby imposed a wastewater General Facilities Charge (GFC). The GFC is a utility rate surcharge assessed at the time of connection or service upgrade. Its purpose is to defray costs to the general utility system as a result of ~~((created by))~~ new system demand, such as costs of providing increased system capacity for new or

increased demand and other capital costs. ~~((Nothing in the))~~ The GFC program is separate from ~~((affects))~~ local improvement districts, latecomer charges or other special connection charges.

- B. The GFC charge is collected at the time of connection, time of application for a building permit, or other time as deemed most administratively convenient by the director and shall be considered a contribution to capital and not a cost of providing service.
1. The amount of the wastewater GFC for wastewater (sewer) utility connections will be based on water ~~((tap))~~ meter size for domestic water service to the premises, since water ((tap)) meter size provides a measure of domestic water use and, correspondingly, wastewater generated.
  2. In case of a planned unit development, binding site plan, or other circumstance where a new direct customer connection is not made to the sewer system, but where there is the effect of a new dwelling unit or customer demand increase, as where new dwelling units are added to a master meter account, a GFC shall be assessed in like manner as if the demand upgrade were through a direct new customer connection unless the applicable GFC charge was previously included in the purchase of the master meter. New dwelling unit shall include without limitation, accessory dwelling units (ADU) and other residential units co-located on a property as these additions have a direct impact on the utility system. Any existing connection shall be counted toward the GFC such that the charge is only for the differential between existing and new meter sizes. A customer demand increase or addition of new units that does not require an increase in meter size does not incur a GFC.
- C. Long Connection Option.
1. ~~((Where))~~ When a customer near an area with existing utility service desires to connect to such utility service where ((because)) lines have not yet been extended for direct service to the customer's area or property (a "long connection"), the director may allow a long connection to existing facilities. The decision to allow a long connection is discretionary, considering the needs of the existing customers, the limits of the current system or any other appropriate factors.
  2. As a condition of a long connection, the customer must satisfy any conditions imposed by the director, including obtaining any necessary easements, payment of all costs of additional installations, and payment of a non refundable charge determined by the director based on engineering principles estimated to be what the customer would be required to pay if connection were deferred until direct service became available.
    - a. Such charge may be accepted as a nonrefundable prepayment for the size of the connection furnished.
    - b. This option may also be applied to upgrades.

Section 2: That SMC section 13.03.0732 is amended to read as follows:

### **13.03.0732 Wastewater General Facilities Charge (GFC) –Schedule of Charges**

- A. Findings – General Facilities Charge.  
The City Council finds:

1. General facilities charges are intended to defray costs created by new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs associated with new connections and equitable share of the cost of the system. ~~((under the previous system providing for collection of latecomer connection charges under chapter 35.91 RCW or special connection charges under RCW 35.92.025, customers happening to connect in certain areas must pay extra costs, although the primary benefit of access to the public sewer system is the same to a new customer, whether the customer is within or outside an area subject to such special connection charges.~~
  - a. ~~Additionally, upgraded customers moving from a smaller to a larger connection capacity gain additional system benefits, but may otherwise escape paying a special connection or latecomer charge, once having connected and paid an initial connection charge based on a smaller size connection)~~
2. ~~((undue administrative burdens and costs are created in administering various connection and latecomer charges, each of which may have differing effective dates and which may also have differing limits in terms of allowable interest accruing on such payments as well as the period or periods such charges may be collected;~~
- 3.—)) there is a system-wide benefit, served by a uniform, adjustable GFC, in encouraging system growth ~~((through infilling certain unserved areas and))~~ considering that expanding the overall customer rate base and customer densities will reduce fixed costs which must otherwise be spread over all classes of ratepayers;

~~((4. It is in the public interest to provide for a more uniform rate structure and to replace individual area connection or latecomer fees with a single GFC rate, except only as may be distinguished by the size of connection or connection upgrade, as provided hereafter;))~~

3. it is ~~((further))~~ in the public interest that those adding additional costs or burdens to the City sewer system by creating need and demand for new system growth and infill needs in the City sewer system should pay ~~((a GFC therefor. Such customers should be treated and classified in common with customers formerly also subject to a special connection or latecomer connection charge, so that only one))~~ uniform GFC for all ~~((should be paid by all customers with))~~ new or upgraded utility service.

4. Furthermore, it is not in the public interest to continue to waive GFCs, because without adequate GFCs, the City's current utility customers bear the burden of paying for new capacity to serve growth and a fund should be established to cover the cost of all or a portion of GFCs for certain development projects, including permanent affordable housing.

~~((B. Findings — Central Incentives Area (CIA).))~~  
~~((The City Council finds:~~

- ~~1. Washington State's growth management laws, including RCW 36.70A.110, encourage development first within existing urban areas before moving to other areas.~~
- ~~2. the City of Spokane's comprehensive plan and state growth management policies encourage the "infilling" of developed areas that still have some growth capacity. A consequence of not doing this is sprawling development out in long corridors or scattered areas, making the extension of needed urban services more expensive and less efficient for the public;~~
- ~~3. costs of encouraging development in more densely populated areas already served by existing utility lines is lower than extending new lines to more remote undeveloped areas. Existing utility lines are installed and designed to serve the full growth potential of an area, so it is an unwise use of resources to continue extending lines where some growth can still occur in developed areas;~~
- ~~4. the CIA established herein is in the category of a more densely populated area rather than a more remote, undeveloped area. The savings that City sewer and water utilities realize by encouraging development in the CIA, through not assessing a GFC to customers located there, is roughly proportional to the loss of the GFC revenues;~~
- ~~5. ((properties within the CIA are identified as generally of lower value investment than other areas served.)) The opportunity for new development in the CIA to recover acceptable investment value is of a more marginal, doubtful and unlikely character than customers connecting in areas outside the CIA. Adding a GFC to the class of customers in the CIA would make it significantly more difficult for further development or new connections in such areas. This result is contrary to public policy, growth management laws and responsible utility system management for the overall benefit of the ratepayers. Encouraging development in the CIA will benefit the City sewer and water utilities by new customer revenues, which would otherwise be lost if a GFC were assessed because such development would be less likely to occur;~~
- ~~6. the CIA as an area substantially deficient in development and heavily populated with low income and fixed income, poor or elderly customers;~~
- ~~7. there is a reasonable basis to classify customers seeking connection to premises in an CIA not to be subject to a GFC.~~

~~C. Empowerment Zone The boundaries of the CIA are:~~

~~On the west, the Spokane River;~~

~~On the south, a line running from Latah Creek to 9<sup>th</sup> Avenue, then east on 9<sup>th</sup> Avenue to Lincoln Street, then north on Lincoln Street to 5<sup>th</sup> Avenue, then east on 5<sup>th</sup> Avenue to Sherman Street, then south on Sherman Street to 9<sup>th</sup> Avenue, then east on 9<sup>th</sup> Avenue from Sherman Street to Havana Street;~~

~~On the east, a line running north on Havana Street from 9<sup>th</sup> Avenue to Francis Avenue, excluding Minnehaha Park and Esmerelda Golf Course;~~

~~On the north, a line running west along Francis Avenue from Havana to Division Street, then south on Division Street to Indiana Avenue, then west on Indiana Avenue to Monroe Street, then north on Monroe Street to Garland Avenue;~~

then west on Garland Avenue to Ash Street, then south on Ash Street to Fairview Avenue, then west on Fairview Avenue to Cochran Street, then south on Cochran Street and T.J. Meenach Drive to the Spokane River; and

~~All land within the ((City Limits of the City of Spokane which is)) geographic boundaries of an established Public Development Authority (PDA) board established cooperatively between the City and County shall be exempt from GFC charges. ((owned or controlled by, or subject to a proprietary interest of, the Spokane Airport Board.))~~

~~The Director of Public Works shall maintain a copy of the map of the CIA ([Attachment A to this ordinance](#)) for public inspection.~~

~~D.)) B. Charge for new service or new upgrades ((inside the CIA: No charge.~~

~~E. Service Outside the CIA.))~~

1. For new service or new upgrades to existing service from the City sewer system, a wastewater GFC is assessed as provided based on the schedules in SMC 13.03.0734. ((hereafter.)) The charge will be based on the water ~~((tap))~~ meter size that would otherwise be required for the facility without fire flow and/or irrigation flow.

- a. Upgrades are charged at the current difference between the old and new connection size charges.

<del>((TYPE</del>	<del>WATER TAP SIZE</del>	<del>SEWER CHARGE</del>
House*	NA	\$2,400
Duplex	NA	\$4,800
Multi-family**	2 or less	
Multi-family	3 inches	\$12,468
Multi-family	4 inches	\$19,194
Multi-family	6 inches	\$35,265
Multi-family	8 inches	\$54,299
Multi-family	10 inches	\$75,876
Multi-family	12 inches	\$99,753
Commercial	1 inch or less	\$2,400
Commercial	2 inches	\$6,787
Commercial	3 inches	\$12,468
Commercial	4 inches	\$19,194
Commercial	6 inches	\$35,265
Commercial	8 inches	\$54,299
Commercial	10 inches	\$75,876
Commercial	12 inches	\$99,753))
((* In a PUD, each house is charged individually the rate listed for "House". ** Multi-family represents three or more living units.))		

2. ~~((The wastewater GFC is intended to supersede all prior special connection capital charges assessed to defray an equitable share of the cost of the City sewer system, except for such charges the City may be bound to continue pursuant to chapter 35.91 RCW (Developer Latecomer Charges) or which the City otherwise remains legally bound to collect.~~
  - a. ~~Except for such charges, it is the intent of the City Council to supersede all previous special connection capital charges of any form or nature, replacing all such charges with a single wastewater GFC for any new connections or connection or service demand upgrades to the City sewer system at any location served by said system.~~
  - b. ~~))The GFC is to be used to finance impacts to the system created by new system growth and infill needs created by new or upgraded customers.~~
  - c. ~~In the case of latecomer contracts entered into under chapter 35.91 RCW and the like, the GFC herein supersedes the amount to be collected from a party seeking connection. However, any GFC collected does not increase or decrease amounts the City may previously have contracted to reimburse to a third party at the time of allowing a connection, said parties to be paid by the City as provided under the pre-existing contract.~~
  - d. ~~Hereinafter consistent with this ordinance, the Director of Public Works may make provision for reimbursement of third parties for facility construction costs, but hereafter, the amount of reimbursement per connection shall not exceed the GFC amount collected, which may change from year to year as the City Council may adjust the GFC.))~~
3. Annual Increase: The GFC Charges in SMC 13.03.0734 are generated from an analytical analysis, one copy which shall be kept on file with the office of the city clerk and incorporated herein by reference. GFC charges in SMC 13.03.0734 will increase annually based on a five-year rolling average of the Engineering News Record Construction Cost Index calculated by City Staff, for the previous year. This annual increase will start January 1, 2024 and occur each January 1 thereafter. Comprehensive review and update of GFC charges should be conducted at least every (5) years, but no more frequently than three (3) years.
4. Adjustments.

Prior Payment of Similar Charges: The charge for a wastewater connection can be adjusted for facilities with water tap sizes two inches and greater when the tap size also accounts for fire flow and/or irrigation flow upon a showing of prior payment of similar charges, or for other sound considerations of fairness, as determined by the Wastewater Management Director.

  - a. To be eligible for such adjustment, a party required to pay a wastewater GFC must submit a written application to the Wastewater Management Director, together with any supporting materials and explanation. The Wastewater Management Director must receive such materials at the time of application for connection of the subject premises.
  - b. No adjustment may exceed the amount of the GFC applicable to the connection requested.
5. ~~((4)).~~ The wastewater GFC applies in addition to all other ((non-capital)) connection, permit or other fees required by this code or elsewhere, to parties seeking to connect premises who have not paid an equitable share of the cost of the City's sewer system as determined by the Wastewater Management Director.
6. ~~((5))~~ The charge is due and payable in full at the time of application for connection or as otherwise ordered by the Director of Public Works.
7. ~~((6))~~ The Wastewater Management Director may record appropriate notice with the county auditor concerning areas subject to the wastewater GFC in accord with RCW 65.08.170 and RCW 65.08.180, as applicable.
8. ~~((7))~~ In response to the ongoing local and national housing crisis, the City Council has decided to provide relief to residents and businesses by waiving all applicable fees within this section 13.04.2042 which are associated with the construction of ADUs on lots located at least partially within ½ mile of a Center or Corridor, Context Area, or Downtown zone or CC3 zoning overlay. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development. This fee waiver shall expire at 5:00 p.m. on December 31, 2024.
9. In response to the ongoing local and national housing crisis, the City shall waive all applicable fees in this section for the construction of permanent affordable housing, as defined in SMC 8.15.020.A.

Section 3: That SMC section 13.04.2040 is amended to read as follows:

### **13.04.2040 Water General Facilities Charge General Provision – Long Connections**

- A. There is hereby imposed a water general facilities charge (GFC). The GFC is a utility rate surcharge assessed at the time of connection or service upgrade. Its purpose is to defray costs to the general utility system created by new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs. ~~((Nothing in the))~~ The GFC program is separate from ~~((affects))~~ local improvement districts, latecomer charges or other special connection charges.
- B. The GFC is collected at the time of connection, application for a building permit or other time as deemed most administratively convenient by the director and shall be considered a contribution to capital and not a cost of providing service.
1. The amount of the GFC for water utility connections will be based on water ~~((tap))~~ meter size for domestic and irrigation water service to the premises, not including fire flow.
  2. In case of a planned unit development, binding site plan, or other circumstance where a new direct customer connection is not made to the water system, but where there is the effect of a new dwelling unit or customer demand increase, as where new dwelling units are added to a master meter account, a GFC shall be assessed in like manner as if the demand upgrade were through a direct new customer connection unless the applicable GFC charge was previously included in the purchase of the master meter. New dwelling unit shall include without limitation accessory dwelling units (ADU) and other residential units co-located on a property as these additions have a direct impact on the utility system. Any existing connection shall be counted toward the GFC such that the charge is only for the differential between existing and new meter sizes. A customer demand increase or addition of new units that does not require an increase in meter size does not incur a GFC.
  3. For those situations where an existing customer requests an increase or larger meter size, the GFC will be assessed based on the current cost difference between the existing meter size and the new size requested.
- C. Long Connection Option.
1. Where a customer near an area with existing utility service desires to connect to such utility service where ~~((because))~~ lines have not yet been extended for direct service to the customer's area or property (a "long connection"), the director may allow a long connection to existing facilities. The decision to allow a long connection is discretionary, considering the needs of the existing customers, the limits of the current system or any other appropriate factors.
  2. As a condition of a long connection, the customer must satisfy any conditions imposed by the director, including obtaining any necessary easements, payment of all costs of additional installations and payment of a non-refundable charge determined by the director based on engineering principles estimated to be what the customer would be required to pay if connection were deferred until direct service became available. Such charge may be accepted as a nonrefundable prepayment for the size of the connection furnished. This option may also be applied to upgrades.

Section 4: That SMC section 13.04.2042 is amended to read as follows:

### **13.04.2042 Water General Facilities Charge – Schedule of Charges**

- A. Findings – General Facilities Charge (GFC).

The City Council finds:

1. The purpose of GFC charges is to defray costs created by new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs associated with new system connections to the water system such that the property owners bear their equitable share of the cost of the system. ~~((under the previous system providing for collection of latecomer connection charges under chapter 35.91 RCW or special connection charges under RCW 35.92.025, customers happening to connect in certain areas must pay extra costs, although the primary benefit of access to the public water system is the same to a new customer, whether the customer is within or outside an area subject to such special connection charges. Additionally, upgraded customers moving from a smaller to a larger connection capacity gain additional system benefits but may otherwise escape paying a special connection or latecomer charge, once having connected and paid an initial connection charge based on a smaller size connection.~~



- ~~2. Undue administrative burdens and costs are created in administering various connection and latecomer charges, each of which may have differing trigger dates and which may also have differing limits in terms of allowable interest accruing on such payments as well as the period or periods such charges may be collected.~~
- ~~3.)) 2. There is a system-wide benefit, served by a uniform, adjustable GFC, in encouraging system growth ((through infilling certain unserved areas and)) considering that expanding the overall customer rate base and customer densities will reduce fixed costs which must otherwise be spread over all classes of ratepayers.~~
- ~~((4.)) 3. It is in the public interest to provide for a ((more uniform rate structure and to replace individual area connection or latecomer fees with a single)) GFC rate structure to cover costs associated with new or increased system demand. GFC charges have not been updated in over 20 years and new growth proposals are stressing current system capacity and will require investment in infrastructure for water service. ((, except only as may be distinguished by the size of connection or connection upgrade, as provided hereafter.))~~
- ~~((5.)) 4. It is further in the public interest that those adding additional costs or burdens to the City water system by creating need and demand for new system growth and infill needs in the City water system should pay a GFC therefore. Furthermore, it is not in the public interest to continue to waive GFCs, because without adequate GFCs, the City's current utility customers bear the burden of paying for new capacity to serve growth and a fund should be established to cover the cost of all or a portion of GFCs for certain development projects, including permanent affordable housing. ((Such customers should be treated and classified in common with customers formerly also subject to a special connection or latecomer connection charge, so that only one uniform GFC should be paid by all customers with new or upgraded utility service.))~~
5. Generally, there are increased costs associated with the needed booster stations, pipes and tanks which provide service to the Upper Zone. More facilities are needed to move water further out into the system. Evaluation analysis shows costs should be divided between two zones, an upper and lower zone, based on needed booster stations, pipes and tanks to deliver water outside the central pumping area. Furthermore, there are identified areas within the City's water system which currently lack capacity and require new infrastructure prior to availability of future service and are included within the Upper Zone.
6. There is an ongoing local and national housing crisis justifying a waiver of GFCs for permanent affordable housing, as defined in SMC 8.15.020.A.

~~((B. Findings; Central Incentives Area.~~

~~The City Council finds:~~

- ~~1. Washington State's growth management laws, including RCW 36.70A.110, encourage development first within existing urban areas before moving to other areas.~~
- ~~2. the City of Spokane's comprehensive plan and state growth management policies encourage the "infilling" of developed areas that still have some growth capacity. A consequence of not doing this is sprawling development out in long corridors or scattered areas, making the extension of needed urban services more expensive and less efficient for the public.~~
- ~~3. costs of encouraging development in more densely populated areas already served by existing utility lines is lower than extending new lines to more remote undeveloped areas. Existing utility lines are installed and designed to serve the full growth potential of an area, so it is an unwise use of resources to continue extending lines where some growth can still occur in developed areas.~~
- ~~4. the Central Incentives Area (CIA) established herein is in the category of a more densely populated area rather than a more remote, undeveloped area. The savings that City sewer and water utilities realize by encouraging development in the CIA, through not assessing a GFC to customers located there, is roughly proportional to the loss of the GFC revenues.~~
- ~~5. properties within the CIA are identified as generally of lower value investment than other areas served. The opportunity for new development in the CIA to recover acceptable investment value is of a more marginal, doubtful and unlikely character than customers connecting in areas outside the CIA. Adding a GFC charge to the class of customers in the CIA would make it significantly more difficult for further development or new connections in such areas. This result is contrary to public policy, growth management laws, and responsible utility system management for the overall benefit of the ratepayers. Encouraging development in the CIA will benefit the City sewer and water utilities by new customer revenues, which would otherwise be lost if a GFC were assessed because such development would be less likely to occur.~~

- ~~6. the CIA as an area substantially deficient in development and heavily populated with low income and fixed income, poor or elderly customers.~~
- ~~7. there is a reasonable basis to classify customers seeking connections to premises in an CIA not to be subject to GFC charge))~~

B. Water GFCs shall be assessed based on location within either the Lower Zone or Upper Zone defined as follows:

1. The Lower Zone is generally defined as all parcels with water connection within the City of Spokane's water service area and have current capacity for water service. This definition includes the entire Intermediate Pressure Zone, the Low-Pressure Zone north of 16<sup>th</sup> Avenue, and the North Hill Pressure Zone, but excludes area and connections located north of West Excell Avenue and West Tiffany Avenue West.
2. The Upper Zone is defined as all parcels not included in the geographic area of the Lower Zone and/or require additional capacity to safely serve water. ((Findings; Central Incentives Area.

C. ~~The boundaries of the CIA are:~~

~~On the west, the Spokane River;~~

~~On the south, a line running from Latah Creek to 9<sup>th</sup> Avenue, then east on 9<sup>th</sup> Avenue to Lincoln Street, then north on Lincoln Street to 5<sup>th</sup> Avenue, then east on 5<sup>th</sup> Avenue to Sherman Street, then south on Sherman Street to 9<sup>th</sup> Avenue, then east on 9<sup>th</sup> Avenue from Sherman Street to Havana Street;~~

~~On the east, a line running north on Havana Street from 9<sup>th</sup> Avenue to Francis Avenue, excluding Minnehaha Park and Esmerelda Golf Course;~~

~~On the north, a line running west along Francis Avenue from Havana to Division Street, then south on Division Street to Indiana Avenue, then west on Indiana Avenue to Monroe Street, then north on Monroe Street to Garland Avenue, then west on Garland Avenue to Ash Street, then south on Ash Street to Fairview Avenue, then west on Fairview Avenue to Cochran Street, then south on Cochran Street and T.J. Meenach Drive to the Spokane River; and~~

~~All land within the designated geographic boundaries of and established Public Development Authority (PDA) Board established cooperatively between the City of Spokane and the County. ((City Limits of the City of Spokane which is owned or controlled by, or which is subject to proprietary interest of, the Spokane Airport Board.))~~

3. The Director of Public Works shall maintain a copy of the map of the ((CIA)) Lower and Upper Water Zones (Attachment A to this ordinance) for public inspection.))

C. ~~((D:))Charge for new service or new upgrades ((inside the CIA: No charge)) .~~

~~((E. Service Outside CIA.))~~

1. For new service or new upgrades of existing service to the City water system, a GFC is assessed as provided hereafter. The charge will be based upon the ((tap)) meter size(s) required for domestic and irrigation water service to the facility and location of the property within the Upper or Lower Zone. If the size of a previous connection is upgraded to a larger connection, upgrades are charged at the current difference between the old and new connection size charges.((-))

((TYPE	Water TAP Size	GFC))
((House*	NA	\$1,232
Duplex	NA	\$2,464
Multi-family**	2 inch or less	\$3,485
Multi-family	3-inch	\$6,402
Multi-family	4-inch	\$9,857
Multi-family	6-inch	\$18,108
Multi-family	8-inch	\$27,878
Multi-family	10-inch	\$38,961
Multi-family	12-inch	\$51,216
Commercial	1inch or less	\$1,232
Commercial	2-inch	\$3,485
Commercial	3-inch	\$6,402
Commercial	4-inch	\$9,857
Commercial	6-inch	\$18,108
Commercial	8-inch	\$27,878
Commercial	10-inch	\$38,961
Commercial	12-inch	\$51,216))
((* In a PUD, each house is charged individually the rate listed for "house." ** Multi-family represents three or more living units.))		

2. The GFC is to be used to finance impacts to the system created by new system growth and infill needs created by new or upgraded customers.

~~((2-))3. Meters used solely for fire protection purposes would not incur GFC charges, unless needed flow rate exceeds the current largest fire flow rate in that pressure zone. ((The water GFC is intended to supersede all prior special connection capital charges assessed to defray an equitable share of the cost of the City water system, except for such charges the City may be bound to continue pursuant to chapter 35.91 RCW (developer latecomer charges), or which the City remains legally bound to collect.~~

- a. ~~Except for such charges, it is the intent of the City Council to supersede all previous special connection capital charges of any form or nature, replacing all such charges with a single water GFC for any new connections or connection or service demand upgrades to the City water system at any location served by said system.~~
- b. ~~The GFC is to be used to finance new system growth and infill needs created by new or upgraded customers. In the case of latecomer contracts entered into under chapter 35.91 RCW and the like, the GFC herein supersedes the amount to be collected from a party seeking connection.~~
- c. ~~However, any GFC collected does not increase or decrease amounts the City may previously have contracted to reimburse to a third party at the time of allowing a connection, said parties to be paid by the City as provided under the preexisting contract.~~

~~d. Hereafter, consistent with this ordinance, the Director of Public Works may make provision for reimbursement of third parties for facility construction costs, but hereafter, the amount of reimbursement per connection shall not exceed the GFC amount collected, which may change from year to year as the City may adjust the GFC.))~~

4. Annual Increase: The GFC Charges in SMC 13.04.2044 are generated from an analytical analysis, one copy which shall be kept on file with the office of the city clerk and incorporated herein by reference. GFC charges in SMC 13.04.2044 will increase annually based on a five-year rolling average of the Engineering News Record Construction Cost Index calculated by City Staff, for the previous year. This annual increase will start January 1, 2024 and occur each January 1 thereafter. Comprehensive review and update of GFC charges should be conducted at least every (5) years, but no more frequently than three (3) years.

5. Adjustments.

Prior Payment of Similar Charges: The charge for a water connection can be adjusted upon a showing of prior payment of similar charges, or for other sound considerations of fairness, as determined by the Director of Public Works.

a. To be eligible for such adjustment, a party required to pay a water GFC must submit a written application to the Director of Public Works, together with any supporting materials and explanation.

b. The Director of Public Works must receive such materials no later than the time of connection of the subject premises.

c. No adjustment may exceed the amount of the water GFC applicable to the connection requested.

6. ~~((4)) The water GFC applies, in addition to all other ((non-capital)) connection, permit or other fees required by this code or elsewhere. ((The charge is due and payable in full at or before the time of connection or as otherwise ordered by the Director of Public Works.))~~

7. ~~((5)) The Director of Public Works may record appropriate notice with the county auditor concerning areas subject to the water GFC pursuant to the requirements of RCW 65.08.170 and RCW 65.08.180, as applicable, reserving the possibility of upgrade charges.~~

8. ~~((6)) ((In response to the ongoing local and national housing crisis, the City Council has decided to provide relief to residents and businesses by waiving all)) All applicable fees within this Section 13.04.2042 for the construction of ADUs on lots located at least partially within ½ mile of a Center or Corridor, Context Area, or Downtown zone or CC3 zoning overlay shall be waived. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development. This fee waiver shall expire at 5:00 p.m. on December 31, 2024.~~

9. GFCs under this section shall be waived for the construction of permanent affordable housing, as defined in SMC 8.15.020.A.

Section 5: Adopting a new section SMC 13.03.0734 to read as follows:

### **13.03.0734 Appendix A – General Facilities Charge Schedule**

Appendix A – Wastewater General Facilities Charge Schedule

Section 6: Adoption a new section SMC 13.04.2044 to read as follows:

### **13.04.2044 Appendix A – General Facilities Charge Schedule**

Appendix A – Water General Facilities Charge Schedule

Section 7: Effective Date.

This Ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance is necessary for the protection of the public safety and for the immediate support of City government and its existing public institutions, shall become effective immediately upon its passage. Without the updates approved by this Ordinance, the City would not be able to require new growth and development to pay its proportionate share of the costs of system improvements that reasonably benefit the new development current GFC charges collected by the City will be inadequate to cover the cost of system improvements that are reasonably related to and that will

reasonably benefit new growth and development occurring and anticipated in the City, thereby slowing the City's ability to finance and construct the needed system improvements.

Section 8. Severability.

Any portion of this ordinance that is determined by a competent adjudicator to be illegal or pre-empted shall be severed from this law and the balance of the law preserved.

Referenced attachments on file in the Office of the City Clerk.

**Passed by City Council March 13, 2023**

**Delivered to Mayor March 17, 2023**

# 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.**

## **PUBLIC WORKS JOURNEY LEVEL INSPECTOR SPN 216 OPEN ENTRY**

**DATE OPEN:** Monday, March 20, 2023

**DATE CLOSED:** Monday, April 3, 2023 at 4:00 p.m.

**SALARY:** \$48,295.44 annual salary, payable bi-weekly, to a maximum of \$75,293.28

**DESCRIPTION:**

***The City of Spokane Engineering Services Department is looking to hire a driven, detail-orientated Public Works Journey Level Inspector to join our team. When you join the Engineering Services Department, you will work among collaborative and energetic colleagues who share a passion for serving our Spokane citizens and improving the community in which we live and work.***

*The Engineering Services Department is the design and construction arm for the City of Spokane. We provide design and construction management for the utility and street projects. You would be responsible for inspecting public works projects for compliance with specifications and ordinances. A successful applicant possesses the knowledge to interpret engineer drawings and specifications. In addition, a Public Works Journey Level Inspector should demonstrate a sound understanding of public works construction and strong interpersonal skills.*

*This position offers guaranteed pay increases annually and opportunities for advancement. As a City of Spokane employee, you will also be part of an excellent work environment with a great compensation plan, including medical, pension and 457 plan.*

*A career with the City of Spokane is more than a pathway to success. It's all of us, helping to build a better community, every day. If you find yourself wanting to pursue a career with the City of Spokane, then we encourage you to apply today!*

**DUTIES:**

- Inspects public works projects for compliance with specifications and ordinances.
- Checks the grade, sub-grade, line and location; forms, depth and thickness; connections and seals; backfill, compaction, and repaving; temperature of the mix and application. Obtains load tonnage tickets.
- Computes volumes, takes measurements, records locations and connections, and makes final check upon completion of project. Prepares and submits required inspection reports; measures, sketches and calculates project quantities; prepares and submits as-built drawings for review. Prepares final project acceptance documents.
- Performs compaction tests. Collects samples of construction materials as necessary and delivers to laboratory for testing. Develops the necessary laboratory data for determining compaction. Assists in bridge monitoring and inspection. Inspects foundry products and precast concrete products for compliance with plans and specifications. Prepares Material Acceptance Reports.
- Conducts or monitors water test, sewer line air pressure, exfiltration, and infiltration tests. Performs tests on concrete for slump, air entrainment, unit weight, and concrete factor.

- Inspects and tests concrete and asphalt aggregates. Takes samples of aggregate for laboratory testing. Checks proportions of dry mix, time and temperature, quality, weight, and stockpile. Receives or collects core samples, and conducts laboratory tests and analyses of mixes for adherence to specifications.
- May be required to make trips to inspect construction materials at the manufacturing source.
- Monitors and enforces all City ordinances relating to City right-of-way, including the City's obstruction permit program.
- Investigates complaints, as directed, concerning unsafe street conditions; investigates complaints concerning project issues and reports on-site complaints to supervisor.
- Operates an automobile, computer, calculator, and occasionally uses an engineer level and transit.
- May be assigned duties as an engineering technician during the non-construction season and participate in snow removal.
- Performs related work as required.

**MINIMUM QUALIFICATIONS:****Open Entry Requirements:**

(Applicants who are not current employees of the City of Spokane may meet these requirements. Open-entry applicants must meet all requirements when they apply.)

- *Education:* Completion of two years of college (90 quarter credit hours or 60 semester credit hours) in Civil Engineering, Civil Engineering Technology, or a similar field with related course work emphasis in math and science.
- *Experience:* Completion of one year of experience in public works construction in a technical or supervisory capacity (such as Inspector, Quality Control Lead, Project Manager, Project Engineer, Project Superintendent, or Foreperson).
- *Substitution:* Additional technical or supervisory experience may be substituted for the education requirement on a year-for-year basis.

**License and Certifications:**

(Qualified applicants and employees in this job class must meet these requirements.)

- Possession of a valid driver's license.

**EXAMINATION DETAILS:**

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 4:00 p.m. on the filing cut-off date.

Upon request, at time of application, City of Spokane 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.

The examination will consist of an online, multiple-choice test, with weights assigned as follows:

- Multiple-Choice Test 100%

**EXAMINATION DETAILS:**

**This is an online examination and will require a computer. If you do not have access to a computer, please notify Civil Service so that one may be provided.**

A link to the Public Works Journey Level Inspector examination, with instructions, will be emailed prior to 4:00 p.m. Pacific time on Thursday, April 6, 2023. Please note that this email will be sent from FastTest ([noreply@fasttestweb.com](mailto:noreply@fasttestweb.com)). The test will be available for log-in from 4:00 p.m. Pacific time on Thursday, April 6, 2023, until 4:00 p.m. Pacific time the following Tuesday, April 11, 2023.

**NOTE: You may begin the exam at any time during the test period; however, once you begin, you will have 2 hours to complete the examination.**

The examination may include such subjects as:

- Technical Knowledge
- Interpersonal Relations & Customer Service
- Research
- Mathematical Reasoning
- Safety

**TO APPLY:**

**An application is required for promotional applicants.** Applications must be completed online at: <http://my.spokanecity.org/jobs> by 4:00 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org) with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4<sup>th</sup> Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

Please contact our office at 509-625-6160 immediately if you have any difficulties submitting your application.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 16th day of March 2023.

MARK LINDSEY  
Chair

KELSEY PEARSON  
Chief Examiner

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**PUBLIC WORKS JOURNEY LEVEL INSPECTOR SPN 216**  
**PROMOTIONAL**

**DATE OPEN:** Monday, March 20, 2023

**DATE CLOSED:** Monday, April 3, 2023 at 4:00 p.m.

**SALARY:** \$48,295.44 annual salary, payable bi-weekly, to a maximum of \$75,293.28

**DESCRIPTION:**

Performs responsible, full-skill level inspections of public works construction for conformance to project specifications and contract documents.

**DUTIES:**

- Inspects public works projects for compliance with specifications and ordinances.
- Checks the grade, sub-grade, line and location; forms, depth and thickness; connections and seals; backfill, compaction, and repaving; temperature of the mix and application. Obtains load tonnage tickets.
- Computes volumes, takes measurements, records locations and connections, and makes final check upon completion of project. Prepares and submits required inspection reports; measures, sketches and calculates project quantities; prepares and submits as-built drawings for review. Prepares final project acceptance documents.
- Performs compaction tests. Collects samples of construction materials as necessary and delivers to laboratory for testing. Develops the necessary laboratory data for determining compaction. Assists in bridge monitoring and inspection. Inspects foundry products and precast concrete products for compliance with plans and specifications. Prepares Material Acceptance Reports.
- Conducts or monitors water test, sewer line air pressure, exfiltration, and infiltration tests. Performs tests on concrete for slump, air entrainment, unit weight, and concrete factor.
- Inspects and tests concrete and asphalt aggregates. Takes samples of aggregate for laboratory testing. Checks proportions of dry mix, time and temperature, quality, weight, and stockpile. Receives or collects core samples and conducts laboratory tests and analyses of mixes for adherence to specifications.
- May be required to make trips to inspect construction materials at the manufacturing source.
- Monitors and enforces all City ordinances relating to City right-of-way, including the City's obstruction permit program.
- Investigates complaints, as directed, concerning unsafe street conditions; investigates complaints concerning project issues and reports on-site complaints to supervisor.
- Operates an automobile, computer, calculator, and occasionally uses an engineer level and transit.
- May be assigned duties as an engineering technician during the non-construction season and participate in snow removal.
- Performs related work as required.

**MINIMUM QUALIFICATIONS:****Promotional Requirements:**

(Current employees of the City of Spokane may meet the promotional requirements. All promotional requirements must be met at the date of the examination.)

- *Experience:* Completion of one year with the City in the classification of Engineering Technician II.

**"Note:** Current non-probationary City of Spokane employees within the line of progression who meet the open entry requirements may apply on a promotional basis, pursuant to Civil Service Rule VI, Section 5."



**Open Entry Requirements:**

(Applicants who are not current employees of the City of Spokane may meet these requirements. Open-entry applicants must meet all requirements when they apply.)

- **Education:** Completion of two years of college (90 quarter credit hours or 60 semester credit hours) in Civil Engineering, Civil Engineering Technology, or a similar field with related course work emphasis in math and science.
- **Experience:** Completion of one year of experience in public works construction in a technical or supervisory capacity (such as Inspector, Quality Control Lead, Project Manager, Project Engineer, Project Superintendent, or Foreperson).
- **Substitution:** Additional technical or supervisory experience may be substituted for the education requirement on a year-for-year basis.

**License and Certifications:**

(Qualified applicants and employees in this job class must meet these requirements.)

- Possession of a valid driver's license.

**EXAMINATION DETAILS:**

Candidates must meet the minimum qualifications and pass the examination for this position to be eligible for promotion. Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 4:00 p.m. on the filing cut-off date.

Upon request, at time of application, City of Spokane 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.

The examination will consist of a written test and a performance evaluation, with weights assigned as follows:

- Written Test 80%
- Performance Evaluation 20%.

**WRITTEN TEST DETAILS**

**Written testing will be conducted Thursday, April 6, 2023, at 10:00 AM in the Civil Service Test Room on the 4th Floor of City Hall. Additional sessions may be made available dependent on number of applicants and space availability.**

The approximate duration of the examination is 2 hours and may include the following subjects:

- Technical Knowledge
- Interpersonal Relation & Customer Service
- Research
- Mathematical Reasoning
- Safety

**PROMOTIONAL EVALUATION DETAILS**

**Pursuant to Civil Service Rule VI, Section 9, an evaluation of an employee's job performance, in the form of a Performance Appraisal Review (PAR), shall be a subject in all promotion exams. The PAR should be administered by the employee's supervisor, within the past year.**

- The employee's most recent PAR is the promotional evaluation for this position.
- If the most recent PAR is expired (older than one year), the employee's payroll clerk and supervisor are notified. The supervisor is responsible for submitting an updated PAR to the HR department for approval prior to the closing date.
- If an updated PAR is not received by the closing date, the most recent PAR on file will be used, regardless of date administered.

**TO APPLY:**

**An application is required for promotional applicants.** Applications must be completed online at: <http://my.spokanecity.org/jobs> by 4:00 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org) with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4<sup>th</sup> Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 16th day of March 2023.

MARK LINDSEY  
Chair

KELSEY PEARSON  
Chief Examiner

# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### T.J. Meenach Drive Siphon Vaults Engineering Services File No. 2010132

This project consists of the construction of two (2) below grade cast in place concrete sewer vaults with flow control devices, approximately 3200 cubic yards of excavation and embankment, 90 linear feet of 60" ductile iron sewer pipe, 600 square yards of 3-inch thick HMA pavement, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane will receive bids until 1:00 p.m. April 3, 2023, for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. Bids shall be delivered by hand, mail or courier service to City Hall, 808 W. Spokane Falls Blvd. Spokane, WA 99201. Hand delivered bids shall be delivered to the first floor of City Hall between noon and 1:00 p.m. on bid opening day to the purchasing agent present. All bid packages shall be in sealed envelopes marked with the following text: "Attn: Purchasing - Bid Documents Enclosed, YYY Project", where YYY is the project name.

The bids will be publicly opened and read at 1:15 p.m. online using Microsoft Teams. If you would like to view the bid opening, please utilize one of the following options: 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 #.

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 FIVE (5) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

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

**Note regarding new specifications:** The City of Spokane is using WSDOT's 2023 Standard Specifications.

**Note regarding new apprentice program requirements:** Section 1-07.9(3) herein has been substantially revised including a new bid item and larger penalties for non-compliance.

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.

**\*\*\*\*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: March 15, 22, & 29, 2023

# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### RIVERFRONT PARK SOUTH SUSPENSION BRIDGE RENOVATION PROJECT

City of Spokane

PW ITB #5850-23

**Description:** The City of Spokane Parks Department is soliciting electronic bids for the Riverfront Park South Suspension Bridge Renovation Project

**Pre-Bid Conference:** Thursday, March 23, 2023 at 1:30 pm – in the City Hall Lobby, Tribal Conference Room, 808 W Spokane Falls Blvd., Spokane WA

**Bid Opening:** Sealed electronic bids will be accepted until **Monday, April 3, 2023 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.

The Public Work 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, April 3, 2023**. 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.

Thea Prince  
City of Spokane Purchasing

Publish: March 8, 15, & 22 2023

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**Treasury Management Software**

City of Spokane - Innovation &amp; Technology Services Division

**RFP # 5855-23**

The City of Spokane is soliciting electronic Proposals for the above titled Request for Proposals.

**Proposal Submittal:** Proposals must be submitted electronically through the City of Spokane's online procurement system portal until **1:00 p.m. on April 3rd, 2023**. Hard copies, emails, and 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.

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

Questions will be accepted through the procurement system in the "Clarifications" tab of the applicable solicitation number.

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

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

**Public Bid Opening:** Sealed Proposals will be acknowledged and unsealed at the City virtual public bid opening meeting via **Microsoft Teams** at 1:15 p.m. on **MONDAY April 3rd, 2023**. For the link to attend virtually and the number to attend by telephone, visit the City's Purchasing website at

<https://my.spokanecity.org/administrative/purchasing/>.

Carlos Plascencia  
Procurement Specialist, City of Spokane Purchasing

Publish: March 15 & 22, 2023

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**REQUEST FOR QUALIFICATIONS #5865-23****MAKE BEACON HILL PUBLIC – PHASE 2 DESIGN AND DOCUMENTATION SERVICES**

City of Spokane Parks and Recreation Department

The City of Spokane is soliciting electronic Proposals for the above titled Request for Qualifications.

**Pre-proposal Conference:**

A Pre-Proposal Conference is scheduled to be held on **THURSDAY, MARCH 30, 2023 at 1:00 p.m.**, local time, at CITY OF SPOKANE CITY HALL (808 W. Spokane Falls Boulevard, Spokane, WA 99201), CONFERENCE ROOM LOBBY - LILAC. All prospective Proposers should attend; however, attendance is not mandatory.

**Proposal Submittal:** Proposals must be submitted electronically through the City of Spokane's online procurement system portal until **1:00 p.m. on MONDAY, APRIL 10, 2023**. Hard copies, emails, and late submittals will not be accepted.

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

Questions will be accepted through the procurement system in the "Clarifications" tab of the applicable solicitation number.

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

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

**Public Bid Opening:** Sealed Proposals will be acknowledged and unsealed at the City virtual public bid opening meeting at **1:15 p.m. on MONDAY, APRIL 10, 2023**. For the link to attend virtually and the number to attend by telephone, visit the City's Purchasing website at

<https://my.spokanecity.org/administrative/purchasing/>.

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

Publish: March 22 & 29, 2023

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