



# Official Gazette

## City of Spokane, Washington

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

Volume 115

DECEMBER 17, 2025

Issue 51 Part I



### MAYOR AND CITY COUNCIL

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY WILKERSON

COUNCIL MEMBERS:

JONATHAN BINGLE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

PAUL DILLON (DISTRICT 2)

KITTY KLITZKE (DISTRICT 3)

KATE TELIS (DISTRICT 2)

ZACK ZAPPONE (DISTRICT 3)

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# Minutes

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, December 1, 2025**

The minutes for the Monday, December 1, 2025, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, December 24, 2025, issue of the *Official Gazette*.

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, December 8, 2025**

The minutes for the Monday, December 8, 2025, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, December 24, 2025, issue of the *Official Gazette*.

**MINUTES OF SPOKANE CITY COUNCIL****Monday, November 24, 2025****AGENDA REVIEW SESSION**

The Agenda Review Session of the Spokane City Council held on the above date was called to order at 3:36 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington. A recording of the meeting can be found at the following link: <https://vimeo.com/spokanecitycouncil>.

**Roll Call**

On roll call, Council President Wilkerson and Council Members Bingle, Cathcart, Dillon, Klitzke, Lambdin, and Zappone were present.

City Administrator Alex Scott; Giacobbe Byrd, Director-City Council Office; City Council Policy Advisor Chris Wright; and City Clerk Terri Pfister were also present for the meeting.

There were no **Interviews of Nominees to Boards and Commissions**.

**BRIEFING ON AGENDA ITEMS****Final Agenda for November 24, 2025**

The City Council received a briefing from staff on the following agenda items, and Council inquiry and commentary was held, with response by staff:

- Special Budget Ordinance C36796 (utilize salary savings to replace capital vehicles) – Matt Boston

**Updated Draft Agenda for December 1, 2025**

The City Council received a briefing from staff on the following agenda item:

- Benefit Supplemental Agreements for 2026 for Collective Bargaining – Allison Adam

**Draft Agenda for December 8, 2025**

The City Council received a briefing from staff on the following agenda items, and Council inquiry and commentary was held, with response by staff:

- Resolution 2025-0114 (Approving year 2027 applications and adaptive projects to be paid from the Spokane Safe Streets for All Fund – Abigail Martin

- Resolution 2025-0115 (regarding amendment of the City of Spokane's Public Rule for Wastewater and Water General Facilities Charges and Incentives) – Marlene Feist
- Final Reading Ordinance C36804 (amending Ordinance C36348 that vacated a portion of 7<sup>th</sup> Avenue east of Government Way) – Eldon Brown
- First Reading Ordinance C36348 relating to designated festival streets) – Jackson Deese

## CONSIDERATION OF AMENDMENT AND DEFERRAL REQUESTS

### November 24, 2025, Final Agenda

Personal Services Agreement and Memorandum of Understanding between the City of Spokane, Arts Commission, and Spokane Arts (OPR 2025-0783) (As amended during November 17, 2025, 3:30 p.m. Agenda Review Session) (Council Sponsor: Council Member Dillon)

**Motion** by Council Member Dillon, seconded by Council Member Klitzke and Lambdin, **to rescind amendment** previously adopted to OPR 2025-0783 (Consent Agenda Item No. 10: Personal Services Agreement and Memorandum of Understanding between the City of Spokane, Arts Commission, and Spokane Arts for the purpose of promoting and enhancing the quality, accessibility, and presence of the arts in the City of Spokane) and revert the agreements back to 2-year timeframe; **carried 5-2**.

Extensions to State Lobbying Contracts with Nick Federici (OPR 2022-0824) and Luke Esser (OPR 2022-0825) (Deferred from November 10, 2025, Agenda, during November 10, 2025, 3:30 p.m. Agenda Review Session) (Council Sponsor: Council President Wilkerson)

**Motion** by Council Member Zappone, seconded by Council Member Klitzke, **to amend** OPRs 2022-0824 and 2022-0825 (state lobbyist contracts) with the Dillon amendment circulated by Chris Wright at 2:43 p.m.; **carried 6-1**. (Automatic one-week deferral to December 1, 2025, Agenda due to amendment.)

Resolution 2025-0099 and Resolution 2025-0100 (Council Sponsors: Council Members Zappone and Dillon)

**Motion** by Council Member Bingle, seconded by Council Member Cathcart, **to defer** Resolution 2025-0099 (approving appointment of Jon Snyder as Director of Transportation and Sustainability) and Resolution 2025-0100 (approving appointment of Shawna Ernst as Director of Analytics, Research, and Technology within the Spokane Police Department) to final consideration on January 19, 2026; **failed 3-4**.

First Reading Ordinance C36778 (As amended during November 10, 2025, 3:30 p.m. Agenda Review Session) (First Reading deferred from November 10, 2025, Agenda, to November 17, 2025, Agenda, during November 3, 2025, 3:30 p.m. Agenda Review Session, thereby deferring Final Reading to this agenda) (Council Sponsors: Council Members Zappone and Klitzke)

**Motion** by Council Member Zappone, seconded by Council Member Klitzke, **to amend** Final Reading Ordinance C36778 (relating to algorithmic price fixing) with the Zappone proposed amendment (filed November 19, 2025), which triggers an automatic on-week deferral of the item; **carried 7-0**. (Automatic one-week deferral to December 1, 2025, Agenda due to amendment.)

Final Reading Ordinance C36794 (As amended during November 17, 2025, 3:30 p.m. Agenda Review Session) (Council Sponsors: Council Members Dillon and Cathcart)

**Motion** by Council Member Zappone, seconded by Council Member Klitzke, **to suspend** Council Rules **and just amend** Final Reading Ordinance C36794 (Adopting a Mid-Biennial Modification Budget for 2026) with the Wilkerson/Dillon/Zappone proposed amendment (filed November 24, 2025, at 3:30 p.m.) without triggering an automatic one-week deferral of the item; **carried 5-2**.

First Reading Ordinance C36816 (Council Sponsors: Council Members Klitzke, Cathcart, and Dillon)

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to suspend** Council Rules **and add** First Reading Ordinance C36816 (granting a non-exclusive franchise to use the public right-of-way to provide noncable telecommunications service to the public to Level 3 Telecom of Washington, LLC) for first reading on November 24, 2025, and final consideration on December 1, 2025; **carried 7-0**. (Note: Replaces Ordinance C36762 passed by City Council on November 10, 2025)

First Reading Ordinance C36795 (Council Sponsors: Council Members Dillon and Zappone)

**Motion** by Council Member Bingle, seconded by Council Member Cathcart, **to defer** Ordinance C36795 (relating to the Executive and Administrative Organization) to first reading on January 12, 2025, and final consideration on January 19, 2025; with

**Motion to amend** by Council Member Zappone, seconded by Council Member Dillon, **to amend** the date to December 15 for first reading; **carried 6-1**.

**Main motion, as amended, to defer** Ordinance C36795 to first reading on December 15, 2025, and final consideration on January 12, 2025; **carried 6-1**.

**December 1, 2025, Updated Draft Agenda**

Benefit Supplemental Agreements for 2026 with Collective Bargaining Groups (OPRs 2022-0505, OPR 2024-0183, OPR 2022-0505, and OPR 2022-0793) (Council Sponsors: Council Members Dillon and Cathcart)

**Motion** by Council Member Dillon, seconded by Council Member Zappone, **to suspend** Council Rules **and add** just OPRs 2022-0505, 2024-0183, 2022,0505, 2022-0793, and 2022-0794 (Supplemental Agreements for 2026 with Collective Bargaining groups); **carried 7-0.**

Emergency Ordinance C36803 (Council Sponsors: Council Members Cathcart and Dillon)

**Motion** by Council Member Cathcart, seconded by Council Member Bingle, **to amend** Emergency Ordinance C36803 (relating to animal control regulations) with the Cathcart proposed amendment; **carried 7-0.**

Resolution 2025-0112 (Council Sponsors: Council President Wilkerson and Council Member Dillon)

**Motion** by Council Member Dillon, seconded by Council Member Bingle, **to suspend** Council Rules **and add** just Resolution 2025-0112 (proposed settlement of civil claims against City of Spokane under Spokane County Cause No. 17-2-02507-5, a class action lawsuit challenging outside city water rates) for final consideration on December 1, 2025; **carried 7-0.**

First Reading Ordinance C36810 (Council Sponsors: Council Members Bingle and Dillon)

**Motion** by Council Member Dillon, seconded by Council Member Lambdin, **to suspend** Council Rules **and just amend** Ordinance C36810 (relating to co-living housing requirements) with the Dillon proposed amendment without triggering an automatic one-week deferral of the item; **carried 5-2.**

Final Reading Ordinance C36787 (Council Sponsors: Council Members Dillon and Bingle)

**Motion** by Council Member Bingle, seconded by Council Member Zappone, **to suspend** Council Rules **and just amend** Final Reading Ordinance C36787 (relating to 2026 Downtown BID assessments) with the Dillon proposed amendment without triggering an automatic one-week deferral of the item; **carried 7-0.**

Final Reading Ordinance C36788 (Council Sponsors: Council Members Dillon and Bingle)

**Motion** by Council Member Bingle, seconded by Council Member Lambdin, **to suspend** Council Rules **and just amend** Final Reading Ordinance C36788 (relating to 2026 East Sprague BID assessments) with the Dillon proposed amendment without triggering an automatic one-week deferral of the item; **carried 7-0.**

**December 8, 2025, Draft Agenda**

First Reading Ordinance C36782 (Council Sponsors: Council Members Zappone and Klitzke)

**Motion** by Council Member Klitzke, seconded by Council Member Zappone, **to defer** First Reading Ordinance C36782 (relating to designated festival streets) to January 26, 2026; **carried 7-0.**

**Action to Approve Agendas**

The City Council took the following action (pursuant to Council Rule 2.1.B):

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to approve** the November 24, 2025, Final Agenda, as amended; December 1, 2025, Updated Draft Agenda, as amended; and December 8, 2025, Draft Agenda; **carried 5-2.**

**Council Recess/Executive Session**

The City Council recessed at 4:28 p.m. No executive session was held. The City Council reconvened at 6:04 p.m. for the Legislative Session.

**LEGISLATIVE SESSION****Land Acknowledgement**

Council President Wilkerson started the meeting off by reading the "Land Acknowledgement" (adopted by City Council on March 22, 2021, under Resolution 2021-0019) which appears on page 2 of the agenda.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Council President Wilkerson.

**Roll Call**

On roll call, Council President Wilkerson and Council Members Bingle, Cathcart, Dillon, Klitzke, Lambdin, and Zappone were present.

Giacobbe Byrd, Director-City Council Office; City Council Policy Advisor Chris Wright; and City Clerk Terri Pfister were also present for the meeting.

There were no **Proclamations and Salutations.**

There were no **Reports from Community Organizations**.

There was no **Poetry at the Podium**.

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

### **COUNCIL PRESIDENT WILKERSON – PERSONAL PRIVILEGE**

Council President Wilkerson noted this is the last Council meeting for Council Member Lambdin and thanked her for serving in this role and provided well wishes for her next journey. Other council members also provided remarks. Council Member Lambdin thanked council members for the kind words and noted it has been a great experience to sit alongside council members the last few months and serve the citizens of Spokane in District 2 and provided other remarks.

### **CONSENT AGENDA**

After public and Council commentary, the following actions were taken:

Personal Services Agreement and Memorandum of Understanding between the City of Spokane, Arts Commission, and Spokane Arts (OPR 2025-0783)

**Upon 5-2 Voice Vote**, the City Council **approved** Personal Services Agreement and Memorandum of Understanding between the City of Spokane, Arts Commission, and Spokane Arts for the purpose of promoting and enhancing the quality, accessibility, and presence of the arts in the City of Spokane from January 1, 2026, through December 31, 2027—\$919,632. (OPR 2025-0783) (As amended during 3:30 p.m. Agenda Review Session) (Council Sponsor: Council Member Dillon) (Taken Separately)

**Upon 7-0 Voice Vote**, the City Council **approved** Staff Recommendations for the following items:

Spokane Airport Board 2026 Budget. (FIN 2025-0002) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Master Value Blanket with Dell Marketing L.P. (Round Rock, TX) for the as-needed purchase of technology equipment (hardware) from December 1, 2025, through June 30, 2028—estimated annual cost \$1,500,000 (plus tax). (OPR 2025-0780) (Council Sponsor: Council President Wilkerson)

Outside Special Counsel Contract Amendment with Summit Law Group (Seattle, WA) as outside legal counsel assisting the City in labor negotiations and HR advice—additional \$50,000. Total contract amount: \$450,000. (OPR 2022-0481) (Council Sponsor: Council Member Dillon)

Outside Special Counsel Contract Amendment with Keating, Bucklin & McCormack, Inc., P.S. (Seattle, WA) as outside counsel providing legal services and advice to the City regarding the matter of Andrei Johnson v. City of Spokane, et. al—additional \$50,000. Total contract amount: \$100,000. (OPR 2025-0272) (Council Sponsor: Council Member Dillon)

Consultant Agreement with Coffman Engineers, Inc. (Spokane) for EV charging solar photovoltaic parking canopy design services from December 15, 2025, through November 30, 2027—\$401,500 (plus \$40,150 administrative reserve). Total: \$441,650. (OPR 2025-0770 / RFQ 6388-25) (Council Sponsors: Council President Wilkerson and Council Members Dillon and Cathcart)

Master Consultant Agreement with HE Solutions, LLC, DBA Custom Energy (Spokane Valley, WA) for Clean Building Act compliance assurance services from December 20, 2025, through December 30, 2027—\$402,151 (plus \$40,215 administrative reserve). Total: \$442,366. (OPR 2025-0781) (Council Sponsors: Council President Wilkerson and Council Member Dillon) (As amended during November 17, 2025, 3:30 p.m. Agenda Review Session)

Contract Amendment/Extension with Dundee Concrete & Landscaping, LLC (Mead, WA) for West Central Community Center office/wall/door buildout from July 1, 2025, through December 30, 2025—additional \$13,500 (plus tax). (OPR 2024-0744 / PW ITB 6192-24) (Council Sponsors: Council President Wilkerson and Council Members Dillon and Cathcart)

Accept Association of Washington Cities Energy Audits Grant from July 1, 2025, to March 31, 2026—\$272,292. (OPR 2025-0782) (Relates to Special Budget Ordinance C36798) (Council Sponsor: Council President Wilkerson) (As amended during November 17, 2025, 3:30 p.m. Agenda Review Session)

Contract Renewal 1 of 3 with Day Management Corp. DBA Day Wireless Systems (Spokane Valley, WA) for the preventative maintenance and repair of the City's non-emergency radio communications system and equipment from January 1, 2026, through December 31, 2026—not to exceed \$150,000 (plus tax). (OPR 2024-0095 / IRFP 5921-23) (Council Sponsors: Council Members Cathcart and Dillon)

Low Bid of Cameron Reilly, LLC (Spokane) for Arterial Pedestrian Hybrid Beacons project—\$1,477,338. An administrative reserve of \$147,733.80, which is 10% of the contract amount, will be set aside. (Various neighborhoods) (OPR 2025-0798 / ENG 2022090) (Council Sponsor: Council Member Klitzke)

Acceptance of grant from the U.S. Department of Transportation, through the Washington Traffic Safety Commission (WTSC), to support continuation of phlebotomy program for SPD from November 10, 2025, through September 30, 2026. (OPR 2025-0802) (Relates to Special Budget Ordinance C35807) (Council Sponsors: Council President Wilkerson and Council Member Zappone)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through November 14, 2025, total \$10,969,981.67 (Check Nos.: 615345-615521; Credit Card Nos.: 002405-002427; Payment Nos.: 146607-146795), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$10,831,073.04. (CPR 2025-0002)

Minutes:

- a. City Council Meeting Minutes: October 27 and November 3, 2025. (CPR 2025-0013)
- b. City Council Finance and Administration Standing Committee Meeting Minutes: November 3, 2025. (CPR 2025-0015)

Extensions to State Lobbying Contracts from November 1, 2025, through June 30, 2026, with:

- a. Nick Federici Government Relations (Tacoma, WA)—\$31,500. (OPR 2022-0824)
- b. Luke Esser (Bellevue, WA)—\$31,500. (OPR 2022-0825)  
(Council Sponsor: Council President Wilkerson) (Deferred from November 10, 2025, Agenda, during November 10, 2025, 3:30 p.m. Agenda Review Session) (As amended during today's 3:30 p.m. Agenda Review Session)

## LEGISLATIVE AGENDA

### SPECIAL BUDGET ORDINANCES

#### **Special Budget Ordinance C36796 (Council Sponsors: Council Members Dillon and Cathcart)**

After public testimony and Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36796** amending Ordinance No. C36626, entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to utilize salary savings to replace capital vehicles, and declaring an emergency.

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle and Cathcart  
**Abstain:** None  
**Absent:** None

#### **Special Budget Ordinance C36797 (Council Sponsors: Council President Wilkerson and Council Member Dillon)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36797** amending Ordinance No. C36626, entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to re-allocate ARPA funding for other eligible purposes, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

#### **Special Budget Ordinance C36798 (Relates to OPR 2025-0782) (Council Sponsors: Council President Wilkerson and Council Member Dillon)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36798** amending Ordinance No. C36626, entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to accept an AWC building audit grant, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**Special Budget Ordinance C36799 (Council Sponsors: Council President Wilkerson and Council Member Dillon)**

After public testimony and an opportunity for Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36799** amending Ordinance No. C36626, entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to adjust pay ranges to align with salary analysis (2025 - Quarter 4), and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**Special Budget Ordinance C36800 (Council Sponsors: Council President Wilkerson and Council Member Dillon)**

After public testimony and an opportunity for Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36800** amending Ordinance No. C36626, entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to establish a public works apprenticeship utilization program, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**Special Budget Ordinance C36807 (Relates to OPR 2025-0802) (Council Sponsors: Council President Wilkerson and Council Member Zappone)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36807** amending Ordinance No. C36626, entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to accept grant funding from the Washington State Transportation Commission for phlebotomy program, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

There were no **Emergency Ordinances**.

**RESOLUTIONS****Resolution 2025-0099 (Council Sponsors: Council Members Zappone and Dillon)**

After public testimony and Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **adopted Resolution 2025-0099** approving the appointment of Jon Snyder as the Director of Transportation and Sustainability for the City of Spokane.

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle and Cathcart  
**Abstain:** None  
**Absent:** None

**Resolution 2025-0100 (Council Sponsors: Council Members Zappone and Dillon)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **adopted Resolution 2025-0100** approving the appointment of Shawna Ernst as the Director of Analytics, Research, and Technology within the Spokane Police Department for the City of Spokane.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**Resolution 2025-0101 (Council Sponsors: Council Members Dillon and Cathcart)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 6-1 Roll Call Vote**, the City Council **adopted Resolution 2025-0101** setting forth the City Council's approval and endorsement of funding for the community center contracts for the Community, Housing, and Human Services (CHHS) Department, and authorizing the execution of the applicable and appropriate contracts once formalized without further City Council action.

**Ayes:** Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle  
**Abstain:** None  
**Absent:** None

**Resolution 2025-0102 (and OPR 2025-0787) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)**

After public testimony and an opportunity for Council commentary, with none provided, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **adopted Resolution 2025-0102** declaring the waiver of public bid requirements for the purchase of 2026 insurance premiums for specified City insurance coverages.

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle and Cathcart  
**Abstain:** None  
**Absent:** None

**FINAL READING ORDINANCES**

**For Council action on Final Reading Ordinance C36778, see section of minutes under 3:30 p.m. Agenda Review Session.**

**Final Reading Ordinance C36752 (First Reading deferred as amended from November 10, 2025, Agenda, to November 17, 2025, Agenda, during November 10, 2025, 3:30 p.m. Agenda Review Session, thereby deferring Final Reading to November 24, 2025, Agenda) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)**

After an opportunity for public testimony, with none provided, and Council commentary, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36752**, as amended, concerning adoption of public rules by the City of Spokane and creating new Chapters 3.14, 10.21, 12.14, 15.07, and 18.12 of the Spokane Municipal Code, amending sections of Titles 1, 3, 4, 7, 8, 10, 12, 13, 15 and 16A of the Spokane Municipal Code, and adding new sections 03.07.350 and 08.15.150 to the Spokane Municipal Code.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**For Council action on Final Reading Ordinance C36794, see sections of minutes under 3:30 p.m. Agenda Review Session and "Hearings."**

**Final Reading Ordinance C36801 (Deferred as amended from November 17, 2025, Agenda, during November 17, 2025, 3:30 p.m. Agenda Review Session) (Council Sponsors: Council Members Klitzke and Dillon)**

After a presentation by Transportation Director Jon Snyder, public testimony, and Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36801**, as amended, adopting a local option transportation tax for commercial parking for the purpose of funding transportation system and safety improvements, and establishing incentives for efficient land use that meet the goals of the City's Comprehensive Plan; amending the title of SMC Chapter 08.07D, Section 08.07D.060, adopting a new Chapter 08.22 to Title 08 to the Spokane Municipal Code; and setting an effective date.

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle and Cathcart  
**Abstain:** None  
**Absent:** None



**For Council action on Final Reading Ordinance C36777, see section of minutes under 3:30 p.m. Agenda Review Session.**

**Final Reading Ordinance C36814 (Council Sponsors: Council President Wilkerson and Council Member Klitzke) (This ordinance was taken out of order and considered prior to Ordinances C36811, C36812, C36813, and C36815.)**

After public testimony and Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36814** relating to Utilities, Franchise Taxes; amending section 08.10.030(A)(3), (4) and (7) to chapter 08.10 of the Spokane Municipal Code; and setting an effective date.

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle and Cathcart  
**Abstain:** None  
**Absent:** None

**Final Reading Ordinances C36811, C36812, C36813, and C36815 (Council Sponsors: Council President Wilkerson and Council Member Klitzke)**

Final Reading Ordinances C36811, C36812, C36813, and C36815 were taken together. After public testimony and Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **passed** the following Final Reading Ordinances:

**ORD C36811** Relating to the annual rates for water utility and services; amending chapter 13.04 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council President Wilkerson and Council Member Klitzke)

**ORD C36812** Relating to the annual rates for the sewer utility and services; amending chapter 13.03 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council President Wilkerson and Council Member Klitzke)

**ORD C36813** Relating to the annual rates for the solid waste utilities and services; amending chapter 13.02 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council President Wilkerson and Council Member Klitzke)

**ORD C36815** Relating to the annual rates for water-wastewater public utilities and services; amending chapter 13.035 of the Spokane Municipal Code; and setting an effective date. (Council Sponsors: Council President Wilkerson and Council Member Klitzke)

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle and Cathcart  
**Abstain:** None  
**Absent:** None

#### **FIRST READING ORDINANCES**

The following Ordinance was read for the first time, with further action deferred. Public testimony was received on the First Reading Ordinance.

**ORD C36816** Granting a non-exclusive franchise to use the public right-of-way to provide noncable telecommunications service to the public to Level 3 Telecom of Washington, LLC, subject to certain conditions and duties as further provided. (Replaces Ordinance C36762 passed by City Council on November 10, 2025). (Council Sponsors: Council Members Klitzke, Cathcart, and Dillon) (As added during 3:30 p.m. Agenda Review Session)

**For Council action on First Reading Ordinance C36795, see section of minutes under 3:30 p.m. Agenda Review Session.**

There were no **Special Considerations**.

## HEARINGS

### **Continued Hearing on 2026 Mid-Biennium Modification Budget (FIN 2025-0001) (Continued from November 17, 2025, Agenda) (Council Sponsors: Council President Wilkerson and Council Member Dillon)**

The City Council held a hearing on the 2026 Mid-Biennium Modification Budget. There were no staff reports provided. Following public testimony, the following action was taken:

**Motion** by Council Member Cathcart, seconded by Council Member Klitzke, **to close** the hearing on the Mid-Biennium Modification Budget; **carried 7-0**.

### **Final Reading Ordinance C36794 (As amended during the 3:30 p.m. Agenda Review Session) (Council Sponsors: Council Members Dillon and Cathcart)**

The Budget Hearing was closed (as noted in the above action). After Council commentary, the following action was taken:

**Upon 5-2 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36794**, as amended, adopting a Mid-Biennial Modification Budget for the City of Spokane, Washington, for the year 2026, and setting forth in summary form the totals of estimated revenues and appropriations for each separate fund, and providing an effective date.

**Ayes:** Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Bingle, Cathcart  
**Abstain:** None  
**Absent:** None

[The City Clerk left the meeting at 9:14 p.m. (pursuant to Council Rule 2.2.A). Open Forum speaker information and motion of adjournment and adjournment time were provided by the City Council Office for the minutes.]

## OPEN FORUM

The following individual(s) spoke during the Open Forum:

- Jim Leighty
- Larry Andrews
- Rebecca Stouff
- Sunshine Wigen

## ADJOURNMENT

**Motion** by Council Member Bingle, seconded by Council Member Dillon, **to adjourn; carried**.

There being no further business to come before the City Council, the meeting adjourned at 9:23 p.m.

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### **STANDING COMMITTEE MINUTES City of Spokane Finance and Administration Committee City Hall (808 W. Spokane Falls Blvd) Council Chambers, November 24, 2025**

#### **Call to Order: 12:00 PM**

Recording of the meeting may be viewed here: Spokane City Council

#### **Attendance**

Committee Members Present:

CM Paul Dillon (Chair), Council President Betsy Wilkerson, Council Member Michael Cathcart, Council Member Jonathan Bingle, Council Member Kitty Klitzke, Council Member Zack Zappone, Council Member Kate Telis

#### **Discussion Items (No Action Taken)**

1. LEVEL 3 TELECOM OF WASHINGTON LLC FRANCHISE – TIM SZAMBELAN
2. RENEWAL OF GRANICUS PUBLIC RECORDS REQUEST PLATFORM – PEGGY LUND
3. RESOLUTION APPROVING THE APPOINTMENT OF SKYLER BROWN AS THE DIRECTOR OF GRANTS MANAGEMENT – ADAM MCDANIEL

4. SBO YEAR END ADJUSTMENT FOR HOTEL/MOTEL LODGING TAX FUND – MATT BOSTON
5. 4700 – VACATING THE EAST 55 FEET OF ADAMS STREET FROM THE SOUTH LINE OF THIRD AVENUE TO THE NORTH LINE OF I-90, TOGETHER WITH THE ALLEY BETWEEN THIRD AVENUE AND I-90 – TAMI PALMQUIST
6. SBO – ACCEPT AWARD FROM SMITH-BARBIERI PROGRESSIVE FUND – SARAH THOMPSON
7. ACCEPTANCE OF AWARD FOR MUNICIPAL COURT – SARAH THOMPSON
8. RESOLUTION DECLARING 2025 THE YEAR OF THE COOPERATIVE – PAUL DILLON
9. TACI RECOMMENDATIONS – JACKSON DEESE

**Consent Items (No Action Taken)**

1. SHI – LOGRHYTHM CO-MANAGED SERVICES (IT)
2. 4100 – RESOLUTION – APPROVAL OF PROPOSED SETTLEMENT OF CIVIL CLAIM (CITY ATTORNEY)
3. BENEFITS SUPPLEMENTAL AGREEMENTS L270-PA, L270 DISPATCH, M&P -A, M&P BENEFITS, SUPPLEMENTAL AGREEMENTS L270, L270-PA, L270 DISPATCH, M&P – A, M&P – B (HR)
4. FACILITIES LANDSCAPING AND SNOW REMOVAL SERVICES FOR MULTIPLE CITY OF SPOKANE LOCATIONS (FACILITIES MANAGEMENT)
5. 5800 – SETTLEMENT RESOLUTION – ALISHA JOHNSON (CITY ATTORNEY)
6. 5100 – PURCHASE OF CATERPILLAR 308 MINI EXCAVATOR FOR WATER (FLEET SERVICES)
7. FACILITIES MASTER SECURITY INSTALL, REPAIR AND UPGRADES FOR SECURITY CAMERAS & CONTROL ACCESS (FACILITIES MANAGEMENT)
8. SETTLEMENT RESOLUTION – SPOKANE FIRE AND RESORATION (CITY ATTORNEY)
9. CLEAN ENERGY CONTRACT EXTENSION (2 OF 4) (FLEET SERVICES)
10. STA – UNIVERSAL TRANSIT ACCESS PASS AGREEMENT – 4<sup>TH</sup> AMENDMENT (HUMAN RESOURCES)
11. FACILITIES MASTER VALUE BLANKET FOR SECURITY CAMERAS AND CONTROL ACCESS PARTS (FACILITIES MANAGEMENT)
12. FACILITIES MASTER CONTRACT FOR SECURITY MONITORING AND SOFTWARE UPGRADES (FACILITIES MANAGEMENT)

**Public Testimony**

HT Higgins

**Executive Session**

None

**Adjournment**

The meeting adjourned at 12:44

# Hearing Notices

**BUILDING OFFICIAL SHOW CAUSE HEARING NOTICE**

Notice is hereby given that the Building Official has caused proper notice to be served upon the persons responsible for 1810 W GARDNER AVENUE, SPOKANE, WASHINGTON, 99201, PARCEL NUMBER 25131.5227, LEGAL DESCRIPTION IDES 3RD L24 B1, in compliance with the Spokane Municipal Code stating that a show cause hearing on this matter will be held before the Building Official on January 6<sup>th</sup>, 2026 at 1:30 p.m. These hearings are held at 808 W Spokane Falls Blvd. Spokane. WA 99201, in the Council Briefing Room, Lower Level, City Hall. Remote participation is also available via Microsoft Teams, and remote participation information for this hearing will be posted on the City website as well on each agenda, which can be found under the substandard building topic here:

<https://my.spokanecity.org/neighborhoods/code-enforcement/topics/>

Notice is hereby given that attention has been directed to anyone who knows the present address or whereabouts of the owner or to any new owner or person in the position of responsibility over this property to contact the City of Spokane regarding plans to correct deficiencies and avoid potential outcomes of the show cause hearing, which may include a demolition or receivership order. Not hearing further on this matter the said show cause hearing will proceed. For more information on this hearing, including information regarding participation in the remote hearing, please contact:

Jennifer Loparco  
Code Enforcement, City of Spokane  
808 West Spokane Falls Blvd.  
Spokane, WA 99201-3333  
509-625-6300  
jloparco@spokanecity.org

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6373, 808 W. Spokane Falls Blvd., Spokane, WA, 99201; or [ddecorde@spokanecity.org](mailto:ddecorde@spokanecity.org). Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish: December 10 and 17, 2025

# General Notices

## NARCOTICS NOTICE OF SEIZURE AND INTENDED FORFEITURE

Recipient:

**Ivan A. Machado-Rascon**  
13725 32<sup>nd</sup> Ave NE #C342,  
Seattle WA 98125

SPD Report #: 2025-20206605  
Date of Seizure: 10/6/2025  
Seizure Number: 25-027

This is to notify you that pursuant to **RCW 69.50.505**, the property listed below has been seized by the **Spokane Police Department (SPD)** because they believe that it was used to facilitate the sale of controlled substances or it is proceeds acquired in whole or in part from a sale or series of sales of controlled substances in violation of RCW 69.50, RCW 69.41 or RCW 69.52 and **are subject to seizure and forfeiture and NO PROPERTY RIGHT EXISTS IN THEM.**

It is the intent of SPD to seek forfeiture of the seized property. Pursuant to RCW 69.50.505, property that is used to facilitate the sale of controlled substances, or is acquired in whole or in part with proceeds traceable to a sale or series of sales of controlled substances, or furnished or intended to be furnished in exchange for a controlled substance can be seized and kept by a law enforcement agency. If you would like to make a claim because this property belongs to you and/or you are an interested party, you **MUST, within forty-five days of the service of this notice**, notify the Spokane Police Department in writing of your claim of ownership or right to possession to the item(s) seized. Send your written claim (certified mail preferred) to:

**Forfeiture Claim,  
SPD Civil Enforcement Unit,  
1100 West Mallon,  
Spokane, WA 99260**

In your letter, please identify the property you are claiming and whether you wish to request a copy of the police report documenting the seizure of the property. You will then receive notice of a hearing date.

Your failure to notify the Spokane Police Department in writing of a claim of ownership or right to possession of the items specified below within forty-five days of the service of this notice constitutes a default forfeiture and a loss of your right to an adjudicative hearing regarding this matter. RCW 69.50.505(4); RCW 34.05.440.

### **THE FOLLOWING PROPERTY HAS BEEN SEIZED:**

| Item # | Description |
|--------|-------------|
| 3      | \$16,630.00 |

Publish: November 26 and December 3, 10, 17, 24, and 31, 2025

# 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. C36120

An ordinance vacating the east 55 feet of Adams Street from the south line of 3<sup>rd</sup> Avenue to the north line of I-90, Together with the alley between 3<sup>rd</sup> Avenue and I-90, from the east line of Adams Street to the west line of Jefferson Street.

**WHEREAS**, pursuant to Chapter 35.79 RCW, the City may initiate by resolution the vacation of any street or portion thereof when it is in the public interest; and

**WHEREAS**, the City Council desires to set a time and date through this resolution to hold a public hearing on the petition to vacate the above property in the City of Spokane;

The City of Spokane does ordain:

**Section 1.** That the east 55 feet of Adams Street, from the south line of 3<sup>rd</sup> Avenue to the north line of I-90, Together with the alley between 3<sup>rd</sup> Avenue and I-90, from the east line of Adams Street to the west line of Jefferson Street is hereby vacated. Parcel number not assigned.

**Section 2.** An easement is reserved and retained over and through the east 55 feet of Adams Street between the south line of 3<sup>rd</sup> Avenue and the north line of I-90 for the utility services of Verizon/MCI Metro, Zayo Communications, WSDOT, and the City of Spokane to protect existing and future utilities.

**Section 3.** An easement is reserved and retained over and through the alley between 3<sup>rd</sup> Avenue and I-90, from the west line of Jefferson Street to the east line of Adams Street and the alley's extension across Adams Street to the west line of Adams Street, for the utility services of Avista, Comcast, Lumen/CenturyLink, Verizon/MCI Metro, Zayo Communications, WSDOT, and the City of Spokane to protect existing and future utilities.

**Passed by City Council December 8, 2025**

**Delivered to Mayor December 15, 2025**

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## ORDINANCE NO. C36560

An ordinance vacating the alley between Lee Street and Stone Street, from the south line of Broadway Avenue to the north line of Springfield Avenue.

**WHEREAS**, a petition for the vacation of the alley between Lee Street and Stone Street, from the south line of Broadway Avenue to the north line of Springfield Avenue.

has been filed with the City Clerk representing 78.13 percent of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

**WHEREAS**, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- **NOW, THEREFORE**,

The City of Spokane does ordain:

**Section 1.** That the alley between Lee Street and Stone Street, from the south line of Broadway Avenue to the north line of Springfield Avenue and located within the Southeast Quarter of Section 16, Township 25 North, Range 43 East, Willamette Meridian is hereby vacated. Parcel number not assigned.

**Section 2.** An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities, Lumen, and Comcast to protect existing and future utilities.

**Passed by City Council December 8, 2025**

**Delivered to Mayor December 15, 2025**

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**ORDINANCE NO. C36776**

AN ORDINANCE relating to municipal sewer services, amending multiple sections of Chapter 13.03, repealing section 13.03.1208, amending SMC sections 13.05.010, 13.05.020, and 13.05.030 of Chapter 13.05, all of the Spokane Municipal Code; and setting an effective date.

**WHEREAS**, the City of Spokane is in the process of reviewing its ordinances for technical cleanup and consistency and proposes the following edits and revisions.

**- Now, Therefore,**

The City of Spokane does ordain:

**Section 1:** That SMC section 13.03.1003 is amended to read as follows:

**13.03.1003 Purpose and Allocation**

~~((The City's basic monthly service charge is a component of other rates below.))~~ It is the intent of the ~~((e))~~City ~~((e))~~Council that the revenues from service charges be allocated into revenues for collection of wastewater (sewerage collection service) and revenues for treatment and other non-collection services of wastewater. ~~((The allocation for collection of wastewater, and the rate for such service, is that amount determined to be the actual costs paid from this revenue source for collection of wastewater services, as determined each year. The remainder of the revenues shall be the rate for treatment / non-collection wastewater services.))~~ All revenues are for operation of a public wastewater collection and treatment system.

**Section 2:** That SMC section 13.03.1004 is amended to read as follows:

**13.03.1004 ~~((Basic))~~ Domestic Service Charge – Monthly Amount**

The City's ~~((basic monthly))~~ domestic service charge is reflected in this section.

|   |                      |                                     |
|---|----------------------|-------------------------------------|
| <del>((Basic))</del> Domestic Service Charge                  | Monthly Amount       |                                     |
|   | <del>((2025))</del>  | 2026                                |
| <del>((Basic))</del> <del>((d))</del> Domestic service charge | <del>((28.92))</del> | <del>((30.34))</del> <u>\$30.49</u> |
| Cost per RV dump connection                                   | <del>((7.05))</del>  | <del>((7.40))</del> <u>\$7.44</u>   |

**Section 3:** That SMC section 13.03.1018 is amended to read as follows:

**13.03.1018 Landfill Wastewater Pump and Treatment Services – Amount**

This section lists the rate for landfill wastewater pump and treatment services.

|  |                     |                                   |
|--|---------------------|-----------------------------------|
| Landfill Pump and <u>Treatment</u> Total | Monthly Amount      |                                   |
|  | <del>((2025))</del> | 2026                              |
| Per hundred cubic feet                   | <del>((1.12))</del> | <del>((1.18))</del> <u>\$1.19</u> |

**Section 4:** That SMC section 13.03.1112 is amended to read as follows:

**13.03.1112 “Commercial User Charge”**

“Commercial user charge” means the charge applied to a commercial user service account for the cost of treating the volume of wastewater from that service account of a standard strength of BOD, SS and P, plus a surcharge for the treatment of wastewater of more than standard wastewater strength as determined by wastewater monitoring, from a specific commercial user. Stormwater, also listed with commercial user charges, are:

A. General Stormwater Service Charges.

These are imposed for right-of-way maintenance and operations functions relating to stormwater management and control, fairly apportioned to the commercial user's benefit enjoyed/burden created; and

B. A CSO (Combined Sewer Overflow) Stormwater User Surcharge.

The CSO Stormwater surcharge is only imposed on commercial users within the CSO service area as reflected in the GIS map on file with the Wastewater ~~((d))~~Director ~~((of wastewater management))~~, which commercial (or industrial) uses also contribute stormwater flows directly into the combined sewer system.

1. CSO Stormwater User Surcharge Discounts

- a. Where a customer pays CSO stormwater user surcharges for a new or remodeled commercial building that utilizes a permissive rainwater harvesting system or vegetated roof, as recognized by the Wastewater ~~((d))~~Director, such charges shall be reduced by ten percent.
  - i. To be eligible for a reduction under this subsection the permissive rainwater harvesting system or vegetated roof must be properly sized to utilize all ~~((of))~~ the available roof surface of the building.
  - ii. For purposes of administration a "commercial building" is defined to be a building on premises billed "CSO stormwater user surcharge" under SMC 13.03.1008(B).
  - iii. "New or remodeled" shall mean a building built new or substantially remodeled.
- b. The Wastewater ~~((d))~~Director shall grant an additional ten percent discount on application by the customer showing the use of low impact development facilities for stormwater management.
  - i. Such facilities may include permeable pavement, bioretention areas, infiltration planters, and other low impact development best management practices as approved by the Washington ~~((s))~~State ~~((d))~~Department of ~~((e))~~Ecology and the City of Spokane.
  - ii. Facility maintenance is required for continuation of this discount. Maintenance requirements for low impact development facilities can be found in the Eastern Washington Low Impact Development Guidance Manual and/or manufacturer guidelines

C. To obtain a discount under subsection (B)(1) of this section, a customer must file a completed written application on forms approved by the Wastewater ~~((d))~~Director and pay an inspection fee depending on the number of impervious acres to be inspected. All discounts are prospective from the date of inspection and shall not exceed the maximum allowable discount of twenty percent. The fee for inspection is:

1. up to one impervious acre: Zero dollars;
2. one to five impervious acres: Fifty dollars;
3. five to ten impervious acres: One hundred dollars;
4. ten to twenty impervious acres: Two hundred dollars, and
5. over twenty impervious acres: Four hundred dollars.

~~((The inspection certification approving discount eligibility under subsection (B)(1) is good for five years. The Wastewater ((d))Director administers this program with such additional rules as he/she shall provide, and may assess additional charges for administrative costs not encompassed herein.))~~

D. The commercial user charges are set forth in SMC 13.03.1008.

**Section 5:** That SMC section 13.03.1202 is amended to read as follows:

**13.03.1202 Single-dwelling Units – Family Daycare Home**

Single-dwelling units, apartment house units, mobile home units and trailer park units which are shown to pay as separate accounts in the records of the ~~((u))~~Utilities ~~((b))~~Billing division of the City of Spokane shall be charged the ~~((basic))~~ domestic service charge plus one domestic user charge for each unit.

A. A "single-dwelling" unit shall ~~((include))~~ include:

1. Kitchen or cooking area room, which must include a sink;
2. Bathroom, which must include a toilet, sink, bathtub and/or shower, ~~((and sink or a toilet, shower, and sink))~~; and
3. A separate entrance to the unit which does not require residents to co-mingle.

B. Family daycare homes, as defined in SMC 13.04.2002(D) of Water Rates, are considered domestic users and shall be charged the ~~((basic))~~ domestic service charge, ~~((plus one additional domestic user charge.))~~

**Section 6:** That SMC section 13.03.1312 is amended to read as follows:

**13.03.1312 User Charge Based on Volume**

A. Sewerage user charges are established ~~((on the basis of))~~ based on wastewater volumes calculated upon City water meter readings shall be adjusted on request to reflect water volumes consumed on the property of the customer for irrigation, provided an irrigation meter is installed, evaporation equipment, steam equipment, product additions or other similar consumptive water uses, that do not contribute wastewater loading to the municipal sewage collection and treatment system, as provided hereafter.

B. Meters of a design approved in coordination with the ~~((director and department of water and hydroelectric services))~~ Wastewater Director and the Water Director may be installed by the user for the purpose of adjusting the volume of water consumption to establish actual wastewater loading to the municipal sewage collection and treatment system to determine the proper sewage user charge.

1. Each account may be assessed an additional forty percent of ~~((basic))~~ domestic service charges per meter.
  2. Meter installations used to determine actual wastewater loadings of the municipal sewage treatment and collection system must be approved by the Water ~~((d))~~ Director in conjunction with the Wastewater Director.
  3. Effective January 1, 1988, all new commercial and industrial users will be allowed volume discounts only when a separate approved water meter is provided at the owner's expense to quantify the actual volume not discharging to the sewer ~~((lawn-sprinkling))~~ provided in Section 13.03.1312.A.
- C. The water meter must be a positive displacement meter with a digital dial totalizer reading in hundreds of cubic feet.
1. The totalizer must not turn over more than once per year during the first year of installation.
  2. The equipment of plumbing following a water meter used for wastewater flow reduction must not contain overflows or valves that can discharge to the sanitary sewer system.
  3. The City shall be permitted access to the premises for meter reading and confirming that the water use is as stated by the user.
- ~~((D. Upon written request, and subject to the approval of the director, the volume of wastewater loading of the municipal sewage collection and treatment system for any specific user may be determined on the basis of the average of the amounts of water consumed per month by the user during a five month period commencing on the date of a water meter reading in the month of November and concluding on the date of a water meter reading in the following month of April, which average shall be computed annually after the water meter reading in April of each succeeding year.))~~  
~~((1. This estimated computation has a fee of two dollars six cents per month.))~~

**Section 7:** That SMC section 13.03.0117 is amended to read as follows:

### **13.03.0117 "Combined Sewer"**

"Combined sewer" is a sewer which conveys any category of wastewater, as permitted by the Wastewater ~~((d))~~ Director, and performs the functions for both a sanitary sewer and a storm sewer.

**Section 8:** That SMC section 13.03.0121 is amended to read as follows:

### **13.03.0121 "Director" or "POTW Director"**

"Director" or "POTW director" means the administrative head of the City ~~((w))~~ Wastewater ~~((m))~~ Management ~~((d))~~ Department.

**Section 9:** That SMC section 13.03.0131 is amended to read as follows:

### **13.03.0131 "Lateral" or "Lateral Sewer"**

- A. "Lateral" or "lateral sewer" is a sewer to which side or private sewers may be connected from adjacent or vicinal properties.
- B. The service area for a lateral is determined by the ~~((director of public works))~~ Wastewater Director based upon generally accepted engineering practices and subject to Spokane municipal practice.

**Section 10:** That SMC section 13.03.0145 is amended to read as follows:

### **13.03.0145 "Non-standard Strength Sewage"**

- A. "Non-standard strength sewage" is wastewater accepted for discharge into the POTW but which does not meet the criteria for acceptance as standard strength sewage, whether because of special characteristics, special treatment requirements, special monitoring or additional handling as a condition of acceptance.
- B. Specific criteria defining this class of wastewater are determined by the Wastewater ~~((d))~~ Director, in the exercise of sound discretion, considering the purposes set forth in this chapter, the public health, safety and welfare, and cost and expense to the POTW.
- C. The Wastewater ~~((d))~~ Director may further consider average concentrations of total suspended solids, B.O.D. and phosphorus, or other factors and may include any wastewater determined to have any of the following characteristics:
1. Containing more than ~~((two hundred fifteen))~~ three hundred milligrams per liter of suspended solids (TSS); or
  2. Containing more than ~~((two hundred sixty))~~ three hundred milligrams per liter of biochemical oxygen demand (B.O.D.); or
  3. Any other non-standard strength sewage, as defined by statute, ordinance, regulation or ~~((director's))~~ the Wastewater Director's order.



**Section 11:** That SMC section 13.03.0147 is amended to read as follows:

**13.03.0147 “NPDES”**

“NPDES” refers to the National Pollutant Discharge Elimination System permit program administered by the State of Washington ~~((d))Department of ((e))Ecology.~~

**Section 12:** That SMC section 13.03.0149 is amended to read as follows:

**13.03.0149 “On-site Sewage Disposal System”**

“On-site sewage disposal system” is any system or combination of piping, treatment or other facilities that store, treat and/or dispose of sewage and effluent on the property where it originates, or an adjacent or nearby property under the ownership of the user of the system or in which the user has a recorded interest for the purpose of maintaining the system on such other property. In general this includes septic tanks and/or cesspools.

**Section 13:** That SMC section 13.03.0181 is amended to read as follows:

**13.03.0181 “Sewage”**

“Sewage” is a combination of the water-carried wastes from domestic, business or commercial, industrial or manufacturing sources, including residences, business buildings, institutions and industrial establishments. “Sewage” also includes surface water and stormwater when discharged into a sewer system.

**Section 14:** That SMC section 13.03.0183 is amended to read as follows:

**13.03.0183 “Sewer System”**

- A. “Sewer system” is a pipe, conduit, structure or appurtenance for conveying sewage. These definitions further identify this term according to who owns or maintains the sewer:
1. private sewer,
  2. private storm sewer,
  3. side sewer,
  4. special side sewer,
- as opposed to public sewer.
- B. In general, public sewers are also subdivided according to what they convey:
1. sanitary sewer,
  2. storm sewer, and
  3. combined sewer.

**Section 15:** That SMC section 13.03.0185 is amended to read as follows:

**13.03.0185 “Wastewater Maintenance ~~((Supervisor))~~ Superintendent”**

- A. “Wastewater ~~((maintenance supervisor))~~ Maintenance Superintendent” is a City official who reports to the ~~((director))~~ Wastewater Director and is responsible for inspecting the work of crews engaged in public sewer construction activity, including extensions, repairs, maintenance and new construction.
- B. This person oversees repair, maintenance and cleaning operations for public sewers.
- C. This person also regulates construction, use and maintenance of publicly-owned catch basins and drains.
- D. This person inspects on-site sewage disposal systems in coordination with the ~~((h))Health ((e))~~Officer.

**Section 16:** That SMC section 13.03.0187 is amended to read as follows:

**13.03.0187 “Side Sewer”**

“Side sewer” is a sewer, not directly controlled or maintained by a public authority, which begins two feet outside the outer face of a structure wall or foundation, conveying wastewater from the building drain to the outside annular surface of a public sewer or private sewer, including in the right-of-way

**Section 17:** That SMC section 13.03.0195 is amended to read as follows:

**13.03.0195 “Special Side Sewer”**

- A. “Special side sewer” is a side sewer connected to a lateral or other public or private sewer which is outside the normal service area of said sewer, as determined by the ~~((director))~~ Wastewater Director ~~((of wastewater management))~~ in the exercise of sound discretion.
- B. Unless otherwise indicated or required by the context, all side sewer requirements apply to special side sewers.

**Section 18:** That SMC section 13.03.0197 is amended to read as follows:

**13.03.0197 “Standard Strength Sewage”**

- A. “Standard strength sewage” is wastewater which complies with specifications designated by the Wastewater ~~((d))~~ Director, City sewer rates and regulations, or this code as not requiring special treatment, monitoring or additional handling prior to acceptance by the POTW, considering chemical, physical and organic content, including but not limited to, B.O.D., suspended solids and phosphorus.
- B. The Wastewater ~~((d))~~ Director adjusts the definition of “standard strength sewage” in the City sewer rates resolution.

**Section 19:** That SMC section 13.03.0223 is amended to read as follows:

**13.03.0223 Wastewater Hauler.**

“Wastewater hauler” is a firm permitted to collect and transport materials removed from onsite grease control devices or septic tanks that may be discharged to a local POTW or discharged to a rendering facility. The Wastewater ~~((d))~~ Director may approve industrial waste on a case-by-case basis.

**Section 20:** That SMC section 13.03.0302 is amended to read as follows:

**13.03.0302 Mandatory Sewer Service – No Rights Created – Charge to Unconnected, Occupied Property**

- A. No wastewater, except stormwater, subject to applicable stormwater requirements, may be directly discharged into a natural outlet within the City of Spokane. All wastewater, sewage, wastes and waters, except stormwater, must be discharged into the POTW of the City of Spokane and/or into authorized on-site sewage disposal systems. This obligation applies to the owner of premises and to persons in possession, charge or control of the premises where prohibited discharges either originate or occur.
- B. This chapter does not create rights for any individual or group to require construction of public sewers, connection thereto, or otherwise to receive sewer service from the City. The City reserves all rights to deny, limit or curtail service.
- C. Charge to Unconnected, Occupied Property.
  - 1. The ~~((city council))~~ City Council finds that the City is within a sole-source aquifer area. On-site sewage systems serving occupied premises should be discouraged to avoid degradation of the aquifer.
  - 2. Occupied property derives a substantial benefit from the immediate availability of public sewer service, in addition to benefits from specific charges such as a general facilities charge or local improvement district assessments.
  - 3. On-site sewage systems tend to delay the installation of sewer lines. Because sewers are the deepest utility in underground location, where sewer lines are delayed as an area continues to develop, a substantially greater expense arises to put in sewer lines beneath other utilities and fixtures which have been installed and ~~((pavement))~~ paved.
  - 4. The charge for nonconnection of occupied premises to a public sewer where service is available shall be the rate assessed for such sewer service, except where prohibited by law.
    - a. For purposes of this section, service “availability” is determined by the ~~((director))~~ Wastewater Director, consistent with this chapter.

**Section 21:** That SMC section 13.03.0304 is amended to read as follows:

**13.03.0304 On-site Sewage Disposal Systems – Policy to Limit**

- A. It is the policy and intent of the City of Spokane, ~~((the))~~ Spokane County ~~((of Spokane, the))~~ Spokane Regional ~~((County-h))~~ Health ~~((d))~~ District and various other agencies of the ~~((s))~~ State and ~~((f))~~ Federal governments that on-site sewage disposal be limited and discouraged and, except where specifically authorized by permit, prohibited in all areas, and that all sewage be discharged into the POTW.

- B. No on-site sewage disposal system may be constructed, used or maintained in the City of Spokane without a written permit from the ~~((h))Health ((e))Officer~~ certifying that it meets the requirements of the ~~((h))Health ((district)) District~~.
1. On-site sewage disposal systems must also meet the requirements of the Wastewater ((d))Director ((of wastewater management)) and this code.
- C. An on-site sewage disposal system is not permitted whenever:
1. public sewer service is available, as defined in subsection (D) of this section; or
  2. the premises are occupied by a significant industrial user; or
  3. public health or safety would be adversely affected.
- D. Availability of Public Sewer Service.
1. For purposes of this section, except as provided in subsection (D)(2) of this section, public sewer service is available if a street, highway, alley or easement in which a public sewer is located runs within ~~((any point))~~ two hundred feet or less at any point from the boundaries of the premises concerned and said premises are located within the design area for the public sewer.
  2. Availability may be deferred from the time public sewer service is located within two hundred feet or less of the property concerned, so long as:
    - a. sewage disposal service needs are limited to existing residential uses or equivalent, but this does not extend to multiple-family residential needs;
    - b. the property is not platted and there is no further development or change in land use; and
    - c. proximity to a public sewer arises from new construction initiated because of development other than on the premises concerned, and there is not otherwise determined to be a need for public sewer service to said premises.
  3. Availability is determined by the ~~((public works director and utilities))~~ Wastewater Director, in the exercise of reasonable discretion.
- E. Every owner, agent or occupant of any property constructing, using or maintaining an on-site sewage disposal system after public sewer service becomes available must discontinue use of the on-site facility and connect to the public system (POTW) upon the earliest of:
1. the time the on-site system fails or requires pumping, or
  2. within one year after public service became available or so long as deferred under subsection (D)(2) of this section.

**Section 22:** That SMC section 13.03.0306 is amended to read as follows:

### **13.03.0306 Proper Connection of All Premises**

- A. Every owner, agent or occupant of any structure or premises used for human occupancy, employment, recreation or other purposes requiring sanitary facilities, or when the Wastewater ((d))Director ((of wastewater management)) or ~~((h))Health ((e))Officer~~ shall so order, must construct or cause to be constructed all necessary sanitary facilities and a proper and sufficient sewer for connection to the public sewer in accordance with City requirements unless specifically exempted therefrom in writing by the Wastewater ((d))Director ((of wastewater management)).
- B. A separate and independent side sewer is provided for each and every building or structure or any premises or property, except as authorized by the Wastewater ((d))Director ((of wastewater management)).
1. A private sewer may be permitted in cases of engineering necessity, to prevent or correct a health or safety hazard, or for other good cause, all as determined by the Wastewater ((d))Director ((of wastewater management)) or ~~((h))Health ((e))Officer~~.
- C. Said side sewer connects said building, structure or property and all toilets and pipes therein used as receptacle of or ~~((conductor))~~ conveyance of wastewater to the public sewer.
- D. Upon discovery of a violation of this section, a notice of noncompliance is given to the owner, agent, or person in possession, charge or control of the premises which may allow up to thirty days for compliance.
1. A longer or shorter time may be set by the Wastewater ((d))Director ((of wastewater management)) or ~~((h))Health ((e))Officer~~ as may be deemed necessary to protect the public health and safety.
  2. No notice is required prior to or as a condition of taking any enforcement action.

**Section 23:** That SMC section 13.03.0308 is amended to read as follows:

### **13.03.0308 Easement – Agreement to Maintain Private Sewer**

- A. As an additional condition of allowing connection of a private sewer, the property owner may be required to execute and record at ~~((his))~~ owner's expense an easement appurtenant to and for the benefit of premises crossed by a private sewer on a form supplied by the ~~((director of engineering services))~~ Development Services Center. A maintenance agreement must be filed with Spokane County.
1. Said easement is to be in a form approved by the ~~((e))City ((a))Attorney~~ and recorded against all properties.

2. It runs with the land and allows perpetual access to said private sewer by all premises crossed, to include all maintenance responsibilities shall be by property owners.
  3. Grantors of property crossed mutually covenant to maintain said sewer for the use and enjoyment of all premises crossed or affected, as determined by the ~~((director of engineering services))~~ Director of Engineering Services.
- B. Said easement is not subject to revocation without the written approval of the ~~((director of engineering services))~~ Director of Engineering Services.
1. The City has no maintenance or repair obligations for said private sewers.

**Section 24:** That SMC section 13.03.0310 is amended to read as follows:

#### **13.03.0310 Multiple-dwelling Units – Duties of Owners and Occupants**

- A. Every owner, agent and/or person in possession, charge or control of any hotel, motel, manufactured home park, condominium, apartment house or other multiple-dwelling unit arrangement has the duty to furnish such fixtures or other adequate means of disposing of wastewater originating from the premises as are approved by the Wastewater ((d))Director ((of wastewater management)). This section is supplemental to authority which may be exercised by other City officials.
- B. In cases of hotels, motels, manufactured home parks, condominiums, apartment houses, other multiple-dwelling unit arrangements or any other areas the Wastewater ((d))Director ((of wastewater management)) deems to require public sewer service, the Wastewater ((d))Director ((of wastewater management)) may require multiple tenants or the property owners to appoint an agent or agents responsible and accountable to the City for making payment for City sewer service whenever multiple billings are deemed unreliable or inconvenient.
1. Failure of an agent to discharge any duty imposed by this section does not relieve any property owner, tenant, occupant, customer or any other person of any legal obligation imposed herein and the City reserves all rights and remedies at contract and law.

**Section 25:** That SMC section 13.03.0312 is amended to read as follows:

#### **13.03.0312 Disorders on Private Premises – Prompt Repairs**

- A. When any sewer, pipe, drain or on-site sewage disposal system located on private premises becomes obstructed, broken, out-of-order or otherwise inoperative, the ~~((h))Health ((e))Officer~~ or the Wastewater ((d))Director, if the owner of such premises, customer, occupant or other person responsible for the care and management of the premises, or the agent of any of the foregoing (hereafter jointly and severally referenced as “owner/customer”) fails to correct the problem after two days’ notice to do so, and upon a determination that the public health and safety is or could be endangered thereby, causes such sewer to be removed, reconstructed, repaired, pumped, altered or cleansed, as deemed expedient, at the expense of the owner of such premises.
1. No notice is necessary in cases of imminent danger to the public health and safety.
- B. Said broken, obstructed, out-of-order or otherwise inoperative sewers, pipes or on-site sewage disposal systems are declared public nuisances which may be summarily abated at the sole expense of the premises owner and/or responsible persons, notwithstanding any other provision of this chapter.
- C. In the case of a publicly owned sewer line, where the disorder was not the result of problems which have been determined by the Wastewater ((d))Director to have originated from an identifiable premises or area, the owner/customer is not responsible for repair expenses, but must allow prompt and reasonable access where required by the Wastewater ((d))Director on any abutting premises for repairs and maintenance as ordered by the Wastewater ((d))Director.
1. Property owner/customers are further required to cooperate with the Wastewater ((d))Director to allow the utility to repair or maintain the line or must pay any additional costs incurred by the utility because of failure to cooperate and allow access, which may be billed as a cost of sewer service to the premises concerned.
  2. Cooperation includes providing access and information known to the owner/customer about any special conditions, underground obstructions or other information of any special problems relating to access or repair or maintenance activities.
  3. These obligations are supplemental to any other contractual undertaking or legal duty.

**Section 26:** That SMC section 13.03.0314 is amended to read as follows:

#### **13.03.0314 Non-standard Strength Sewage – Special Arrangements**

- A. Non-standard strength sewage must be made to conform to standard strength sewage consistent with the requirements of this chapter prior to discharge into the POTW at the ~~((generator's))~~ generators or source’s sole expense and liability.

- B. The Wastewater ((d))Director may, however, by special agreement or arrangement accept non-standard strength sewage subject to additional charges and terms as the Wastewater ((d))Director deems appropriate.

**Section 27:** That SMC section 13.03.0318 is amended to read as follows:

### **13.03.0318 Unlawful to Dispose of Sewage**

- A. Except as authorized by this chapter, no person may dispose of sewage, water-carried wastes or polluted waters.
- B. Sanitary sewage is disposed of only into a sanitary or combined sewer with proper payment of all fees and charges therefor, or to an authorized on-site sewage disposal system.
- C. Industrial process wastewater and non-contact cooling water is disposed of only into a sanitary or combined sewer, or other sewer or place approved by the Wastewater ((d))Director, with proper payment of all fees and charges therefor.

**Section 28:** That SMC section 13.03.0322 is amended to read as follows:

### **13.03.0322 Use of Storm Sewers, Combined Sewers, Natural Outlets**

Except as herein provided no person may discharge or cause to be discharged any wastewater, except stormwater, into a storm sewer. Additionally, notwithstanding the foregoing, non-contact cooling water or other wastewater (some unpolluted industrial process wastewaters) may be discharged upon approval of the ((e))City ((e))Engineer or ((POTW)) Wastewater ((d))Director and the Washington State ((d))Department of ((e))Ecology to a storm sewer, combined sewer or natural outlet. Any such discharges may not cross over a public walk or way.

**Section 29:** That SMC section 13.03.0324 is amended to read as follows:

### **13.03.0324 Prohibited Uses of Public Sewers**

Absolute prohibited uses of a public sewer are stated in SMC 13.03.0406. In addition to these requirements, no person may directly or indirectly discharge or suffer or permit a discharge into any public sewer any of the following without previous written authorization from the Wastewater ((d))Director and payment of all required fees and charges therefor:

- A. The contents of any tank or container owned or used by any person in the business of pumping, collecting, transporting or receiving sewage, effluent, septage or other waste substances, unless said person has obtained prior testing and written consent, as required by the Wastewater ((d))Director, and paid all fees assessed for such discharge; or
- B. Any non-standard strength sewage.

**Section 30:** That SMC section 13.03.0330 is amended to read as follows

### **13.03.0330 Unauthorized Connection to Public Sewer**

No unauthorized person or entity may uncover, make any connection with, open into, use, alter, damage or disturb any public sewer or appurtenance thereof without first obtaining written permission from the ((division of public works and utilities)) Wastewater Director, obtaining permits as required by this code and Article VI of this chapter, and paying fees therefor.

**Section 31:** That SMC section 13.03.0502 is amended to read as follows:

### **13.03.0502 Grease Control Devices.**

Any commercial facility which generates grease waste including but not limited to hotels, boardinghouses, restaurants, or food processing facilities, shall install an approved type of grease control device at the owner's expense and liability, as part of their waste disposal system. Installation may be required for other facilities by the ((director, the building and planning department)), Wastewater Director, Development Services Center, Planning Services, or the ((h))Health ((e))Officer. Design and construction of grease control devices and associated piping shall be in accordance with the more restrictive of the Side Sewer Installation Handbook and Uniform Plumbing Code and must be configured to be readily accessible for maintenance and inspection.

**Section 32:** That SMC section 13.03.0503 is amended to read as follows:

### **13.03.0503 Oil/water Separators, Sand Traps.**

Any commercial facility which discharges petroleum and/or settleable granular particles wastes shall install an oil/water separator and/or sand trap as part of their sewer system, at the owner's expense and liability. Installation may be required for other facilities by the ((director, the building and planning department)), Wastewater Director, Development Services Center, Planning Services, or the ((h))Health ((e))Officer. Such commercial facilities include, but are not limited to, car washes, automotive repair/maintenance facilities, and petroleum stations. Design and construction shall be in accordance with the Side Sewer Installation Handbook and City Design Standards, and located as to be readily accessible for maintenance and inspection.

Cross reference(s)—Sewer construction regulations, SMC 13.03.0622.

**Section 33:** That SMC section 13.03.0504 is amended to read as follows:

### **13.03.0504 Installation**

Grease, oil and sand interceptors or other necessary removal facilities are installed on premises at the owner's expense and liability when, in the opinion of the ~~((b))Building~~ ~~((e))Official~~, they are necessary for the proper handling of wastewater from the premises of origination. All interceptors are of a type and capacity approved by the ~~((b))Building~~ ~~((e))Official~~ and located as to be readily accessible for cleaning and inspection.

**Section 34:** That SMC section 13.03.0508 is amended to read as follows:

### **13.03.0508 Grease Control Devices, Oil/water Separators, Sand Traps—Maintenance**

- A. All grease control devices, oil/water separators, and sand traps shall be maintained by the owner, at his or her expense and liability, in good order and condition at all times. Existing grease control devices connected to public sewer shall be, cleaned, inspected, and adequately documented per Subsection C. If the grease control device, oil/water separator, or sand trap fails the inspection as not being up to City standards, such device will have to be repaired or replaced at the owner's expense.
- B. Grease control devices, oil/water separators, and sand traps shall be cleaned on a sufficient frequency to prevent objectionable odors, surcharge of the grease control device, obstruction, or interference with the operation of the sanitary sewer system. All devices must be maintained as described below, or in a manner and frequency consistent with manufacturer specifications and guidance.
1. Hydromechanical grease interceptors shall be cleaned at least once every thirty days, or when the device is filled to twenty-five percent or more of capacity with grease or settled solids, whichever comes first.
  2. Gravity grease interceptors shall be cleaned by a wastewater hauler at least once every ninety days, or when the last chamber is filled to twenty-five percent or more of capacity with grease or settled solids, whichever comes first. Grease interceptors with a sample box shall be cleaned immediately when grease is evident in the sample box.
  3. Mechanical grease removal devices must be maintained in a manner and frequency consistent with manufacturer specifications and guidance.
  4. Oil/water separators and sand traps shall be serviced by a licensed waste disposal company when the sediment in the bottom of the device exceeds six inches in depth, when accumulated trash or debris is observed, or when there is one inch or more of floating oil, whichever comes first.
  5. Grease control devices and oil/water separators shall be cleaned by being pumped dry and all accumulated sludge on all surfaces shall be removed by washing down the sides, baffles, and tees. Water removed during cleaning shall not be returned to the grease control device or the oil/water separator, nor the downstream sewer.
  6. The use of chemical or biological additives, enzymes or surfactants acting as grease emulsifiers is not permitted as a method for cleaning the grease control device.
- C. Users shall maintain records on site for a period of at least three years as follows:
1. Users with an installed grease control device or oil/water separator shall maintain records showing that the control device has been properly maintained and cleaned as required by Subsections A and B.
  2. Users shall maintain records showing the following related to all wastes hauled off site: date and time material removed off site; volume removed; licensed wastewater hauler or hazardous waste disposal company name.
- D. Grease control devices shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc.
- E. The Wastewater ~~((d))Director~~ may grant an exception to the requirements of Subsections B.2 where the Wastewater ~~((d))Director~~ finds, based on evidence presented by the user, that a less frequent cleaning schedule will be sufficient to assure that not more than twenty-five percent of the capacity of the grease control device will be filled with grease or settled solids.
- F. The Wastewater ~~((d))Director~~ may conduct an inspection of grease control devices, sand traps, and oil/water separators. The user shall make all facilities accessible for inspection, and shall provide inspection and maintenance records. The cost of the inspections, any repairs to the public sewer, and any cleaning of the public sewer, necessitated by a lack of proper maintenance of the user's facilities, shall be billed as an additional utility service to the user.

**Section 35:** That SMC section 13.03.0602 is amended to read as follows:

### **13.03.0602 Inspections**

- A. Except as provided hereafter, whenever any side sewer or other connection is made with any public sewer or private sewer, or any part of such side sewer or other connection is constructed, the work shall follow the Side Sewer Installation Handbook and be inspected by the ~~((w))Wastewater~~ ~~((supervisor))~~ Superintendent or designated ~~((w))Wastewater~~ ~~((i))Inspector~~.

- B. Sewer connections made within mobile home parks, or sewer connections relating to mobile homes, recreational vehicles, house trailers, campers or other similar vehicles located within private property lines shall also be subject to, permit and inspection requirements and the more restrictive of the plumbing code of the City SMC 17F.100 or the Side Sewer Installation Handbook.
- C. The health officer inspects on-site sewage disposal systems as defined in regulations of the jurisdictional health agency in the City.
- D. Side sewer stubs are inspected by the ~~((wastewater management department))~~ Engineering Services Department and/or Wastewater Maintenance and Collections Department.

**Section 36:** That SMC section 13.03.0606 is amended to read as follows:

#### **13.03.0606 Sewer Taps**

Sewer taps to public sewers require a tapping permit and payment of special connection charges where applicable. Only “Y” or “T” branch sewer taps are permitted to a public sewer unless a special tap permit is granted by the ~~((sewer maintenance supervisor))~~ Wastewater Superintendent.

**Section 37:** That SMC section 13.03.0608 is amended to read as follows:

#### **13.03.0608 Sewer Local Improvement District Waiver Agreement**

- A. Where an owner of property seeks to connect to the POTW, and the ~~((division))~~ Wastewater ~~((of public works and utilities))~~ Director ~~((of public works and utilities))~~ determines either that lateral service is unavailable or that public sewer service is being provided on an interim basis, then such owner must obtain from the ~~((department of engineering services))~~ Development Services Director and execute, as a condition of connection, a sewer waiver agreement for a ~~((l))~~ Local ~~((i))~~ Improvement ~~((d))~~ District (LID) sewer assessment.
- B. Said agreement provides that the signatory:
  - 1. waives the right to protest the establishment of any ~~((l))~~ Local ~~((i))~~ Improvement ~~((d))~~ District for the installation of a public sewer which may be proposed and/or to claim lack of benefit or less benefit than the amount of the assessment; and
  - 2. will join in any LID petition creating such district.
- C. The owner records said agreement and pays all filing fees required for the recording of said agreement with the Spokane ~~((e))~~ County ~~((a))~~ Auditor.

**Section 38:** That SMC section 13.03.0610 is amended to read as follows:

#### **13.03.0610 Costs of Installation and Connection – Indemnity**

- A. All costs incident to the installation and connection of a side sewer, special side sewer or private sewer are paid by the owner.
- B. The owner and/or agent performing installation and connection must indemnify the City from any loss, liability or damage that may directly or indirectly be occasioned by the installation of the owner's side sewer, special side sewer or private sewer and be responsible to repair and restore any defects or problems in the vicinity of the construction for a period of two years from the date of inspection by the ~~((sewer maintenance supervisor))~~ Wastewater Superintendent.
  - 1. A bond or other adequate security to insure this obligation may be required by the Public Works ~~((d))~~ Director ~~((of public works and utilities))~~ based on the nature and size of the construction.

**Section 39:** That SMC section 13.03.0616 is amended to read as follows:

#### **Section 13.03.0616 Eligibility for Side Sewer Permit**

A side sewer permit is issued only to a person or business having a current state general contractor's license or the appropriate specialty ~~((contractors))~~ contractor's license, or a bona fide property owner constructing a side sewer at ~~((his))~~ the place of residence who furnishes reasonable proof of ownership.

**Section 40:** That SMC section 13.03.0620 is amended to read as follows:

#### **13.03.0620 Opening Street – Requirements**

- A. When a sewer is constructed requiring the opening of the street, the paving and earth must be deposited in a manner that will cause the least inconvenience to the public and provide for free drainage along the gutter.
  - 1. One-half of the street must be kept clear for the passage of vehicles and bridgeways must be provided on sidewalks for foot passengers.

2. In refilling the pipe zone and trench, refer to Design Standard A-1 (~~((the earth must be deposited in layers of not more than six inches in depth and be well tamped or thoroughly flushed with water, or))~~) as prescribed in regulations, or as required by the (~~((sewer maintenance supervisor))~~) Wastewater Superintendent, to prevent (~~((after))~~) settlement.
- B. As soon as any such drain or sewer is completed, the paving, curbing and sidewalk must be restored to a condition equal to or exceeding that existing previous to the excavation and all rubbish and surplus earth must be immediately removed
- C. On arterial streets and avenues, traffic is to be routed and controlled and construction performed as may be directed by the (~~((d))~~)Director of (~~((engineering services))~~) the Development Services Center or the (~~((s))~~)Street (~~((d))~~)Director.

**Section 41:** That SMC section 13.03.0622 is amended to read as follows:

### **13.03.0622 Sewer Construction Regulations**

- A. The (~~((d))~~)Director of (~~((engineering services))~~) the Development Services Center prepares and updates "Regulations Governing Sewer Construction in the City of Spokane."
  1. Copies of the regulations may be obtained (~~((in))~~) from the ((department of)) ((e))Engineering ((s))Services Director, or it can be located on the City of Spokane website.
- B. The regulations contain specifications relative to materials, construction, procedure, inspection, backfilling and responsibilities in sewer installations. The permissibility of specific installations not fully covered by the regulations, General Special Provisions, or Design Standards and Standard Plans are determined by the (~~((sewer maintenance supervisor))~~) Wastewater Superintendent at the time of occurrence in accordance with the spirit and purpose of the regulations.
- C. Revision of or addition to the regulations may be made by the Engineering Services (~~((d))~~)Director (~~((of engineering services))~~) as specified in SMC 13.03.0902.

**Section 42:** That SMC section 13.03.0624 is amended to read as follows:

### **13.03.0624 Inspection Procedures – Completed Work**

- A. Notice must be given to the Wastewater Superintendent (~~((sewer maintenance supervisor at his office))~~) requesting inspection of all sewer work as provided herein and as provided in the "Regulations Governing Sewer Construction in the City of Spokane."
  1. The (~~((sewer maintenance supervisor))~~) Wastewater Superintendent, or designee, thereafter inspects the same. The connection must be made in the manner prescribed in this code or by regulations, and to the satisfaction of the (~~((sewer maintenance supervisor))~~) Wastewater Superintendent, before the trench is filled.
  2. Costs of excavation in the event of noncompliance are borne entirely by the owner and/or the owner's agent contractor.
- B. Sewers subject to inspection must be inspected and found satisfactory before covering pipe.
  1. The contractor must have a ladder on the job or a sloping ditch so that the inspector can readily enter the ditch.
  2. If the inspector deems a ditch unsafe, he/she need not enter it or complete the inspection.
  3. Reinspection occasioned by faulty or improper work or failure to comply with these provisions may be charged to the contractor or owner.

All requirements of the State of Washington (~~((d))~~)Department of (~~((l))~~)Labor and (~~((i))~~)Industries apply to persons working under this code.

**Section 43:** That SMC section 13.03.0626 is amended to read as follows:

### **13.03.0626 Notice to ((Sewer Maintenance Supervisor)) Wastewater Superintendent**

A person desiring to construct or repair a sewer in any street, alley or easement in which the sewer is located must give at least twenty-four hours' notice before commencing work to the (~~((sewer maintenance supervisor))~~) Wastewater Superintendent.

**Section 44:** That SMC section 13.03.0628 is amended to read as follows:

### **13.03.0628 Compliance Inspections**

- A. Authorized personnel of the (~~((h))~~)Health (~~((e))~~)Officer, the (~~((w))~~)Wastewater (~~((m))~~)Management (~~((d))~~)Department, or the (~~((building and planning))~~) Development Services Center (~~((d))~~)Department shall have the right to enter, during hours of operation upon any premises, public or private, as reasonably necessary to enforce the provisions of this chapter, any other ordinance relative to wastewater control, or any regulation or order adopted or issued pursuant thereto.



- B. The owner or occupant of any house, building, or property shall specifically allow City officials to inspect on site the nature of wastes intended to be discharged into a public sewer and/or on-site sewage disposal system.
- C. In the event there appears to be a violation, the City, in addition to any other power or authority reserved in this chapter, may issue a notice of violation, requiring the party to whom the notice is directed to correct the violation within thirty days of the date of the notice.
1. Failure to take such corrective action is an additional violation of this chapter.
  2. No notice is necessary in case of emergency or as a prior requirement to taking any other enforcement action authorized by this chapter.

**Section 45:** That SMC section 13.03.0632 is amended to read as follows:

### **13.03.0632 Construction Plans – Private Pump Station**

A person desiring to construct a private pump station intended to be connected with or discharged into any sewer must, before beginning work, file with the ~~((d))Department of ((e))Engineering ((s))Services~~ two copies of plans, specifications, design calculations and any other information deemed necessary by the ~~((d))Director of ((e))Engineering ((s))Services~~. Said plans, specifications and design calculations, or copies thereof, are filed with the ~~((d))Department of ((e))Engineering ((s))Services and ((sewer maintenance supervisor))~~ Wastewater Superintendent.

**Section 46:** That SMC section 13.03.0634 is amended to read as follows:

### **13.03.0634 Changes to Approved Plans – Inspections**

- A. A change to the approved plans must have prior written approval of the ~~((division))((d))Director of ((e))Engineering ((s))Services~~.
1. The ~~((sewer maintenance supervisor))~~ Wastewater Superintendent has the authority to stop any work if the ~~((supervisor))~~ Wastewater Superintendent determines that the work is not being performed according to approved plans, and to direct correction of such work to comply with the approved plans and specifications.
- B. Inspection of private pump station construction is by the ~~((d))Director of ((e))Engineering ((s))Services and/or the ((sewer maintenance supervisor))~~ Wastewater Superintendent.
1. Pump stations connected to on-site sewage disposal systems are also subject to health officer approval.

**Section 47:** That SMC section 13.03.0702 is amended to read as follows:

### **13.03.0702 Special Connection Agreements – Execution**

Whenever the connection to a City public sewer requires a written agreement, the ~~((d))Director of ((e))Engineering ((s))Services~~ is authorized to execute it on behalf of the City.

**Section 48:** That SMC section 13.03.0704 is amended to read as follows:

### **13.03.0704 Special Connection Charge Authorized – Basis**

- A. In addition to sewer connection permit fees required by this code, there is imposed, and the owners of properties which have not been assessed or charged or borne an equitable share of the cost of the City's sewerage system must pay prior to connection to a City sewer, a special connection charge in an amount to be computed under SMC 13.03.0712.
- B. Property owners subject to the special connection charge must execute and record all appropriate documents required by this chapter necessary to secure full payment and costs of collection, including reasonable attorney's fees.
- C. Projects subject to the special connection charge are specifically identified by the City and are subject to the express review and approval of the ~~((e))City ((e))Council~~.

**Section 49:** That SMC section 13.03.0706 is amended to read as follows:

### **13.03.0706 Notice**

- A. The City records appropriate notice with the Spokane ((e))County ((a))Auditor concerning real property (which has been specifically identified by the ~~((d))Director of ((e))Engineering ((s))Services~~ and approved by the ~~((e))City ((e))Council~~ as property for which sewer facilities either have been constructed or which it contemplates will be constructed) for which a special connection charge will be levied upon connection of such property to the City sewer system, pursuant to the requirements of RCW 65.08.170 and RCW 65.08.180.

- B. Such notice shall be effective until there is recorded with the Spokane ~~((e))County ((a))~~Auditor a certificate of payment and release executed by the City, which certificate must be recorded within thirty days of full payment of such special connection charge.

**Section 50:** That SMC section 13.03.0708 is amended to read as follows:

### **13.03.0708 Payment**

A. Cash or Contract.

1. The special connection charge is paid in cash or under installment contract within the discretion of the City.
  - a. Interest charged under an installment contract is at the same rate as the effective annual interest of the most recent City of Spokane ~~((i))Local ((i))Improvement ((d))District~~ bond issue, computed annually on unpaid balances.
2. Such contract must provide:
  - a. for a down payment of twenty percent of the total connection charge, payable upon execution of the contract;
  - b. for payment of the balance in ten installments, payable annually;
  - c. that any unpaid balance may be paid in full in any year at the time the annual payment of such year is due and payable.

Such contract contains the legal description of the property served by the sewer, is executed and acknowledged by the property owner and is recorded by the City with the Spokane ~~((e))County ((a))~~Auditor, at the expense of the property owner.
3. The special connection charge is paid in full or the installment contract is executed, as a condition precedent to the issuance of a permit for connection to the City sewer system.

B. Unpaid Charges.

1. Delinquent payments of special collection charges under such installment contract or otherwise unpaid special collection charges are a lien upon the described property as provided in RCW 35.67.220, enforceable in accordance with RCW 35.67.220 through RCW 35.67.280.
2. Upon full payment of the charges due, the Chief Financial Officer ~~((finance, treasury and administration division director))~~ on behalf of the City executes and delivers to the property owner a release of such lien.

**Section 51:** That SMC section 13.03.0710 is amended to read as follows:

### **13.03.0710 Project Accrued Interest**

- A. In addition to interest charges allowable under payment by installment contract, the amount of the special connection charge includes the project accrued interest on the construction costs, computed from the date of construction of the sewer system until the date of connection, except that the computation period shall not exceed ten years.
- B. The project accrued interest is set by the City ~~((t))Treasurer~~ at a rate commensurate with the interest rate of the ~~((i))Local ((i))Improvement ((d))District~~ bond issue most recent to the date of ~~((e))City ((e))Council~~ approval of the project for special connection charges, or as otherwise determined pursuant to RCW 35.92.025, except the:
1. interest may not exceed ten percent, and
  2. aggregate amount of interest charge to a property may not exceed the share of the cost of the system allocated to that property.

**Section 52:** That SMC section 13.03.0712 is amended to read as follows:

### **13.03.0712 Special Connection Charge – Computation**

A. Determination by Director of Engineering Services.

The special connection charge imposed pursuant to this chapter is paid into the sewer fund and is computed based on the areas to be served by the sewer, which determination is made by the ~~((d))Director of ((e))Engineering ((s))Services~~. Notwithstanding the methods of computing the special connection charge provided below, the City may use any other method or combination of methods to compute special connection charges which may be deemed to most fairly reflect the sewer service to the properties subject to the special connection charge. The amount may be computed as follows:

1. Method I: Lineal Front Footage – Square Footage.
  - a. Lateral Sewers.

The lineal feet of frontage of property to be served by the sewer, as determined by the ~~((d))Director of ((e))Engineering ((s))Services~~, is multiplied by the average cost per front foot of lateral sewers constructed in the City for the year in which the sewer to which the property is to be connected was constructed and accepted.

    - i. Exhibit “A” to Ordinance C26649 shall set forth those costs per front foot of lateral sewers previously completed and accepted by the City.

b. Trunk Sewers.

The number of square feet of property to be served, as determined by the ((d))Director of ((e))Engineering ((s))Services, is multiplied by the cost per square foot of service area (in the year of actual construction) of the trunk sewer to which a connection is being made.

- i. Exhibit "A" to Ordinance C26649 shall set forth those costs per area served of trunk sewers previously completed and accepted by the City.

2. Method II: Actual Cost.

For those specifically identified projects (as determined by the ((d))Director of ((e))Engineering ((s))Services) where the computation of special connection charges for trunk sewer can be determined based on actual cost and where the City can identify at the outset of the project the service area and those properties for which the sewer facilities have been constructed, the special connection charge may be computed as follows:

c. Trunk Sewers.

The trunk service area is divided generally into those zones which are immediately serviceable by the trunk (with the addition of lateral lines) and those zones which are not serviceable by the existing trunk without an extension or subtrunk (plus the necessary laterals). Each separate lot, tract, parcel or other property within the trunk sewer service area is divided into those zones, as determined by the ((d))Director of ((e))Engineering ((s))Services.

- i. Based upon the specific project cost, the ((d))Director of ((e))Engineering ((s))Services computes an estimated cost of completing the trunk system necessary to serve the entire service area.
- ii. A cost per acre is then computed for the entire service area and this cost is the basis for special connection charges within the zone receiving immediate trunk sewer service from the completed project.
- iii. The special connection charges outside the immediately serviceable zone are based upon the average cost per acre after the charges for the immediately serviceable zone are deducted from the specific project costs.

d. Lateral Service in Conjunction with Trunk Service.

Where lateral service is provided together with trunk sewer service (i.e., a side sewer connecting directly into the trunk line), a lateral service fee may be charged as a part of the special connection fee.

- i. This lateral fee is determined by multiplying the average cost, per square foot of area served, of lateral sewers constructed and accepted in the City in the year in which the sewer being connected to was constructed and accepted, by the area being served by the new connection.
- e. The projects described above are subject to the approval of the city council for this charge and are specified in Exhibit "B" to Ordinance C26649.

B. Annual Average.

The ((d))Director of ((e))Engineering ((s))Services is authorized to annually compute and establish the average cost per area for lateral and trunk sewers completed by ((f))Local ((i))Improvement ((d))District and accepted by the City during the previous calendar year, which average assessment is used in computing the special connection charge imposed under this section.

1. The ((d))Director of ((e))Engineering ((s))Services is also authorized to compute and establish the special connection charges based on actual construction costs for lateral and trunk sewers, constituting special projects for which properties subject to the special connection charge can be identified at the outset of the project.
2. Such actual costs and the manner in which the special connection charges will be computed are determined by the ((d))Director of ((e))Engineering ((s))Services upon completion and acceptance of the project by the City.
3. Such special projects shall be designated by project name and shall conform to the notice requirements of SMC 13.03.0706.
4. A copy of the rates for computation of special connection charges is delivered and filed with the ((e))City ((e))Clerk. Annual rate computations based on average costs are filed with the ((e))City ((e))Clerk each year.

**Section 53:** 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 new system demand, such as costs of providing increased system capacity for new or increased demand and other capital costs. The GFC program is separate from ((f))Local ((i))Improvement ((d))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)) Wastewater 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 meter size for domestic water service to the premises, since water meter size provides a measure of domestic water use and, correspondingly, wastewater generated.

2. In case of a ~~((p))~~Planned ~~((u))~~Unit ~~((d))~~Development (PUD), 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 units 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.
  3. For water service connections not included in a master meter account, any existing connection should 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.
  4. 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.
  5. If there is an existing water service or new water service installed to serve a parcel and more than one City meter is installed to serve units on the parcel, a GFC will be assessed for each additional City meter based on size and current GFC costs.
- C. Long Connection Option.
1. When a customer near an area with existing utility service desires to connect to such utility service where lines have not yet been extended for direct service to the customer's area or property (a "long connection"), the Wastewater ~~((d))~~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 Wastewater ~~((d))~~Director, including obtaining any necessary easements, payment of all costs of additional installations, and payment of a non-refundable charge determined by the Wastewater ~~((d))~~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 54:** 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 ~~((f))~~Facilities ~~((e))~~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.
  2. There is a system-wide benefit, served by a uniform, adjustable GFC, in encouraging system growth 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.
  3. It is 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 uniform GFC for all new or upgraded utility service.
  4. The City's policy is to not waive GFCs. However, offset of the developer's cost of the GFC will be identified from non-utility revenue sources, such as grant dollars or other general fund revenues. Such offset must be clearly identified and paid by the other source at time of application for connection, application for a building permit, or as otherwise ordered by the ~~((Director of))~~ Public Works Director.
- B. Charge for new service or new upgrades
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. The charge will be based on the water 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.
  2. The GFC is to be used to finance improvements to address impacts to the system created by new system growth and infill needs created by new or upgraded customers.
  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 City Clerk's ~~((e))~~Office ~~((of the city clerk))~~ and which was adopted and incorporated herein by reference. GFC charges in SMC 13.03.0734 will increase annually based on Engineering News-Record Index (ENR) calculated by City Staff, from October to October for the previous year. This annual increase will start March 5, 2024, and occur each January 1 thereafter. The City will publish a public rule update with the new GFC charge by January 1<sup>st</sup> of each year. 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. The wastewater GFC applies in addition to all other 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. 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 Director.
7. The Wastewater ((Management)) Director may record appropriate notice with the Spokane ((e))County ((a)) Auditor concerning areas subject to the wastewater GFC in accord with RCW 65.08.170 and RCW 65.08.180, as applicable.
8. Any offset of GFC Charges shall be through non-utility revenue sources such as grant dollars or general fund dollars. The qualifications for such offset are established in Public Rule 5200-23-01.
9. Any future incentives, waivers, offsets, or deferral of GFC charges will be funded through payments from other funding sources. Incentives, waivers, and deferral will not result in lost revenue to the ((u))Utility for new system capacity.

**Section 55:** That SMC section 13.03.0734 is amended to read as follows:

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

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

**Section 56:** That SMC section 13.03.0802 is amended to read as follows:

### **13.03.0802 Connections Authorized**

- A. City sewer utility service is initially intended to provide for the needs of the residents of the City of Spokane. The City reserves the right to decline to serve any area outside the City, or to condition such service upon entry into a written contract, upon such additional terms and conditions as may be determined at the time service is requested or thereafter, as municipal needs may require, in accord with ordinances established by the ((e))City ((e))Council, considering additional expenses imposed or burdens created by outside the City sewer service.
- B. Pursuant to authority granted by RCW 35.67.310, the Wastewater ((d))Director ((of wastewater management)) is authorized to enter into agreements for and on behalf of the City with owners of property beyond the city limits permitting connection of such property with the City's sewers upon the terms and conditions and subject to the payments prescribed in this Article when, in his judgment, such connection will not overload or imperil the City's sewer system, including collection and transmission capacity as well as treatment and discharge capabilities for current or future City customer needs, and as further subject to any other applicable laws or restrictions.
- C. In the event all aspects of service are not specifically addressed by contract or otherwise specifically provided, in addition to the provisions of SMC 13.03.0804, any other portions of this chapter or chapter 13.01 SMC may be applied by the Wastewater ((d))Director ((of wastewater management)) where deemed necessary, as terms and conditions of service to outside the City customers.

**Section 57:** That SMC section 13.03.0804 is amended to read as follows:

### **13.03.0804 Specifications of Agreement**

- A. All such agreements:
  1. specify the property to be connected with the City sewer system;
  2. grant permission for connection upon payment of prescribed fees and charges therefor;
  3. require the property owners to construct such connection in accordance with City plans and specifications and under the supervision of the ((division)) ((d))Director of ((e))Engineering ((s))Services, without cost or expense to the City;
  4. provide that the property owner may not allow any additional property to be served by such connection;
  5. require such property owner to pay any sewer utility charge and also all applicable fees and special connection charges fixed by ordinance, which special connection charge is to be paid in cash or in installments in the manner provided by Article VII of this chapter with interest at the rate established by ordinance;
  6. agree to the grant of a lien on the described property securing the full payment of all fees and charges, together with costs of collection and reasonable attorney fees;

7. provide that the lien may be enforced in the event the property owner does not fully perform the terms and conditions of the agreement; and
  8. further provide that such agreement be recorded in the Spokane County Auditor's ~~((e))Office ((of the county auditor))~~, at the expense of the property owner, and constitute a covenant running with the land binding upon the property owner and heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in said property.
- B. Such agreements provide that the signatory shall support any procedure for the annexation of the property to the City.

**Section 58:** That SMC section 13.03.0902 is amended to read as follows:

### **13.03.0902 Rates and Regulations**

- A. Rates and charges for sewer service are established by resolution of the ~~((e))City ((e))Council~~, as provided in SMC 8.02.071.
- B. Construction and connection fees are set forth in SMC 8.02.037, except that the ~~((d))Director of ((e))Engineering ((e))Services~~ determines the terms and conditions of connection of properties outside the City limits, as provided in Article IX of this chapter, and computes special connection charges, as provided in Article VII of this chapter.
- C. The Wastewater ~~((d))Director~~ has the authority to fix a schedule of charges for items and services not otherwise provided for and to promulgate rules and regulations as required for proper operation of the City's sewerage system.

**Section 59:** That SMC section 13.03.0904 is amended to read as follows:

### **Section 13.03.0904 Payment – Delinquency – Lien**

- A. All charges for services rendered, including utility service, special jobs, labor and materials and connection fees are payable to the ~~((e))City ((t))Treasurer~~.
- B. If such charges are not paid, upon delinquency the amount thereof shall become a lien against the premises receiving sewer service as provided in RCW 35.67.200 et seq., and may further be enforced as provided in the applicable laws.
  1. Interest on delinquencies subject to this chapter is eight percent per ~~((annum))~~ year, computed on a monthly basis. (See RCW 35.67.200)
- C. All additional lien and enforcement rights by statute and at common law are reserved by the City.
- D. The sewer service lien is effective six months without filing, as permitted by RCW 35.21.210.
  1. Alternatively, and in lieu of the provisions of that statute, the City has a lien for one year's delinquent service charges or such period of delinquency as may apply up to said time limit, as permitted by RCW 35.67.215.
  2. The foreclosure action may be commenced at any time after six months subsequent to furnishing of sewerage service, as provided in RCW 35.67.230.
- E. As provided in RCW 35.67.290, any lien authorized by chapter 35.67 RCW may be enforced by cutting off the water service from the premises to which such sewer service was furnished after the charges become delinquent and unpaid, until the charges are paid.
  1. The right to enforce the lien by cutting off and refusing water service shall not be exercised after two years from the date of the recording of sewerage lien notice except to enforce payment of six months' charges for which no lien notice is required to be recorded; provided further, water service shall not be shut off to a new tenant not responsible for a prior delinquency to the extent required by law.

**Section 60:** That SMC section 13.03.0908 is amended to read as follows:

### **13.03.0908 Abatement of Public Nuisance**

- A. Notwithstanding any other provision of this chapter and in addition thereto, the maintenance of any condition ~~((inimical)) jeopardizing~~ to the public health and safety, or creating or tending to create a risk to the public health or safety, specifically including accumulations of raw or treated sewage or sludge of any nature, or danger or possibility thereof, or contamination of any public or domestic water supply system or well, or a danger or possibility thereof, constitutes a public nuisance and, in the discretion of the Wastewater ~~((sewer maintenance)) ((i))Inspector, ((b)) Building ((e))Official, ((w))Water ((i))Inspector, Public Works ((d))Director ((of public works and utilities)) or ((h)) Health ((e))Officer~~ is subject to immediate abatement by the City at the premises owner's and/or other responsible person's expense and liability.
- B. Abatement of any nuisance as above defined may be billable as a utility service furnished to the premises wherein the condition arose or exists.
- C. This section does not limit the premises owner's or other party's rights to seek recovery against other responsible persons.

- D. Specifically, any violation of the City's wastewater pretreatment program, Spokane Municipal Code - Chapter 13.03A: Pretreatment, including the regulations and orders made pursuant to its authority, is a public nuisance and is subject to abatement, including summary abatement, by the Wastewater ((d))Director, the ((h))Health ((e))Officer or the Washington State ((d))Department of ((e))Ecology, all at the expense of the responsible party.

**Section 61:** That SMC section 13.03.0910 is amended to read as follows:

### **13.03.0910 Suspension of Service**

- A. In case of emergency, equipment failure, inaccessibility or for other reasons as directed by the Wastewater ((d))Director ((or sewer maintenance supervisor)) in the interests of the public health and safety, sewer or water service may be temporarily or permanently suspended to one or more premises or locations within the City with or without notice.
- B. Service to any premises may be suspended for nonpayment of accounts. Such suspension does not relieve the person owing such account from the duty of complying with the provisions of this title. Such suspension renders the premises where such service is suspended subject to condemnation for sanitary reasons and/or exercise of municipal power to abate a public nuisance at the risk and expense of the owner of the premises and/or other responsible persons.

**Section 62:** That SMC section 13.03.0912 is amended to read as follows:

### **13.03.0912 Equipment – Projects – Minor Expenditures**

- A. To the maximum extent permitted by state law, the City may acquire such equipment, engage in projects, enter into contracts and perform such functions as may enable it to carry out wastewater collection and treatment responsibilities and such other purposes as the ((e))City ((e))Council may direct. These powers are broadly construed to accomplish their intended purpose.
- B. The ((e))City ((e))Council approves departmental expenditures of funds for equipment and projects, which may be funded by the respective department fund, by grant or by appropriation from federal, state or local resources as the ((e))City ((e))Council may authorize.
- C. Any expenditure of less than ((two thousand five hundred)) fifty thousand dollars may be made without ((e))City ((e))Council approval, except all such expenditures shall be from the wastewater management fund.

**Section 63:** That SMC section 13.03.0914 is amended to read as follows:

### **13.03.0914 Responsibility for Non-((p))Public Sewers – No Duty**

- A. The City assumes no responsibility whatsoever for any side sewers, special side sewers, private sewers or other non-public sewers or other such pipes, fixtures or appurtenances. The City's lack of responsibility includes costs of construction, repair and/or maintenance and liability for losses, claims, damages or injuries arising directly or indirectly from the use or existence of all such non-public pipes and fixtures.
- B. Except as required by the general laws of this state, the City assumes no responsibilities for utility service or wastewater disposal or treatment or for the construction, repair or maintenance of public sewers. This code shall not be construed to expand such responsibilities. This chapter and code shall not be construed to add to or expand any municipal duty to any particular person, class or entity. Any duty nonetheless deemed created is to be strictly construed as a duty to the general public.

**Section 64:** That SMC section 13.03.0916 is amended to read as follows:

### **13.03.0916 Penalty**

- A. Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids or abets any such violation or failure to comply is subject to penalty as provided in SMC 1.02.950 in addition to any other remedy provided in this chapter.
- B. Noncompliance after expiration of a time specified in any notice authorized in this chapter is a separate violation for each notice.
1. Each day of a continuing violation constitutes a separate and additional violation.
- C. Annually, the Wastewater ((d))Director ((of the department of wastewater management)) causes to be published in a newspaper of general circulation a list of parties who have received a notice of violation of the wastewater pretreatment program.
- D. In all cases of violation of the wastewater pretreatment program restitution of damages, cost and expense is required.

**Section 65:** That SMC section 13.03.1024 is amended to read as follows:

**13.03.1024 Wastewater Management Labor and Equipment – Basis**

The Wastewater ~~((d))~~Director ~~((of wastewater management))~~ develops charges for labor and equipment based on the following considerations:

- A. Labor costs are a combination of salary, commercial driver's license (CDL) pay, longevity pay, benefits and indirect costs.
  - 1. Salary.  
Top step of pay scale is used.
  - 2. CDL Pay.  
Only classifications that require a CDL as a condition of employment are calculated with a ten cents per hour surcharge.
  - 3. Longevity Pay.  
Local 270 classifications receive additional pay dependent on number of years of service with the City of Spokane. An average is calculated for each classification that receives longevity pay.
  - 4. Benefits Cost.  
A charge calculated by percentage is applied to the total wages to recover costs for the City of Spokane benefits package. Benefits are determined annually – last determined by an independent consultant.
  - 5. Indirect Cost.  
A charge calculated by percentage is applied to the total wages to recover costs for the City of Spokane indirect cost plan. Benefits are determined annually – last determined by an independent consultant.
- B. Equipment costs are a combination of depreciation and replacement costs, and maintenance and operation costs, which are applied by the annual average hourly usage.
  - 1. Depreciation and Replacement Costs.  
Straight-line depreciation is used for every piece of equipment.
    - a. The calculation is historical cost divided by the average useful life in terms of years.
    - b. Depreciation costs are applied after the equipment is fully depreciated – at this point the costs are applied to replacement costs.
  - 2. Maintenance and Operational Costs.  
Includes all costs to maintain and operate equipment.
    - a. Examples: fleet services ~~((maintenance and repairs))~~, internal maintenance and repairs, and fuel usage.
  - 3. Annual Average Hourly Usage.  
Majority of equipment hourly calculations are based on annual average labor hours.
    - a. Annual labor hours are based on two thousand eighty-eight hours per year less allocations for vacation leave, sick leave, floating holidays, daily crew meeting, breaks and equipment downtime.
  - 4. Only construction crew heavy equipment is based on annual hour meter readings.

**Section 66:** That SMC section 13.03.1102 is amended to read as follows:

**13.03.1102 “Adjusted”**

“Adjusted” means revised or adjusted by the Wastewater ~~((d))~~Director.

**Section 67:** That SMC section 13.03.1104 is amended to read as follows:

**13.03.1104 “Approved”**

“Approved” means approved by the Wastewater ~~((d))~~Director unless otherwise specified.

**Section 68:** That SMC section 13.03.1106 is amended to read as follows:

**13.03.1106 “Apartment Unit”**

“Apartment unit” means a dwelling unit occupying a portion of a premises containing two or more dwelling units on a common account, as reflected in the records of the ~~((u))~~Utilities ~~((b))~~Billing division.

**Section 69:** That SMC section 13.03.1108 is amended to read as follows:

**13.03.1108 “~~((Basic))~~ Domestic Service Charge”**

~~((Basic))~~ Domestic service charge” means charges applied to users of the wastewater treatment system for:

- A. the cost to the City of Spokane attributed to:
  - 1. accounting services,
  - 2. local debts services,



3. taxes,
  4. billing, and
  5. account collection
- for providing sewerage service; and
- B. system improvements,
- each to be divided by the approximate number of municipal sewer service accounts of users. The amount is set forth in SMC 13.03.1004.

**Section 70:** That SMC section 13.03.1114 is amended to read as follows:

### 13.03.1114 “Director”

“Director” means the Wastewater ~~((d))~~Director ~~((of wastewater management))~~ of the City of Spokane, or ~~((his))~~ authorized deputy, agent or representative.

**Section 71:** That SMC section 13.03.1116 is amended to read as follows:

### 13.03.1116 “Discharge”

“Discharge” means the quantity of wastewater, sewerage or other liquid material released into the sewage system of the City of Spokane as determined by:

- A. constant metering by the City of Spokane of actual wastewater flow from a specific property; or
- B. water consumption at a specific property as determined by actual metering of water supply from all sources; or
- C. subsection (B) of this section, as adjusted for sanitary usage by employees and/or consumptive water uses determined not to contribute wastewater loading to the sewage collection and treatment system as measured by methods approved by the Wastewater ~~((d))~~Director.

**Section 72:** That SMC section 13.03.1136 is amended to read as follows:

### 13.03.1136 “Standard Wastewater Strength”

- A. “Standard wastewater strength” or “standard strength sewage” means wastewater containing constituents typical of wastewater discharged from domestic dwelling units in the City of Spokane, specifically ~~((two))~~ three hundred ~~((ten))~~ milligrams per liter (mg/l) of BOD, ~~((one))~~ three hundred ~~((seventy))~~ milligrams per liter SS, and ~~((twelve and four tenths))~~ five milligrams per liter P.
- B. Wastewater which is determined, by analysis of monitored sample, by the Wastewater ~~((d))~~Director to be within the range of one standard deviation on either side of the typical value:
  1. BOD between ~~((one))~~ two hundred ~~((sixty))~~ and ~~((two))~~ three hundred ~~((sixty))~~ milligrams per liter,
  2. SS between ~~((one))~~ two hundred ~~((twenty five))~~ and ~~((two))~~ three hundred ~~((fifteen))~~ milligrams per liter, and
  3. P between ~~((nine and sixteen hundredths))~~ four and ~~((fifteen and two tenths))~~ six milligrams per liter,

and not containing other elements, materials or substances at concentration levels or amounts known to be detrimental to the structure or operation of the Spokane wastewater treatment system or hazardous to the health of municipal employees, and which will not cause the municipality to violate its National Pollutant Discharge Elimination System (NPDES) permit, will be considered as being of standard wastewater strength.

**Section 73:** That SMC section 13.03.1137 is amended to read as follows:

### 13.03.1137 Stormwater Charge

- A. All premises served within the City’s storm sewer service area shall pay a storm sewer user or stormwater charge except as provided herein.
  1. The stormwater charge is computed based upon classification of the account or premises served as domestic or commercial.
  2. The minimum charge is at least one domestic user charge for all accounts, notwithstanding any other provision.
  3. The storm sewer user charge is calculated by the Wastewater ~~((d))~~Director in accord with SMC 13.03.1008.
- B. Commercial Stormwater Charge Discounts
  1. For those subject to a commercial charge, the Wastewater ~~((d))~~Director shall grant a ten percent discount upon application by the customer, and a showing of approved on-site stormwater detention facility.
    - a. Such facilities may include drywells, detention ponds, grassy swales, and the like.
    - b. An additional ten percent discount shall be granted to those qualifying under the first discount category, who also apply therefore and demonstrate approved on-site stormwater treatment practices, such as grassy swales.

2. Commercial charges for a new or remodeled commercial building that utilizes a permissive rainwater harvesting system or vegetated roof, as recognized by the Wastewater ((d))Director, shall be reduced by ten percent.
  - a. To be eligible for a reduction under this subsection (B)(2), the permissive rainwater harvesting system or vegetated roof must be properly sized to utilize all of the available roof surface of the building.
  - b. For purposes of administration, a "commercial building" is presumed to be a building on premises billed "commercial user" stormwater user charges under SMC 13.03.1008(B).
  - c. "New or remodeled" shall mean a building built new or substantially remodeled.
3. The Wastewater ((d))Director may grant an additional ten percent discount on application by the customer, showing the use of low impact development facilities for stormwater management.
  - a. Such facilities may include permeable pavement, bioretention areas, infiltration planters, and other low impact development Best Management Practices as approved by the Washington State Department of Ecology and City of Spokane. Bio-infiltration swales (commonly referred to as grassy swales) are not eligible for this discount.
  - b. Facility maintenance is required for continuation of this discount. Maintenance requirements for low impact development facilities can be found in the Eastern Washington Low Impact Development Guidance Manual and/or manufacturer guidelines.
- C. To obtain a discount under subsection (B) of this section, a customer must file a completed written application on forms approved by the Wastewater ((d))Director and pay an inspection fee based on the number of impervious acres to be inspected. All discounts are prospective from the date of inspection and shall not exceed the maximum allowable discount of forty percent. The fee for accounts:
  1. up to one impervious acre: Zero dollars,
  2. one to five impervious acres: Fifty dollars,
  3. five to ten impervious acres: One hundred dollars,
  4. ten to twenty impervious acres: Two hundred dollars, and
  5. over twenty impervious acres: Four hundred dollars.

The inspection certification approving discount eligibility under subsection (B)(1) is good for the functional life of the facility. The inspection certification approving discount eligibility under subsections (B)(2) and/or (B)(3) is good for five years. The Wastewater ((d))Director administers this program with such additional rules ~~((as he shall provide,))~~ and may assess additional charges for administrative costs not encompassed herein.
- D. No general stormwater service charges under SMC 13.03.1008 are made to customers receiving such service from the Spokane International Airport (SIA) authority at Geiger Field and vicinity, where the airport authority maintains good and sufficient stormwater service for said customers and the authority accepts full and continuing responsibility for the design, construction, maintenance, operation, upkeep, and replacement of all stormwater facilities in such area, and where the authority accepts full and separate responsibility for compliance with all stormwater permit and regulatory requirements of all jurisdictional regulatory agencies, including the Washington State ((d))Department of ((e))Ecology's stormwater management and control permit regulations and requirements.

**Section 74:** That SMC section 13.03.1138 is amended to read as follows:

### **13.03.1138 "User Charge"**

- A. "User Charge" means the charge required to cover the costs of collection and treatment of wastewaters discharged to the Spokane wastewater treatment system, including treatment of the wastewater to remove (among other pollutants):
  1. suspended solids (SS),
  2. biochemical oxygen demand (BOD), and
  3. phosphorus (P),

as necessary to meet the standards established under state and federal law for municipal sewage effluent, as set forth in the City of Spokane's NPDES wastewater disposal permit, and the costs for the disposal of treated wastewater and any residuals.
- B. The user charge rates shall be reviewed and may be adjusted annually by the Wastewater ((d))Director, subject to the approval of the ((e))City ((e))Council, to accurately reflect the costs for treating each unit volume of wastewater and unit quantity of the above constituents, as necessary to comply with the requirements of the City of Spokane's NPDES wastewater discharge permit.
- C. The user charge will consist of a charge calculated by the Wastewater ((d))Director for the treatment and disposal of discharges of standard wastewater strength, plus a surcharge to be applied to commercial user and industrial user sewer service accounts based upon the quality of constituent pollutants: BOD, SS or P, in the wastewater strength ~~((SMC 13.03.1006))~~ (SMC 13.03.0197).
  1. The amount of the surcharge shall be determined by an analysis, by the Wastewater ((d))Director, of the wastewater being discharged by specific commercial and industrial users.

**Section 75:** That SMC section 13.03.1204 is amended to read as follows:

### **13.03.1204 Additional Units**

- A. All apartment house, multiple-unit dwelling, mobile home and trailer park service accounts shall be charged the ~~((basic)) domestic~~ service charge ~~((plus a domestic user charge))~~ for the first unit.
1. Each additional unit will be charged the same minus a customer service charge (billing charge) of thirty-five cents per unit, provided all units in the complex are billed and paid as one account to the ~~((u))Utilities~~ ~~((b))Billing~~ division.
- B. No vacancy allowance will be made on any house in a group served by one meter unless all houses served by one meter are vacant and the water is shut off at the City valve by the Water ~~((d))Department~~ ~~((of water and hydroelectric services))~~.

**Section 76:** That SMC section 13.03.1206 is amended to read as follows:

### **13.03.1206 Commercial Users**

- A. Commercial users shall be charged, for each account, the ~~((basic)) domestic~~ service charges plus the user charge or the rate for a single-dwelling unit, whichever is greater.
- B. The commercial user charge shall be determined for each account according to:
1. actual metering by the City of Spokane of wastewater flow from a specific property; or
  2. water consumption at a specific property as determined by actual metering by the City of Spokane ~~((of water supplied from all sources))~~; or
  3. consumptive water uses determined by the Wastewater ~~((d))Director~~ not to contribute wastewater loading to the sewage collection and treatment system as measured by methods approved by the Wastewater ~~((d))Director~~ and either the:
    - a. user charge rate for standard commercial wastewater strength, or
    - b. rate for standard commercial wastewater strength plus a surcharge.
- C. The commercial user surcharge shall be calculated from the strength of the wastewater discharged by a specific user, as determined by a monitoring program conducted by the Wastewater ~~((d))Director~~, of the individual discharge of the commercial user or for the discharge of a typical representative of a class of commercial users.
- D. A commercial, or class of commercial, user's wastewater strength shall be determined by the City during a monitoring period each year conducted by the Wastewater ~~((d))Director~~. Time interval composite samples taken at the wastewater monitoring access (see ~~((SMC 13.03.1304))~~ SMC 13.03.1314, etc.) shall be used to determine wastewater strength unless flow proportional sampling equipment is available (see SMC 13.03.130), in which case the samples shall be flow proportioned.
- E. The commercial user surcharge rate shall be established annually, where applicable, for the commercial entity based on data for the previous sampling period and may be adjusted at the end of each year for future billing periods.

**Section 77:** That SMC section 13.03.1208 entitled "Combination Domestic/Commercial" is repealed.

### **~~((13.03.1208 Combination Domestic/Commercial~~**

- ~~A. Unless the domestic units qualify for another billing category, upon application, consistent with city policy, new redeveloped domestic units located in a commercial, centers and corridor, or downtown zone previously billed commercial, in combination with commercial user facilities, where the account is metered and paid as one account in the utilities billing system, shall be billed at the commercial rate as provided in chapter 13.03 SMC.~~
- ~~B. Effective June 1, 2018, properties which would otherwise qualify under section A, which are located in a commercial, centers and corridor, or downtown zone and were previously billed commercial, which building structures have been demolished after September 30, 2015, and are being or have been redeveloped as a Low Income Domestic Housing complex with units in combination with or without commercial user facilities, where the account is metered and paid as one account in the utilities billing system, shall be billed at the commercial rate as provided in Chapter 13.03 SMC as long as it operates as a Low Income Domestic Housing complex.~~
- ~~1. For purposes of this section, Low Income Domestic Housing Complex shall be defined as having units with an overall average rent that is affordable to residents at 60% or less of Area Median Income (AMI) as determined by HUD's most recent income limits for Spokane County. Overall average rent shall be calculated following the income averaging rules of the Low Income Housing Tax Credit (LIHTC) program.~~

- C. ~~All costs of further installation or upgrade to existing infrastructure, including fire flow systems and sewer connections, shall be borne by the property owner, without eligibility for waiver.))~~

**Section 78:** That SMC section 13.03.1210 is amended to read as follows:

### **13.03.1210 Industrial Users**

- A. Industrial users shall be charged, for each account, the ~~((basic))~~ domestic service charges plus their established user charge.
- B. The industrial user charge shall be determined for each account according to:
1. constant metering by the City of Spokane of actual wastewater flow from a specific property; or
  2. water consumption at a specific property as determined by actual metering by the City of Spokane ~~((of water supplied from all sources))~~; or
  3. consumptive water uses determined by the Wastewater ~~((d))~~ Director not to contribute wastewater loading to the sewage collection and treatment system as measured by methods approved by the Wastewater ~~((d))~~ Director, and either the:
    - a. user charge rate for standard wastewater strength, or
    - b. rate for standard wastewater strength plus a surcharge.
- C. The industrial user surcharge shall be calculated from the strength of the wastewater discharged by a specific user, as determined by a monitoring program conducted by the Wastewater ~~((d))~~ Director, of the individual discharge of the industrial user or for the discharge of a typical representative of a class of industrial users.
- D. An industrial user's or class of industrial user's wastewater strength shall be determined by the City during a monitoring period each year, conducted by the Wastewater ~~((d))~~ Director.
1. Time interval composite samples taken at the wastewater monitoring access (see ~~((SMC 13.03.1304))~~ SMC 13.03.1314, etc.) shall be used to determine wastewater strength unless flow proportional sampling equipment is available (see SMC 13.03.130), in which case the samples shall be flow proportioned.

**Section 79:** That SMC section 13.03.1214 is amended to read as follows:

### **13.03.1214 Wholesale Customers**

- A. Other sewer districts or municipalities depositing wastewater into the Spokane municipal sewer system under contract with the City of Spokane shall be charged the current industrial rate of wastewater loading based upon measurement of flow and waste constituents plus a service fee to recover accounting, debt service and billing expenses as determined by the Wastewater ~~((d))~~ Director.
- B. All industries discharging to the tributary district shall be subject to user charges for extra strength wastewater as if they were connected directly to the City of Spokane wastewater collection system.

**Section 80:** That SMC section 13.03.1216 is amended to read as follows:

### **13.03.1216 Wastewater Haulers**

- A. Wastewater haulers shall be charged a fixed rate ~~((per one thousand gallons of))~~ based upon truck tank capacity for each load dumped into the Spokane municipal sewage collection system, to reflect the cost of treatment of a full truck volume of septage of average strength as established by the Wastewater ~~((d))~~ Director, plus a service fee for handling.

**Section 81:** That SMC section 13.03.1224 is amended to read as follows:

### **13.03.1224 Stormwater Pumpage Connection User Charge**

- A. Storm/groundwater basement connection for domestic users shall be a fixed rate based upon treatment and collection costs for standard strength wastewater assuming 0.36 M~~((g))~~Gal/yr. (25 ~~((gpm))~~ GPM @ 5 min./hr. x 24 hrs./day for four months) or based on actual sump pump run time and a fixed rate for future stormwater system expansion projects as reviewed and approved by the Wastewater ~~((d))~~ Director.
- B. Storm/groundwater basement connections for commercial and industrial users shall be a site-specific rate based on treatment and collection costs for standard strength wastewater for the capacity rating of the sump pump and the estimated pumping duration and a fixed rate for future stormwater system expansion projects as reviewed and approved by the Wastewater ~~((d))~~ Director.

**Section 82:** That SMC section 13.03.1302 is amended to read as follows:

**13.03.1302 City Water Supplied – Commercial, Industrial Users**

Commercial and industrial users which derive their water supply solely from the water system of the City of Spokane shall be charged by volume of flow based upon either City water meter readings, approved wastewater flow monitoring equipment, or by such other method as shall be approved by the Wastewater ((d))Director.

**Section 83:** That SMC section 13.03.1304 is amended to read as follows:

**13.03.1304 Other Water Supply Sources – Commercial, Industrial Users**

Commercial and industrial users which derive all or part of their water supply from wells or sources other than the City of Spokane shall be charged by volume of wastewater flow based upon either readings from City-approved water meters, approved wastewater flow monitoring equipment or other methods approved by the Wastewater ((d))Director.

**Section 84:** That SMC section 13.03.1306 is amended to read as follows:

**13.03.1306 Flow Monitoring**

Commercial and industrial users which derive all or part of the wastewater from product concentration, moisture condensation, foundation drains, yard drains or other nonmetered sources shall install approved wastewater flow monitoring equipment upon notice given by the Wastewater ((d))Director.

**Section 85:** That SMC section 13.03.1310 is amended to read as follows:

**13.03.1310 Flow Measure – Design, Plans, Instrumentation**

- A. Designs and plans of wastewater flow measurement and sampling installations must be submitted to the Wastewater ((d))Director for approval prior to installation.
1. Flow or level sensor equipment must be insensitive to or protected from solids accumulation, temperature variations or surface foaming and must be capable of being readily calibrated.
  2. Wastewater sampling equipment must obtain flow-proportioned samples without distorting the concentration of any waste constituent.
- B. Flow instrumentation must include a means for determining daily peak flow rate and a digital flow totalizer reporting in thousands of gallons and the totalizer must not turn over more than once per year during the first year of installation. Representatives of the City of Spokane shall be permitted access to the monitoring station at all times. The industry using the monitoring facility shall maintain its accuracy and good working order.
1. If the equipment becomes inoperable, the user shall provide a wastewater report as described in SMC 13.03.1308.

**Section 86:** That SMC section 13.03.1318 is amended to read as follows:

**13.03.1318 May Order Additional Monitoring**

The Wastewater ((d))Director may order installation and maintenance, at the user's expense, of wastewater flow monitoring equipment and proportional flow sampling equipment where wastewater loading cannot be reasonably determined. The City of Spokane shall be given complete access to all such equipment.

**Section 87:** That SMC section 13.03.1320 is amended to read as follows:

**13.03.1320 Equipment Installation Deadlines**

Unless a shorter time is ordered by the Wastewater ((d))Director, users required to install flow monitoring and sampling equipment must complete installation within one hundred eighty days of notification to install the equipment or the department may do so, with or without further notice, at the user's sole expense and liability.

**Section 88:** That SMC section 13.03.1322 is amended to read as follows:

**13.03.1322 Large User Pre-((d))Discharge Approval**

Any commercial and industrial user initiating a discharge or increasing the rate of discharge of wastewater or pollutants, who is within the definition of SMC 13.03.1308, shall receive approval prior to initiation of or increase of such discharge.

**Section 89:** That SMC section 13.03.140 is amended to read as follows:

### **13.03.140 New Accounts**

Rates and charges for commercial and industrial users commencing to receive service from the wastewater treatment system shall be charged for volume of flow as a standard wastewater load plus surcharges based upon a report of expected wastewater characteristics which shall be submitted by the prospective user and approved by the Wastewater ((d))Director prior to discharge of wastewater.

**Section 90:** That SMC section 13.03.1604 is amended to read as follows:

### **13.03.1604 Laboratory Must be Approved**

All measurements, tests, analyses and reports accepted by the City of Spokane shall be performed by laboratories or persons approved by the Wastewater ((d))Director.

**Section 91:** That SMC section 13.03.1606 is amended to read as follows:

### **13.03.1606 Monitoring Pretreatment Program**

- A. The City of Spokane shall monitor the wastewater from industrial users discharging process wastewaters and commercial users expected or determined to discharge wastewaters with greater constituent strength than the range for standard strength wastewaters or constituents listed in ~~((Article IV))~~ SMC 13.03.A Article II of this chapter to determine the flow and wastewater strength and suitability for treatment at a frequency determined adequate by the Wastewater ((d))Director.
- B. The results of this monitoring shall be used to assess representative wastewater charges or to assure that no wastewater loading changes have occurred since the last billing rate adjustment.
  - 1. The scheduled frequency for monitoring each user or group of users shall be available for examination by the public.
- C. Industrial and/or commercial users who feel that more frequent monitoring would be desirable may monitor more frequently and submit reports for the Wastewater ((d))Director's use in assessing charges. The monitoring and reports shall comply with this chapter and shall be at the user's expense.

**Section 92:** That SMC section 13.03.1608 is amended to read as follows:

### **13.03.1608 Monitoring Results Public**

Results of monitoring shall be public information and records thereof shall be open to public examination upon request to the Wastewater ((d))Director unless the individual user requests otherwise and presents an affidavit that release of such information would allow others to determine therefrom information regarding proprietary processes or operations.

**Section 93:** That SMC section 13.03.170 is amended to read as follows:

### **13.03.170 Adjustments of Charges**

The Wastewater ((d))Director will review user charges and revise them periodically to reflect actual treatment works operation and maintenance costs. Charges for each billing period will be determined based on wastewater flow and on approved wastewater strength monitoring.

**Section 94:** That SMC section 13.03.180 is amended to read as follows:

### **13.03.180 Orders**

- A. The Wastewater ((d))Director shall be authorized to issue an order prohibiting further discharge into the municipal sewerage system to any user who refuses to comply with the provisions of these regulations or where deemed necessary to protect the public health and safety.
  - 1. Users may appeal to the Wastewater ((d))Director for an adjustment in user charge, such an appeal must be made within thirty days of the billing under dispute.
- B. In the event that City-determined wastewater strengths and/or flows are challenged, an appeal must be accompanied by or be followed within thirty days by a report based upon samples and tests performed by an approved laboratory and/or engineer setting forth the flows and/or waste strengths in dispute.
  - 1. Decisions of the Wastewater ((d))Director on appeals may be further appealed to the Public Works ((d))Director ~~((of public works and utilities))~~, whose decision is final.

**Section 95:** That SMC section 13.03.190 is amended to read as follows:

### **13.03.190 Persons Subject to Sewer User Charges**

Every person to whom service is furnished by the sewage collection and treatment system of the City of Spokane, and every person to whom such service is available by said system of sewerage, as determined by the Wastewater ~~((d))~~ Director or applicable laws or regulations, shall be charged for such service on the basis set forth herein.

**Section 96:** That SMC section 13.05.020 is amended to read as follows:

### **13.05.020 Poplar and Cottonwood Trees a Nuisance**

Planting and/or maintenance of cottonwood, elm and poplar shade trees along the sides of streets of the City is hereby declared to be a nuisance and menace to sewer and water pipes and hydrants, and no person may plant or maintain such trees at such locations, including locations within fifty feet of any water or sewer pipes.

**Section 97:** That SMC section 13.05.030 is amended to read as follows:

### **13.05.030 Notice of Violation**

- A. Whenever it shall appear that any person has violated, or is about to violate, any provision of this chapter, the ~~((director of water and hydroelectric services))~~ Wastewater Director and/or Water Director shall notify such person to remove the matters or things declared unlawful in this chapter.
1. Such notice shall specify the time within which such cause shall be removed, which shall be not more than ninety days.
- B. If said notice shall not be complied with as required by the terms of such notice, then the ~~((director of water and hydroelectric services))~~ Wastewater Director or Director of Water and Hydroelectric Services is authorized and empowered to do the matters and things required of the person upon whom said notice shall be served and the cost and expense shall be figured by the ~~((department of water and hydroelectric services))~~ Wastewater Department or Department of Water and Hydroelectric Services and the same shall be paid by the person.

**Section 98:** Effective Date. The effective date of this ordinance shall be the later of January 1, 2026 or that date set forth in Section 19 of the City Charter.

**Passed by City Council December 8, 2025**  
**Delivered to Mayor December 15, 2025**

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## **ORDINANCE NO. C36777**

AN ORDINANCE relating to municipal water services, amending multiple sections of Chapter 13.04, and repealing sections 13.04.2006, 13.04.2008; and 13.04.2018, all of the Spokane Municipal Code; and setting an effective date.

**WHEREAS**, the City of Spokane adopted Resolution 2024-0105, Resolution 2025-0068, and Rule 4100-20-01 related to the Public Rule, Cross-Connection Control Program, and Water Hydrant Usage Policy for the City of Spokane; and

**WHEREAS**, elements of these programs are listed in Section 13.04 of the Spokane Municipal Code and require periodic updates to ensure consistency with the afore mentioned Rules, Policies, and Programs.

**- Now, Therefore,**

The City of Spokane does ordain:

**Section 1:** That SMC section 13.04.2002 is amended to read as follows:

### **13.04.2002 City Residence Rates**

- A. Single-family Residence – Basic Charge.
1. Within the City limits, the basic monthly service charge for each single-family residence where the water is being used or water is available to the property shall be:
- a.
- |                         |  |
|-------------------------|--|
| <del>((2025))</del>     | 2026                                   |
| <del>(((\$19.04))</del> | <del>(((\$19.97))</del> <u>\$20.07</u> |
- b. Unless otherwise provided, for two or more single-family residences on one meter, ~~((the above service charge shall apply for each residence))~~ they will be addressed under section 13.04.2005.
- c. Rates apply beginning the day the meter is installed.

2. For purposes of this chapter, a "single-family residence" or "equivalent residential unit" designation applies to each self-contained, stand-alone living unit with ~~((at least one))~~ the following:
- kitchen or cooking area room, which must include a sink;
  - bathroom, which must include a toilet, bathtub, and sink or a toilet, shower, and sink.
  - a separate entrance that does not require residents to co-mingle.

**B. Consumption Charge.**

The following consumption charge rate schedule is adopted to encourage water conservation and promote environmental quality. Within the City limits, for each one hundred cubic feet, or major fraction (approximately seven hundred fifty gallons) of water used, there will be the following consumption charges:

| Monthly Water Usage Tiers<br>(in cubic feet) | Rate<br>Per Hundred Cubic Feet |                                       |
|--|--------------------------------|---------------------------------------|
|  | <del>((2025))</del>            | 2026                                  |
| Zero up to 600                               | <del>((0.3584))</del>          | <del>((0.3756))</del> <u>\$0.3775</u> |
| Greater than 600 up to 1,200                 | <del>((0.7577))</del>          | <del>((0.7948))</del> <u>\$0.7988</u> |
| Greater than 1,200 up to 2,500               | <del>((1.0493))</del>          | <del>((1.0692))</del> <u>\$1.0746</u> |
| Greater than 2,500 up to 4,500               | <del>((1.6415))</del>          | <del>((1.6905))</del> <u>\$1.6989</u> |
| Greater than 4,500                           | <del>((2.3179))</del>          | <del>((2.4315))</del> <u>\$2.4436</u> |

**C. No vacancy allowance will be made.**

**D. Family daycare homes shall be billed at the single-family rate. For purposes of this provision, "family daycare homes" shall mean a daycare facility:**

- furnishing care, supervision, and guidance for persons twelve years of age or younger for more than four but less than twenty-four hours in a day;
- licensed as such by the ~~((state department of social and health services))~~ Washington State Department of Social and Health Services; and;
- which regularly provides such care during part of a twenty-four hour day for no more than twelve children in the dwelling of the person(s) in charge.

**E. Capital Charge.**

In addition to the basic charge and consumption charge, there shall be ~~((charged))~~ a capital charge for all accounts as established and provided for in SMC 13.035.500.

**Section 2:** That SMC section 13.04.2004 is amended to read as follows:

**13.04.2004 City Commercial and Industrial Rates**

**A. These ~~((rates))~~ charges apply to commercial and industrial customers and to all other customer premises not specifically identified on City utilities billing records as single-family residences or PUDs. The ~~((rates))~~ charges are for service inside the city limits of the City of Spokane.**

- Size of Service / Meter Charge Per Month.

| Size of Service   | Meter Charge Per Month |                                       |
|-------------------|------------------------|---------------------------------------|
|                   | <del>((2025))</del>    | 2026                                  |
| 1 inch or smaller | <del>((21.28))</del>   | <del>((22.33))</del> <u>\$22.44</u>   |
| 1 ½ inch          | <del>((34.74))</del>   | <del>((36.41))</del> <u>\$36.59</u>   |
| 2 inch            | <del>((49.19))</del>   | <del>((51.60))</del> <u>\$51.86</u>   |
| 3 inch            | <del>((78.78))</del>   | <del>((82.64))</del> <u>\$83.06</u>   |
| 4 inch            | <del>((108.54))</del>  | <del>((113.83))</del> <u>\$114.39</u> |
| 6 inch            | <del>((153.49))</del>  | <del>((161.01))</del> <u>\$161.62</u> |
| 8 inch            | <del>((314.48))</del>  | <del>((329.89))</del> <u>\$331.54</u> |
| 10 inch           | <del>((459.25))</del>  | <del>((481.76))</del> <u>\$484.17</u> |



## B. Consumption.

The following rate schedule is adopted to encourage water conservation and promote environmental quality. Commercial rates are charged based on the total consumption relative to the tier the total falls into. For each one hundred cubic feet, or major fraction (approximately seven hundred fifty gallons) of water used, there will be the following monthly consumption charges:

## 1. Monthly Water Use / Charge Rate Per Hundred Cubic Feet.

## a. Zero cubic feet to six hundred cubic feet per month:

| Monthly Water Usage <u>Tier</u> (in cubic feet)                      | Rate Per Hundred Cubic Feet |   |
|--|-----------------------------|---|
|  | ((2025))                    | 2026                                      |
| Zero up to 600 (Charge for all use: zero up to 600.)                 | (( <del>\$0.3975</del> ))   | (( <del>\$0.4170</del> )) <u>\$0.4191</u> |
| Greater than 600 up to 1,000 (Charge for all use: zero up to 1,000.) | (( <del>\$0.8249</del> ))   | (( <del>\$0.8653</del> )) <u>\$0.8696</u> |
| Greater than 1,000 (Charge for all use: zero to amount used.)        | (( <del>\$1.1933</del> ))   | (( <del>\$1.2517</del> )) <u>\$1.2580</u> |

## C. Capital Charge.

In addition to the meter charge and consumption ~~((charges))~~ rate, there shall be charged a capital charge for all accounts as established and provided for in SMC 13.035.500.

**Section 3:** That SMC section 13.04.2005 is amended to read as follows:

**13.04.2005 City Planned Unit Developments (PUD)**

## A. Basic Charge.

In general, a planned unit development (PUD) designation is one approved in accord with applicable PUD development standards and served by a master water meter. However, if a dwelling unit would otherwise be included within a PUD designation but has its own individual City water meter, it will be billed as a single-family residence under SMC 13.04.2002 or other applicable rate section. Questions of applicability are determined by the ~~((director))~~ Water Director. [Cross Reference: SMC 17A.020.160~~((F))X~~]

## B. Consumption.

For billing water consumption, the PUD will be charged the same as a single-family residence within the City limits except the PUD's total consumption ~~((will be divided by the total number of dwelling units to determine the per-dwelling consumption))~~ will be calculated by multiplying the number of residential units by the maximum amount on each tier to get a new maximum usage allotted for each tier (for example, tier 1 is 0-600cf, a PUD of 12 homes would get 7200cf at tier 1 for purposes of applying the rate steps defined in SMC 13.04.2002(B)).

## C. Size of Service / Meter Charge Per Month.

| Size of Service   | Meter Charge Per Month    |   |
|-------------------|---------------------------|---|
|                   | ((2025))                  | 2026                                      |
| 1 inch or smaller | (( <del>\$21.28</del> ))  | (( <del>\$22.33</del> )) <u>\$22.44</u>   |
| 1 ½ inch          | (( <del>\$34.71</del> ))  | (( <del>\$36.41</del> )) <u>\$36.59</u>   |
| 2 inch            | (( <del>\$49.19</del> ))  | (( <del>\$51.60</del> )) <u>\$51.86</u>   |
| 3 inch            | (( <del>\$78.78</del> ))  | (( <del>\$82.64</del> )) <u>\$83.06</u>   |
| 4 inch            | (( <del>\$108.51</del> )) | (( <del>\$113.83</del> )) <u>\$114.39</u> |
| 6 inch            | (( <del>\$153.49</del> )) | (( <del>\$161.04</del> )) <u>\$161.82</u> |
| 8 inch            | (( <del>\$314.48</del> )) | (( <del>\$329.89</del> )) <u>\$331.55</u> |
| 10 inch           | (( <del>\$459.25</del> )) | (( <del>\$481.76</del> )) <u>\$484.17</u> |

## D. Capital Charge.

In addition to the basic charge and consumption charge, there shall be charged a capital charge for all accounts as established and provided for in SMC 13.035.500.

**Section 4:** That SMC section 13.04.2006 entitled "Small Meter – Multi-meter" is repealed

~~((13.04.2006 Small Meter – Multi-meter~~

~~A. When meters smaller than the service are used, the size of the meter shall control the service charge. The meter shall not be less than one standard pipe size smaller.~~

- B. ~~Except where otherwise specified, two or more accounts on multiple metering under one ownership in the same complex shall take the commercial rate plus service charge of each meter.))~~

**Section 5:** That SMC section 13.04.2008 entitled "Construction Rates" is repealed.

**~~((13.04.2008 Construction Rates~~**

- A. ~~Rates for water used during construction will be charged per month, or fractional part thereof, in accord with the following rates.~~
- ~~1. Worksite will be inspected at least every ninety days to determine meter status.~~
  - ~~2. The meter installation will be made at the earliest possible date.~~
  - ~~3. Residential meters installed prior to occupancy construction rates will apply until certificate of occupancy is granted.~~
- B. ~~Size of Service / Meter Charge Per Month.))~~

| Size of Service   | Meter Charge Per Month |          |
|-------------------|------------------------|----------|
|                   | 2025                   | 2026     |
| 1 inch or smaller | \$21.28                | \$22.33  |
| 1 ½ inch          | \$34.71                | \$36.41  |
| 2 inch            | \$49.19                | \$51.60  |
| 3 inch            | \$78.78                | \$82.64  |
| 4 inch            | \$108.51               | \$113.83 |
| 6 inch            | \$153.49               | \$161.01 |
| 8 inch            | \$314.48               | \$329.89 |
| 10 inch           | \$459.25               | \$481.76 |

**Section 6:** That SMC section 13.04.2010 is amended to read as follows:

**13.04.2010 Water for Private Fire Protection**

- A. For inside the City of Spokane metered and unmetered connection on the City's water mains supplying hydrants, standpipes, or automatic sprinklers for private fire protection to the premises, charges will be made in accord with the following ~~((rates))~~ charges:

| Size of Service   | Meter Charge Per Month  |  |
|-------------------|-------------------------|--|
|                   | <del>((2025))</del>     | 2026                                   |
| 3 inch or smaller | <del>(((\$22.52))</del> | <del>(((\$23.63))</del> <u>\$23.75</u> |
| 4 inch            | <del>(((\$31.89))</del> | <del>(((\$33.36))</del> <u>\$33.53</u> |
| 6 inch            | <del>(((\$44.19))</del> | <del>(((\$46.36))</del> <u>\$46.59</u> |
| 8 inch            | <del>(((\$53.47))</del> | <del>(((\$56.09))</del> <u>\$56.37</u> |
| 10 inch           | <del>(((\$63.94))</del> | <del>(((\$67.08))</del> <u>\$67.41</u> |

1. Charge Rate Per ~~((Hundred))~~ Cubic ~~((Feet))~~ Foot. The following consumption rate schedule is adopted to encourage water conservation and promote environmental quality. Inside the City limits, for each one hundred cubic feet, or major fraction (approximately seven hundred fifty gallons) of water used, there will be the following consumption charges:

| Monthly Water Usage (in cubic feet)                                     | Rate Per Hundred Cubic Feet |  |
|---|-----------------------------|--|
|   | <del>((2025))</del>         | 2026                                     |
| Zero up to 600<br>(Charge for all use: zero up to 600.)                 | <del>(((\$0.3975))</del>    | <del>(((\$0.4170))</del> <u>\$0.4191</u> |
| Greater than 600 up to 1,000<br>(Charge for all use: zero up to 1,000.) | <del>(((\$0.8249))</del>    | <del>(((\$0.8653))</del> <u>\$0.8696</u> |
| Greater than 1,000<br>(Charge for all use: zero to amount used.)        | <del>(((\$1.1933))</del>    | <del>(((\$1.2517))</del> <u>\$1.2580</u> |

- B. For outside the City of Spokane metered and unmetered connection on the City's water mains supplying hydrants, standpipes, or automatic sprinklers for private fire protection to the premises, charges will be made in accord with the following ~~((rates))~~:

1. Size of Connection / Service Charge per Month.

| Size of Service   | Meter Charge Per Month  |  |
|-------------------|-------------------------|--|
|                   | <del>((2025))</del>     | 2026                                     |
| 3 inch or smaller | <del>(((\$33.79))</del> | <del>(((\$35.45))</del> <u>\$35.62</u>   |
| 4 inch            | <del>(((\$47.69))</del> | <del>(((\$50.03))</del> <u>\$50.28</u>   |
| 6 inch            | <del>(((\$66.29))</del> | <del>(((\$69.53))</del> <u>\$69.88</u>   |
| 8 inch            | <del>(((\$80.19))</del> | <del>(((\$84.14))</del> <u>\$84.54</u>   |
| 10 inch           | <del>(((\$95.94))</del> | <del>(((\$100.64))</del> <u>\$101.12</u> |

- ~~((2. The following consumption rate schedule is adopted to encourage water conservation and promote environmental quality.~~

~~Outside the City limits, for each one hundred cubic feet, or major fraction (approximately seven hundred fifty gallons) of water used, there will be the following consumption charges))~~

| Monthly Water Usage (in cubic feet)                                  | Rate Per Hundred Cubic Feet |          |
|--|-----------------------------|----------|
|  | 2025                        | 2026     |
| Zero up to 600 (Charge for all use: zero up to 600.)                 | \$0.5962                    | \$0.6254 |
| Greater than 600 up to 1,000 (Charge for all use: zero up to 1,000.) | \$1.2377                    | \$1.2983 |
| Greater than 1,000 (Charge for all use: zero to amount used.)        | \$1.7899                    | \$1.8776 |

**Section 7:** That SMC section 13.04.2012 is amended to read as follows:

### **13.04.2012 Outside City Residence Rates and Charges**

- A. Basic Charge: Single-family Residence.

1. Outside the City, for each single-family residence, the monthly service charge where the water is ~~((being))~~ used or reflected ~~((as on))~~ in the records of the City of Spokane utilities billings office shall be:

|                         |  |
|-------------------------|--|
| <del>((2025))</del>     | 2026                                   |
| <del>(((\$28.56))</del> | <del>(((\$29.96))</del> <u>\$30.11</u> |

2. ~~((For two or more single family residences on one meter the above service charge shall apply for each residence. "Single family residence" has the meaning in SMC 13.04.2002(A)(2).)) Unless otherwise provided, for two or more single-family residences on one meter, they will be addressed under multifamily.~~

- B. Consumption.

The following rate schedule is adopted to encourage water conservation and promote environmental quality. Outside the City limits, for each one hundred cubic feet or major fraction (approximately seven hundred fifty gallons) of water used, there will be the following consumption ~~((charges))~~ rates:

| Monthly Water Usage (in cubic feet) | Rate Per Hundred Cubic Feet |  |
|-------------------------------------|-----------------------------|--|
|                                     | <del>((2025))</del>         | 2026                                     |
| Zero up to 600                      | <del>(((\$0.5374))</del>    | <del>(((\$0.5635))</del> <u>\$0.5663</u> |
| Greater than 600 up to 1,200        | <del>(((\$1.1366))</del>    | <del>(((\$1.1923))</del> <u>\$1.1983</u> |
| Greater than 1,200 up to 2,500      | <del>(((\$1.5294))</del>    | <del>(((\$1.6039))</del> <u>\$1.6119</u> |
| Greater than 2,500 up to 4,500      | <del>(((\$2.4173))</del>    | <del>(((\$2.5357))</del> <u>\$2.5483</u> |
| Greater than 4,500                  | <del>(((\$3.4769))</del>    | <del>(((\$3.6473))</del> <u>\$3.6656</u> |

- C. No vacancy allowance.
- D. Family daycare homes shall be billed at the single-family rate. For purposes of this provision, "family daycare homes" shall mean a day care facility:
1. furnishing care, supervision, and guidance for persons twelve years of age or younger for more than four but less than twenty-four hours in a day;
  2. licensed as such by the ~~((state department of social and health services))~~ Washington State Department of Social and Health Services; and
  3. which regularly provides such care during part of a twenty-four hour day for no more than twelve children in the dwelling of the person(s) in charge.
- E. Capital Charge.  
In addition to the basic charge and consumption charge, there shall be ~~((charged))~~ a capital charge for all accounts as established and provided for in SMC 13.035.500.

**Section 8:** That SMC section 13.04.2014 is amended to read as follows:

#### **13.04.2014 Outside City Rate to Other Purveyors**

- A. ~~((Standby/Emergency Water))~~ The ~~((charge))~~ rate to other purveyors for standby and/or emergency water service and use outside the City's service area shall be at the following rate per one hundred cubic feet of water used plus outside City commercial monthly service ~~((charge))~~ rate, unless modified by separate agreement:

|                          |  |
|--------------------------|--|
| <del>((2025))</del>      | 2026                                     |
| <del>(((\$1.4887))</del> | <del>(((\$1.5616))</del> <u>\$1.5694</u> |

1. Operations and Maintenance Capital Charge for Standby and/or Emergency Water Service.  
In addition to the standby/emergency water charge, there shall be charged a capital charge for all accounts as established and provided for in SMC 13.035.500 - Water Service Only Commercial User – Minimum Capital Charge – Outside City (includes first twenty-eight units) and Water Service Only Commercial User – Outside City – capital consumption charges. For continuous users, they shall be charged a capital charge for all accounts as established and provided for in SMC 13.035.500 - Water Service Only Other purveyor- continuous supplemental water user-outside-capital consumption charge (Per hundred cubic feet).
- ~~((B Continuous Supplemental Water: Continuous Supplemental Water is defined as those Purveyors who draw water for at least nine (9) consecutive months at a time.))~~  
~~The charge to other purveyors for continuous supplemental water service to be used outside the City's service area shall be at the following rate per one hundred cubic feet of water used plus outside City commercial monthly service charge, unless modified by separate agreement:~~

|          |          |
|----------|----------|
| 2025     | 2026     |
| \$1.4887 | \$1.5616 |

1. ~~Operations and Maintenance Capital Charge for Continuous Supplemental Water Service.~~  
~~In addition to the continuous supplemental water charge, there shall be charged a capital charge for all accounts as established and provided for in SMC 13.035.500 – Water Service Only – Other Purveyors – Continuous Supplemental Water User – Outside City – capital consumption charge.))~~

**Section 9:** That SMC section 13.04.2025 is amended to read as follows:

#### **13.04.2025 Tap and Meter Requirements and Fees**

- A. Outside City taps must sign a water annexation covenant approved by the City ~~((legal))~~ Legal ~~((d))~~ Department.
- B. Local ~~((i))~~ Improvement ~~((d))~~ District and future main extension waivers are required on all approved long services.
- C. ~~((Taps one inch and smaller: Pressure reducing valve (PRV) is required before meter if pressure is greater than eighty pounds.))~~ Meters two-inch and smaller, a pressure regulating valve is required inside the building or structure prior to the first point of use if pressure is greater than 80 PSI.
- D. ~~((Taps))~~ Meters one-and-one-half inch and larger: Pressure reducing valve (PRV) is required after meter if pressure is greater than 80 PSI and may be installed inside of a vault or inside the building or structure. No meter box installations for PRV are allowed.
- E. Remote reader charges are included in meter fees. Fees for damaged remote readers are referenced in the Department Fee Schedule – Public Rule.

- F. City taps that need to be installed at a time other than normal water department business hours must pay an additional fee in accordance with City of Spokane Water and Hydroelectric Department Fee Schedule - Public Rule.
- G. Meter sizing for all dwelling units shall be based on fixture unit counts, as addressed in the latest addition of the Uniform Plumbing Code, and/or through a hydraulic analysis submitted by the applicant's engineer for review and concurrence by City staff.
- ~~((H. Any taps two inches and smaller, installed on a main eighteen inches or larger must pay an additional fee in accordance with City of Spokane Water and Hydroelectric Department Fee Schedule - Public Rule.))~~
- ~~((I. Taps four inches and larger installed by private contractors during a main construction require an inspection fee in accordance with City of Spokane Water and Hydroelectric Department Fee Schedule - Public Rule.))~~

**Section 10:** That SMC section 13.04.0604 is amended to read as follows:

#### **13.04.0604 Authority Over Meters and Valves**

- A. So long as water service is connected or available to the premises, all meters, valves or other such devices upstream from the meter and including the meter shall remain subject to the strict regulation of the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department and no person may tamper with, repair or replace any such items without a permit and inspection by a Water Department Inspector.
- B. When ~~((M))~~meters and other such devices of a particular type or capacity shall be deemed fungible and the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department, in the course of maintenance and repair of meters and other such devices, may replace the same with others of equal condition and value.
- C. This section shall not be construed to create any obligation on the part of the City to make repairs nor create liability or responsibility for acts or omissions of the property owner or any third party.

**Section 11:** That SMC section 13.04.0606 is amended to read as follows:

#### **13.04.0606 Inspection/Reading of Meters**

Water meters shall at all times be accessible to ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department personnel. Where it is necessary for the property owner or lessee to place the meter under lock and key, a key shall be furnished to the water and hydroelectric services department meter reader foreperson. ~~((Except as hereafter required, meter tests are to be paid for by the party requesting them.))~~

**Section 12:** That SMC section 13.04.080 is amended to read as follows:

#### **13.04.080 Construction Specifications**

- A. Construction shall meet City of Spokane Water and Hydroelectric Services Department Rules and Regulations for Water Service Installations.
- ~~((A))~~ B. Every service pipe shall be provided with a ball valve for each recipient, easily accessible, placed inside the foundation wall, beyond damage from frost, and so situated that the water can be conveniently shut off and drained from the pipes.
- ~~((B))~~ C. All water pipes in buildings shall be so arranged as to drain toward the ~~((stop and waste cock or))~~ drain cocks placed for that purpose.
- ~~((G))~~ D. All water pipe shall be soft annealed Type K copper water pipe or approved equal as provided in the director's regulations. Use of HDPE is outlined in the City of Spokane Water Department Rules and Regulations for Water Service Installations.
- ~~((D))~~ E. All service pipes inside property lines shall hereafter be laid to a depth of at least five ~~((and one-half))~~ feet below the surface of the ground.
- ~~((E))~~ F. All service pipes laid inside the property line on any premises shall be left exposed in the trench until inspected by the water service inspector, and when they have passed inspection and have been approved, the pipes shall be properly covered by the property owner.

**Section 13:** That SMC section 13.04.0802 is amended to read as follows:

#### **13.04.0802 Separate Service**

- A. Each ~~((building))~~ parcel served must have a separate connection and separate meter unless otherwise specifically authorized by the ~~((director))~~ Water and Hydroelectric Services Director, but such privilege may be revoked at any time by the ~~((d))~~Director for any reason.

1. Service connections are provided to the public water system in the public right-of-way unless otherwise approved.
  2. The ((d))Director may waive the requirement in cases of two or more adjacent ((buildings)) parcels under a common ownership or for other good reasons consistent with the public health and safety (e.g. no accessible water main on abutting streets).
- B. The ((d))Director may further require the property owner(s) to execute and record at their expense an easement appurtenant to and for the benefit of parcels served by the service ((main)) connection ~~((on a form supplied by the director))~~, allowing perpetual access to said service main by parcels served and mutually covenanting to maintain said service main for the enjoyment of all such premises.
1. Said easement shall prohibit construction over or interference with the easement area and shall not be subject to revocation without the written approval of the ((d))Director.
  2. The City shall have no repair or maintenance obligations as to any such service ((main)) connection.
- C. Where the requirement of the prior paragraph is waived because of common ownership, the waiver expires automatically when premises or buildings are separately owned, unless affirmatively extended by the ((d))Director.
- D. Exceptions to the requirement of separate connection may be revoked by the ((d))Director without cost or liability to the City and the premises/building served shall thereafter be required to make a separate connection and install a separate meter at the property owner's sole expense and liability.

**Section 14:** That SMC section 13.04.0806 is amended to read as follows:

#### **13.04.0806 Service Pipes – Cocks**

- A. Cost of all service pipes from the City mains to the premises, including a service cock, shall be paid by the property owner(s). A private contractor shall excavate the entire trench from the main to the premises and install the service line from the property line to the premises, subject to inspection and approval of the ((w))Water and ((h))Hydroelectric ((s))Services ((d))Department. The ((w))Water and ((h))Hydroelectric ((s))Services ((d))Department shall install the portion of the service line from the City main to the property line.
- B. Locations that have ~~((retaining wall))~~ an obstruction within City right-of-way, the service pipes shall be laid by the City ~~((only to))~~ and the curb stop shall be placed within five feet of the street side of ~~((the wall))~~ the obstruction. The property owner(s) must install and maintain, at their own expense, all service pipes from that point to the premises, subject to inspection and approval of the ((w))Water and ((h))Hydroelectric ((s))Services ((d))Department.
- ~~((C. Multiple service pipes are not permitted without specific written approval from the director.))~~

**Section 15:** That SMC section 13.04.0808 is amended to read as follows:

#### **13.04.0808 Standpipe and Sprinkler Connections**

- A. Connections with the City mains for standpipe and sprinkler service to be used for protection in case of fire are subject to the same requirements as other service connections unless otherwise determined by the ~~((director))~~ Water and Hydroelectric Services Director.
- B. In all cases, the applicant shall provide such valves, meters or other devices as approved by the ((d))Director at the applicant's sole cost and liability
- C. ~~((Such connections may be made entirely separate from regular service taps, the))~~ The complete installation to be made under the supervision of the ((w))Water and ((h))Hydroelectric ((s))Services ((d))Department.

**Section 16:** That SMC section 13.04.0816 is amended to read as follows:

#### **13.04.0816 Definitions**

For purposes of the ((e))Cross-((e))Connection ((e))Control program, the following definitions apply:

- A. "Backflow" is the flow of water or other liquids, fluids, gases, or any substance whatsoever from a source outside the public water supply back into the public water supply. Backflow or reversed flow may occur due to either back pressure (pushing) or back siphonage (pulling).
- B. "Backflow prevention device" is a device or assembly, approved by the ~~((director))~~ Water and Hydroelectric Services Director or ((h))Health ((e))Officer, designed and tested to counteract back pressure and back siphonage.
- C. ~~(("Containment"))~~ "Premise Isolation" is a method of backflow prevention requiring the installation of a backflow ~~((prevention))~~ assembly or device at the point a water service line enters the premises served.

- D. "Contamination" is the entry into or presence in the public water supply of any substance which the ~~((director))~~ Water and Hydroelectric Services Director or ~~((h))Health~~ ~~((e))Officer~~ determines will or might adversely affect the public health or the aesthetic qualities of the water (appearance, taste, or odor).
1. "Contaminated water" is water with contamination.
- E. "Cross-~~((e))~~Connection" is any physical arrangement whereby the public water supply of the City of Spokane is connected, directly or indirectly, or in the judgment of the ~~((director))~~ Water and Hydroelectric Services Director or ~~((h))Health~~ ~~((e))Officer~~, has a risk of becoming connected, to a source of contamination as a result of backflow. Sources of contamination might include, but are not limited to:
1. public or private water system, not managed by City of Spokane Water and Hydroelectric Services Department,
  2. non potable tank or storage reservoir,
  3. sewer line,
  4. ~~((sewer))~~ drain,
  5. conduit,
  6. pool, or
  7. any plumbing or fixture whatsoever~~((:))~~
  8. well or pump system not managed by City of Spokane Water and Hydroelectric Services Department.
- F. "Cross-~~((e))~~Connection ~~((e))~~Control ~~((m))~~Manual" or "Manual" is the latest edition of "Accepted Practice and Procedure in Cross-Connection Control" promulgated by the Pacific Northwest section of the American Waterworks Association. A copy of the manual is available for public inspection at the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department offices.
- G. "Cross-~~((e))~~Connection ~~((e))~~Control program" is the City of Spokane's effort to prevent and control ~~((e))~~Cross-~~((e))~~Connections, as required by WAC 246-290-490, expressed in the cross-connection control manual, SMC 13.04.0814 through SMC13.04.0824, and any regulations or orders issued by the director in implementation of said program.
- H. "Customer" is any person or other entity at premises reflected in the files of the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department as an authorized connection to the City's public water service system.
- I. "Director" is the director or administrative head of the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department.
- J. ~~((Isolation))~~ "In Premise Isolation" is a method of backflow prevention where a backflow ~~((prevention))~~ assembly or device is located at a point of a cross-connection, rather than the premises or property line.
- K. "Service connection" or "service line" or "service lateral" is the connection between the public water supply system to a customer's premises or customer-operated distribution system.

**Section 17:** That SMC section 13.04.0822 is amended to read as follows:

#### **13.04.0822 Inspection and Testing – Customers to Cooperate**

- A. Customers are required to cooperate fully with the City in implementing the ~~((e))~~Cross-~~((e))~~Connection ~~((e))~~Control program. Customers ~~((may be))~~ are required to provide satisfactory evidence of ~~((e))~~Cross-~~((e))~~Connection ~~((e))~~Control to the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department and to allow inspection, testing or other examination, including inspection and testing of backflow prevention devices, all as deemed necessary to implement the City's ~~((e))~~Cross-~~((e))~~Connection ~~((e))~~Control program.
- B. The ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department shall have access to all service connections, premises and buildings served by the City's public water system during regular business hours for inspection and testing purposes to ascertain the need to eliminate or control ~~((e))~~Cross-~~((e))~~Connections, or at any time in case of emergency.
- C. Compliance with the City's ~~((e))~~Cross-~~((e))~~Connection ~~((e))~~Control program requirements are additional terms and conditions under which the City of Spokane supplies water service to its customers. The ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department may terminate service by any means, with or without prior notice, for failure to comply with the City's ~~((e))~~Cross-~~((e))~~Connection ~~((e))~~Control program. This specifically includes installation and maintenance of backflow prevention devices required by the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department.

**Section 18:** That SMC section 13.04.090 is amended to read as follows:

#### **13.04.090 Water Local Improvement District Waiver Agreement**

- A. Where an owner of property seeks to connect to the public water supply and the ~~((e))~~City ~~((e))~~Engineer determines the premises concerned are or may be in need of additional water main or other facilities construction to be financed by means of a local improvement district mechanism, such owner shall obtain from the ~~((d))~~Director of ~~((e))~~Engineering ~~((s))~~Services and execute, as a condition of connection, a water waiver agreement for a ~~((l))~~Local ~~((i))~~Improvement ~~((d))~~District (LID) water assessment.

- B. Said agreement shall provide the signatory waives the right to protest the establishment of any ~~((i))~~Local ~~((i))~~Improvement ~~((d))~~District for the installation of a public water main which may be proposed and/or to claim lack of benefit or less benefit than the amount of the assessment and to join in said ~~((i))~~Local ~~((i))~~Improvement ~~((d))~~District petition creating said district. Said owner shall file said waiver and pay all filing fees required for the recording of said agreement with the County ~~((a))~~Auditor.

**Section 19:** That SMC section 13.04.1008 is amended to read as follows:

**13.04.1008 ~~((Valves and Outlets Sealed))~~ Fire Protection Meter Required – Fire Inspections**

- A. ~~((Every valve or outlet must be sealed. Seals may be broken only in case of fire, and in such case prompt notification must be made to the water and hydroelectric services department, and the valve will be resealed.))~~ All fire protection services must be connected through a consumption meter as approved by the Water and Hydroelectric Services Director.
- B. The premises upon which any such fire protection service is installed shall be open to the inspection of any authorized representative of the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department at all times, and the owner or tenant shall give such representative all reasonable facilities for making the inspection and any information he may require. The owner or tenant can test the apparatus at any time by notifying the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department that such a test is desired, and a time will be fixed for the test to be made. Applicable fees for the testing apply.

**Section 20:** That SMC section 13.04.1506 is amended to read as follows:

**13.04.1506 ~~((Locale))~~ Location of Shut-off**

- A. The ~~((director))~~ Water and Hydroelectric Services Director determines the method and location of shutoffs. In general, shutoff locations shall be at the curb cock, placed at the first property line.
- B. No person may turn on water, shut off by the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department, without the ~~((d))~~Director's consent or approval. The ~~((d))~~Director sets fees for shutoff and turn on.

**Section 21:** That SMC section 13.04.170 is amended to read as follows:

**13.04.170 Time of Commencement**

Rates will be charged for service from the day the premises are connected to the City water supply ~~((and the water turned on))~~.

**Section 22:** That SMC section 13.04.1914 is amended to read as follows:

**13.04.1914 Contamination**

No person may contaminate, pollute, alter, or endanger in any way, directly or indirectly, the water supply system of the City or permit others to do so. A contaminant is any substance introduced without specific authorization of the City.

**Section 23:** That SMC section 13.04.1918 is amended to read as follows:

**13.04.1918 Obstructing Fire Hydrants**

No person may:

- A. obstruct the access to any fire hydrant by placing around, thereon, or erecting within ~~((twenty))~~ three feet thereof, any structure or obstruction created; ~~((stone, brick, lumber, dirt, rubbish or other material; or))~~
- B. open or operate any fire hydrant without a valid hydrant permit; or
- C. draw or attempt to draw water from a hydrant without a valid hydrant permit; or
- D. willfully or carelessly injure the same; or
- E. fill up or cover over any valve box; or
- F. in any manner tamper with or injure the same.

**Section 24:** That SMC section 13.04.1925 is amended to read as follows:

**13.04.1925 Water Conservation Measures**

- A. Level I:
1. Every year between June 1 – October 1 the City of Spokane shall implement the following conservation measures:



- a. A prohibition on watering outdoor vegetation during the hours of 10 am to 6 pm;
  - b. A limitation on watering outdoor vegetation on each parcel to four days per week;
  - c. A suggested limitation of a total of 2 hours daily outdoor watering on each parcel; and
  - d. A suggested prohibition on the use of water for washing outdoor hardscape features, such as sidewalks, driveways, decks, and patios.
- B. Level II:
1. When the flow in the Spokane River, as measured at USGS monitoring location 12422500 (located at Lower Crossing) is predicted to fall below 1,000 cfs any time between June 1 – October 1 and the Mayor or a majority of the City Council declares a drought emergency the City shall implement the following conservation measures:
    - a. A prohibition on watering outdoor vegetation during the hours of 10 am to 6 pm;
    - b. A limitation on watering outdoor vegetation on each parcel to two days per week;
    - c. A limitation of a total of 2 hours outdoor watering daily on each parcel; and
    - d. A prohibition on the use of water for washing outdoor hardscape features, such as sidewalks, driveways, decks, and patios.
  2. Paragraph (B) shall take effect on June 1, 2023.
- C. Exemptions:
1. The Parks Department shall continue its efforts to upgrade park infrastructure as funding becomes available to comply with the above mandatory and voluntary measures. Then ~~((department))~~ Parks Department shall be exempt from these measures when the Parks Director informs City Council in writing that an exemption is necessary for the purposes of watering trees, watering the remaining parks with non-automated irrigation systems, allowing for the establishment of newly-planted landscape, mitigating fire risk in wildland-urban interface areas, operating pools and splashpads, and operating public golf courses/sports program facilities.
  2. The Public Works and Utilities Department may grant to city residents reasonable exemptions from these measures for the purposes of watering community/personal vegetable gardens, trees located either within the public right-of-way or on private property, to allow for the establishment of newly-planted landscape, or in wildland-urban interface areas to mitigate wildfire risk.
  - ~~((3. The Public Works and Utilities Department and Park Department shall, no later than 180 days after the effective date of this section, publish standards and requirements specifying the process for seeking additional exemptions under this paragraph and the process and timelines for approval, rejection, and, if necessary, appeals from rejections of applications for exemptions under this paragraph.))~~
- D. Upon enactment of this chapter, the Water Department shall provide education and community engagement to all water rate payers within the city's retail water delivery area on the importance of complying with the new legal standards for watering outside vegetation and the financial and other benefits to the community.

**Section 25:** That SMC section 13.04.2017 is amended to read as follows:

### **13.04.2017 Golf Course Irrigation Conservation Rate for Potable Water**

- A. Findings.
1. Golf Courses served by the ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department are high consumers of potable City water for irrigation. There is a significant opportunity for water conservation in this area through measures that include the use of stored stormwater runoff, reclaimed sanitary wastewater, and more efficient irrigation systems.
  2. A rate rule encouraging water conservation is an appropriate utility ratemaking consideration under RCW 35.92.010. Golf courses applying conservation measures as approved under subsection (C), and (D) of this section hereafter should be considered a separate user classification. The ~~((director))~~ Water and Hydroelectric Services Director may require a golf course to receive irrigation service under a separate account.
- B. Application.
- The provisions of this section pertaining to the use of potable City water are subject to the following conditions.
1. They apply only to:
    - a. golf course irrigation and not to any other customer class or usage;
    - b. that portion of the water bill based on water consumption and not to any other charges;
    - c. direct ~~((w))~~Water and ~~((h))~~Hydroelectric ~~((s))~~Services ~~((d))~~Department retail customer golf course accounts, whether inside or outside the City.
  2. They do not apply to any accrued billings or usage prior to the effective date of this section. The ~~((director))~~ Water and Hydroelectric Services Director is authorized to adjust the commencement of billings under this section for a customer billing cycle as is most administratively convenient.
    - a. The customer must apply in writing for the basic rate discount in subsection (C).
    - b. The application must be approved by the ~~((d))~~Director in writing.
    - c. No claims for refund or credits for any billings prior to such application and approval may be recognized.
  3. The basic rate discount in subsection (C) of this section is limited as follows:
    - a. 18-hole, full size golf course customers that reduce their irrigation consumption to less than forty million gallons per year; and
    - b. 9-hole, full size golf course customers that reduce their irrigation consumption to less than 20 million gallons per year.

- c. Water savings should be achieved through the implementation of ~~((w))Water~~ and ~~((h))Hydroelectric~~ ~~((s))Services~~ ~~((d))Department~~ approved water conservation measures.
  - d. The basic rate discount does not apply to any water irrigation consumption savings for usages above forty million gallons per year for an 18-hole course or 20 million gallons per year for a nine-hole course.
  4. Par 3 golf courses and mini golf courses are not eligible for any golf course water conservation rate discount or credit.
  5. If customer circumstances under which approval was granted do not continue to apply in full for any reason, the customer must immediately notify the ~~((w))Water~~ and ~~((h))Hydroelectric~~ ~~((s))Services~~ ~~((d))Department~~ in writing.
    - a. In addition, the rates for potable water will be adjusted by the ~~((d))Director~~ from the time of change of circumstances, in proportion to the effect of the change as determined by the director.
    - b. In calculating any adjustments due the City, if any, the ~~((d))Director~~ may use information from the customer, or in absence of information being submitted, the ~~((d))Director~~ is authorized to calculate amounts due based upon any information available to the director.
  6. Golf course irrigation conservation rates will be reviewed annually for qualifications or as ordered by the director.
- C. Basic Rate Discount.
1. The basic rate discount under this subsection applied for the current calendar year shall be based on the previous year's water use and shall be calculated as a fraction of the commercial water rate that otherwise would be charged to the golf course for its irrigation use consumption.
    - a. The numerator of this fraction is the gallons usage for the previous calendar year, as recognized by the ~~((director)) Water and Hydroelectric Services Director~~ as a result of implementation of conservation programs approved by the ~~((w))Water~~ and ~~((h))Hydroelectric~~ ~~((s))Services~~ ~~((d))Department~~.
    - b. The denominator is forty million gallons for 18-hole courses and 20 million gallons for 9-hole courses.
  2. The written approval of the ~~((director)) Water and Hydroelectric Services Director~~ under subsection (B)(2) of this section may include a guarantee of a minimum time the basic rate discount will continue consistent with this section, but may not exceed such time as:
    - a. reclaimed wastewater service under subsection (D) of this section becomes available to the customer; or
    - b. there has been a change of conditions;
    - c. either item to be determined by the ~~((d))Director~~, in the exercise of reasonable business judgment. In addition, the maximum time may not exceed ten years.
- D. Reclaimed Sanitary Wastewater.
1. Reclaimed sanitary wastewater is water reclaimed from the treatment of sanitary sewage that can be supplied for golf course irrigation. Such water may not meet potable drinking water standards, but is safe and reliable for golf course irrigation. The City ~~((w))Water~~ utility does not supply this service, but it may become available from the City ~~((w))Wastewater~~ ~~((m))Management~~ ~~((d))Department~~ or other water reclamation utility service providers.
  2. Because the use of reclaimed sanitary wastewater provides the greatest savings in potable water use for golf course irrigation, whenever the ~~((director)) Water and Hydroelectric Services Director~~ determines that such service is available to a golf course customer, considering the factors set forth hereafter, he/she may order disconnection of an account from potable water service provided by the ~~((w))Water~~ and ~~((h))Hydroelectric~~ ~~((s))Services~~ ~~((d))Department~~. The decision shall be in writing and grant a reasonable time frame for conversion, which shall be at least twelve months. The time may be extended by the ~~((d))Director~~, in the exercise of sound discretion.
  3. ~~Water and Hydroelectric Services Director~~ decisions under this subsection shall be guided by the following factors:
    - a. Reliable reclaimed sanitary wastewater service is available to the customer under reasonable conditions and at a reasonable cost.
    - b. Water conservation requirements and mandates applicable by law to the City ~~((w))Water~~ utility.
    - c. The individual customer cost of conversion.
    - d. Fairness to the customer and to other water service customers.
  4. The ~~((director)) Water and Hydroelectric Services Director~~ may request a customer objecting to disconnection under this section to submit information for his consideration. The decision may be appealed to the City ~~((h))Hearing~~ ~~((e))Examiner~~ within thirty days.
    - a. The hearing shall be within thirty days of the appeal.
    - b. The decision may be appealed to a court of competent jurisdiction within thirty days, based on the record, reversible because of violation of law or arbitrary and capricious.

**Section 26:** That SMC section 13.04.2018 entitled "Major Fraction" is repealed:

**~~((13.04.2018 Major Fraction~~**

~~All charges assessed based upon stated consumption units (e.g., per hundred cubic feet) shall be billed based upon the major unit fraction (e.g., fifty cubic feet or more billed as the next one hundred cubic feet).)~~

**Section 27:** That SMC section 13.04.2024 is amended to read as follows:

**13.04.2024 Hydrant Fees, Consumption Charges and Fines**

Hydrant fees for 202~~((0))5~~ are as follows:

- A. Hydrant Permit Fees.
1. Annual Hydrant permit fee: ~~((Five Hundred dollars (\$500.00) per year))~~ Referenced in the Water Public Rule Public Rule 4100-24-02.
  2. Hydrant meter and backflow device deposit: A deposit ~~((of One Thousand Five Hundred dollars (\$1,500);))~~ established in the Water Public Rule Public Rule 4100-24-02 or surety, verified insurance or bond documentation as approved by the Director of Water and Hydro-electric Department is required for all hydrant permits.
- B. Damages
1. Damage to a meter or backflow device will ~~((result in a forfeit of the deposit))~~ be billed to the permit holder at the actual cost for repairs, ((Fifteen Hundred dollars (\$1,500);)) or other recovery available to the City.
  2. Repair of any damage to the hydrant or surrounding area as a result of use by the permit holder is the responsibility of and will be billed to the permit holder. Deposit may be forfeited.
  3. Failure to pay damages will result in revocation of all hydrant permits and denial of any requests for a hydrant permit until paid in full.
- C. Consumption Charges.
1. The Outside City Rate to Other Purveyors listed in SMC 13.04.2014, in effect at the time of usage will be applied.
    - a. All water usage from a hydrant shall be measured by required meter, as outlined above.
    - b. Failure to use required meter, will be considered a violation of this chapter and may result in civil or criminal enforcement to include without limitation, fees, fines, restitution and/or referral for prosecution.
- D. Fines:
- Any person other than employees of the City Fire Department or City Public Works Division connecting to or accessing any hydrant without an approved Hydrant Permit will be assessed a fine ~~((will be assessed a fine up to one thousand (\$1,000) dollars per day))~~ as established in the Water Public Rule Public Rule 4100-24-02. Subsequent violations may result in increased penalties and forfeiture of future eligibility to obtain a hydrant permit.
- E. Annual Adjustment:
- Any fees listed in this section may be adjusted annually.

**Section 28:** That SMC section 13.04.2026 is amended to read as follows:

#### **13.04.2026 Small Taps and Meters – Additional**

- A. The fees associated with small taps and meters are set annually in accordance with City of Spokane Public Rule 4100-20-02 Water and Hydroelectric Department Fee Schedule.
- B. All new One-inch, ~~((and))~~ Three-quarter inch, and Five-Eighth inch residential meters will be installed in a meter box within three feet of property line or in a dedicated utility easement. The meter and box will be sold as one unit.
- C. In addition to costs contained herein and in the Public Rule there is a sixty-five-dollar (\$65.00) processing fee for staff costs.
- D. Permit shall be valid for twelve months after which it will expire and a new permit will be required.

**Section 29:** That SMC section 13.04.2030 is amended to read as follows:

#### **13.04.2030 Periodic Fee Adjustment**

The fees in SMC 13.04.0608, SMC 13.04.2022, SMC 13.04.2026, and SMC 13.04.2028 shall be subject to adjustment as follows:

Fees will be adjusted annually to reflect actual increases in labor, equipment, and materials as calculated from August of the previous year to August of the current year. Increases will ~~((be rounded up to the nearest five dollars and))~~ take effect January 1st of the following year.

Note: For the remainder of ORD C36777, other Ordinances, Job Opportunities, and Notices for Bids, see Volume 115, Issue 51, Part II of the *Official Gazette*.



# Official Gazette

## City of Spokane, Washington

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

Volume 115

DECEMBER 17, 2025

Issue 51 Part II



### MAYOR AND CITY COUNCIL

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COUNCIL PRESIDENT BETSY WILKERSON

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# Ordinances Cont.

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

**Section 30:** 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 capacity.
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.
3. It is in the public interest to provide for a GFC rate structure to cover costs associated with new or increased system demand. GFC charges had 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.
4. It is further in the public interest that those adding costs or burdens to the City water system by creating need and demand for a 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 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 will be established to cover the cost of all or a portion of GFCs for certain development projects, including permanent affordable housing.

5. The City's policy is to not waive GFCs. However, offset of the developer's cost of the GFC may be identified from non-utility revenue sources, such as grant dollars or other general fund revenues. Such offset must be clearly identified and paid by the other source at time of application for connection, application for a building permit, or as otherwise ordered by the Director of Public Works.

**B. Charge for new service or new upgrades.**

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 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.
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.
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.
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 the Engineering News-Record Index (ENR) calculated by City Staff, from October to October for the previous year. This annual increase will start March 5, 2024, and occur each January 1 thereafter. The City will publish a public rule update with the new GFC charge by January 1<sup>st</sup> of each year. 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. The water GFC applies, in addition to all other connection, permit or other fees required by this code or elsewhere.
  7. 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. Any offset of applicable GFC charges shall be through non-utility revenue sources such as grant dollars or general fund dollars. The qualifications for such offset are established in Public Rule 5200-23-01.
- C. Any future incentives, waivers, offsets, or deferral of GFC charges should be funded through payments from other funding sources. Incentives, offsets, and deferrals should not result in lost revenue for new system capacity.

**Section 31:** That SMC section 13.04.2044 is amended to read as follows:

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

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

**Section 32.** That SMC section 13.04.300 is amended to read as follows:

#### **13.04.300 Penalties and Surcharges**

- A. Any person or organization violating any of the provisions of this chapter, other than SMC 13.04.1925, or the rules and regulations ~~((of the director)) of the Water and Hydroelectric Services Director~~, except for those violations designated infractions in SMC 1.05.190, commits a misdemeanor.
- B. Each day of a continuing violation shall constitute a new and separate violation unless otherwise specified.
- C. Surcharges
  - ~~((1. After December 1, 2023 and no later than May 1, 2024, the City Council in consultation with the Public Works and Utilities Department will enact any changes needed in the water rate structure to meet Spokane River flows of at least 1,000 cfs year round and authorization of surcharges for violations of SMC 13.04.1925 to be deposited to the Water Conservation Program after city staff has documented at least one educational contact with the person or entity responsible for violating SMC 13.04.1925.))~~
  2. In the event of any conflict between this section and the published rules and regulations issued by the Water and Hydroelectric Services Director, this section shall control.
  3. The Public Works and Utilities Director may enter into inter-departmental agreements with any other City department(s), as necessary, to implement the provisions of this section.

**Section 33:** Effective Date. The effective date of this ordinance shall be the later of January 1, 2026 or that date set forth in Section 19 of the City Charter.

**Passed by City Council December 8, 2025  
Delivered to Mayor December 15, 2025**

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### **ORDINANCE NO. C36804**

An ordinance amending Ordinance C36348 that vacated a portion of 7<sup>th</sup> Ave east of Government Way and more particularly described below,

**WHEREAS**, a petition for the vacation of a portion of 7<sup>th</sup> Ave east of Government Way and more particularly described below has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

**WHEREAS**, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

**Section 1.** That a portion of 7<sup>th</sup> Ave east of Government Way and more particularly described below is hereby vacated. Parcel number not assigned.

That portion of 7<sup>th</sup> Avenue (formerly J Street) in Lewis and Shaw's Terrace Park Addition as filed in Volume A of plats at page 137, lying between Government Way on the West and Hartson venue (also known as Government Way) on the East, situate in the Northeast quarter of the Southeast quarter of Section 23, Township 25 North, Range 42 East, Willamette Meridian, Spokane County, Washington and being more particularly described as follows:

Beginning at the intersection of the East line of said Southeast quarter and the projected North line of Block 14 in said Lewis and Shaw's Terrace Park Addition; thence North 89°06'51" West along the said projected North line and the North line of said Block 14, a distance of 182.20 feet to a point lying 22.0 feet Northeasterly of the existing face of curb when measured at right angles;

thence, leaving said North line, North 40°19'13" West, parallel with said existing curb line, a distance of 79.75 feet to a point on the South line of Block 1 in said Lewis and Shaw's Terrace Park Addition;

thence South 89°06'51" East along said South line, a distance of 171.59 feet to a point on the South line of Lot 12 in said Block 1 at the intersection of the Southwest line of Hartson Avenue (Government Way) as conveyed to the City of Spokane by deed recorded under Auditor's File No. 520233;

thence, leaving said South line, South 45°34'32" East, a distance of 87.10 feet to the point of beginning.

The hereinabove described portion of 7<sup>th</sup> Avenue contains 10,614 square feet or 0.244 acres, more or less.

**Section 2.** An easement is reserved and retained over and through the entire vacated area the south 20 feet of the vacation area for the utility services of Avista Utilities, Lumen, and Comcast to protect existing and future utilities.

**Passed by City Council December 8, 2025  
Delivered to Mayor December 15, 2025**

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### ORDINANCE NO. C36805

An ordinance amending Ordinance C-32816 that vacated Audubon Street from the southern right-of-way line at Hartson Avenue to the southern Alley right-of-way between Hartson Avenue and 7<sup>th</sup> Avenue, except for those portions of Audubon Street used for Government Way right-of-way

**WHEREAS**, a petition for the vacation of Audubon Street beginning at the Northwest corner of Lot 6, Block 1, Lewis and Shaw's Terrace Park Addition according to the plat recorded in Volume "A" of Plats, Page 137, Spokane County, Washington; thence N89°01'46"W, along the extended north line of said Block 1, 20.91 feet to a point 10 feet distant from the existing curb line as shown on record of survey recorded under Auditor's Doc. No. 4225049; thence S55°39'57"W, parallel with and 10 feet distant from said curb line, 65.88 feet to the west right-of-way line, 18.12 feet to a point 10 feet distant from the existing curb line as shown on record of survey recorded under Auditor's Doc. No. 4225049; thence S38°29'14"E, parallel with and 10 feet distance from said curb line, 119.25 feet to the east right-of-way line of Audubon Street and the west line of said Block 1; thence N00°28'58"E, along said east right-of-way line, 148.27 feet to the Point of Beginning has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

**WHEREAS**, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

**Section 1.** That Audubon Street beginning at the Northwest corner of Lot 6, Block 1, Lewis and Shaw's Terrace Park Addition according to the plat recorded in Volume "A" of Plats, Page 137, Spokane County, Washington; thence N89°01'46"W, along the extended north line of said Block 1, 20.91 feet to a point 10 feet distant from the existing curb line as shown on record of survey recorded under Auditor's Doc. No. 4225049; thence S55°39'57"W, parallel with and 10 feet distant from said curb line, 65.88 feet to the west right-of-way line, 18.12 feet to a point 10 feet distant from the existing curb line as shown on record of survey recorded under Auditor's Doc. No. 4225049; thence S38°29'14"E, parallel with and 10 feet distance from said curb line, 119.25 feet to the east right-of-way line of Audubon Street and the west line of said Block 1; thence N00°28'58"E, along said east right-of-way line, 148.27 feet to the Point of Beginning is hereby vacated. Parcel number not assigned.

**Section 2.** An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities and AT&T Broadband to protect existing and future utilities.

**Section 3.** Adequate emergency vehicle access be maintained to existing and future buildings.

**Section 4.** That this ordinance shall not become effective until the owners of property abutting upon the area to be vacated shall have compensated the City of Spokane in an amount equal to one-half the assessed value of the area herein vacated.

**Section 5.** Subject to Section 4 above, this ordinance shall take effect and be in force thirty days after its passing.

**Passed by City Council December 8, 2025  
Delivered to Mayor December 15, 2025**

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**ORDINANCE NO. C36809**

An ordinance related to public notice of planning and land use actions; amending Spokane Municipal Code sections 17G.020.060, 17G.020.070, 17G.025.010, 17G.061.010, 17G.061.210; and creating a new section 17G.025.020.

**WHEREAS**, the maintenance of the Unified Development Code (UDC) and in general the Spokane Municipal Code (SMC) has been a periodic, recurring project of the Planning and Economic Development Department to improve clarity and consistency with local policy and State and Federal laws; and

**WHEREAS**, the City of Spokane Comprehensive Plan Chapter 3 Land Use, Policy 7.2 Continuing Review Process calls out a process to periodically review the SMC for corrections and improvements; and

**WHEREAS**, the City of Spokane Comprehensive Plan Chapter 13 Local Governance and Citizenship, Policy 1.3 Citizen Participation calls for the city to “employ a variety of techniques and venues to ensure a broad representation of the citizenry in planning activities”; and

**WHEREAS**, the City of Spokane Comprehensive Plan Chapter 13 Local Governance and Citizenship, Policy 4.1 Dissemination of Public Information directs the city to use current technologies for sharing information on city and neighborhood activities; and

**WHEREAS**, technological changes in recent decades have created new avenues for the city to provide information and for residents to receive knowledge about proposals, development activity, and city-led activities; and

**WHEREAS**, as outlined in the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A), interested agencies and the public have had opportunities to participate throughout the process and all persons wishing to comment on the amendment were given an opportunity to be heard; and

**WHEREAS**, on October 14, 2025, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before the adoption of proposed changes to the Unified Development Code according to RCW 36.70A.106; and,

**WHEREAS**, the proposed text amendments were drafted and reviewed consistent with the requirements of RCW 36.70A.370 to assure protection of private property rights; and,

**WHEREAS**, this proposal is strictly limited to government procedures, will have no direct impact on the built environment, and is categorically exempt from SEPA under WAC 197-11-800.; and

**WHEREAS**, before the Plan Commission public hearing a legal notice was published in the Spokesman-Review on September 30, 2025 and October 7, 2025; and,

**WHEREAS**, on October 8, 2025, the Plan Commission held a public hearing on the proposed amendments, during which public testimony was heard and deliberations were held; and,

**WHEREAS**, on October 8, 2025, the Plan Commission voted to recommend the City Council adopt the proposed amendments (Exhibit A); and,

**WHEREAS**, the proposed actions are consistent with and supported by the Spokane Comprehensive Plan as outlined in the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A); -- Now, Therefore,

The City of Spokane does ordain:

**Section 1. Findings of Fact:** The City Council adopts the recitals set forth herein as its findings and conclusions in support of the adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A) for the same purposes.

**Section 2.** That Section 17G.020.060 is amended to read as follows:

**17G.020.060 Process for Application, Review and Decision**

**A. Threshold Review**

**1. Pre-application Conference.**

A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their proposal. Staff and the applicant will also explore approaches to the

amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

2. Map Amendments.

In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

3. Threshold Review Application Deadline.

Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.

4. Determination of Completeness.

Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Notification.

All applications shall follow the notification requirements of SMC 17G.020.070.

((B))C. Final Review.

1. Final Review Application. An application shall not move ahead for final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

2. Review by City Staff and Agencies.

Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. ~~((City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments.))~~ SEPA review and in-depth staff analysis of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. Timely review is dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements. Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

3. Notice of Application/SEPA.

When the review described in subsection (C) above is complete, staff sends a form of notice of application to the applicant. Applicants ~~((must complete all notice requirements 17G.020.070(D) or 17G.020.070(E)))~~ shall be responsible for completing the Individual Notice, Sign Notice, and Neighborhood Council Notice as provided in 17G.020.070 within thirty days of the date the notice of application is provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. ((If the Planning Director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.))

4. Public Comment Period.

~~((The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications.))~~ During ~~((this time))~~ the public comment period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

5. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence during this time.

6. SEPA Determination.

Following the end of the public comment period, staff will complete the SEPA threshold determination pursuant to chapter 17E.050 SMC and set a hearing date with the Plan Commission. ~~((Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff.))~~ If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

7. Notice of SEPA Determination and Plan Commission Hearing.

Applicants shall be responsible for completing the Individual Notice, Sign Notice, and Neighborhood Council Notice for the Plan Commission hearing as provided in 17G.020.070 within thirty days of receipt of noticing

materials provided by staff. ~~((The combined notice of SEPA determination and notice of plan commission hearing must be published fourteen days prior to the plan commission's hearing on the amendment proposals.))~~

If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a Planning Director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

8. Staff Report.

Prior to the Plan Commission hearing, staff prepares its final report, which address SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are provided to the applicant as well as plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620.

9. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

10. Plan Commission Recommendation.

The plan commission bases its recommendation on the guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

a. Approval based on support for the proposal and recognition that it is consistent with the comprehensive plan applicable guiding principles, and amendment review criteria.

i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

b. Denial for the following reason(s):

i. The proposal is not consistent with applicable guiding principles and/or amendment review criteria.

ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).

iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

11. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted ~~((by ordinance))~~ after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified.

12. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

**Section 3.** That Section 17G.020.070 is amended to read as follows:

**Section 17G.020.070 (~~(Notification)~~) Public and Agency Notice and Comment**

**A. Definitions.**

Table 17G.020.070-1 provides the definitions for terms used within this section. Definitions provided here shall be limited to the purposes of this section.

| Table 17G.020.070-1<br>Definitions |   |
|------------------------------------|---|
| Term                               | Definition  |
| Agency Comment                     | A comment period during which review and feedback is solicited from the parties included in Agency Notice   |
| Agency Notice                      | Distribution of project details, including SEPA checklist, via email to the parties identified in SMC 17G.061.120(B)(3)   |
| Commerce Notice                    | Notification to the WA State Department of Commerce as required by RCW 36.70A.106   |
| Electronic Notice                  | Distribution through an official electronic contact list, which may be a project-specific contact list, if available, or a general information list such as the Plan Commission email list. |
| Direct Notice                      | Notice to parties of record through email or other direct means of communication.   |
| Individual Notice                  | As provided in SMC 17G.061.210  |
| Neighborhood Council Notice        | Written notice to neighborhood councils impacted by a proposal, including all neighborhood councils within 600 feet of a site-specific proposal.  |
| Public Comment                     | A comment period during which review and feedback is solicited from the general public  |
| Sign Notice                        | As provided in SMC 17G.061.210  |

~~((A. Application Deadline.~~

~~As a courtesy, the city will publish a reminder notice once in early August regarding each year's amendment application deadlines.))~~

B. Private ~~((Applicant))~~ Applications.

~~((A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.))~~

- ~~1. A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.~~
- ~~2. For private applications, the applicant shall submit affidavits of publication/posting/mailing of all notices to the Department.~~

~~((C. Text Changes.~~

~~Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the Official Gazette, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/mailing are provided to the planning department by the applicant.~~

~~D. Map Changes.~~

~~Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area wide rezones require legal notice in the newspaper, and notice in the Official Gazette, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.061.210. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.~~

~~E. City Council Hearing.~~

~~Notice of city council hearings must be published in the Official Gazette, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.~~

~~F. City Council Decisions.~~

~~City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the Official Gazette. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site specific or area wide land use amendment proposals according to SMC 17G.061.320.~~

G. Duration, Content of Notice.

~~Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.))~~

C. Summary Table.

Table 17G.020.070-2 provides the noticing requirements for each noticing milestone.

| Table 17G.020.070-2<br>Participation Milestones   |   |   |
|---|---|---|
| Milestone   | Timing/Duration   | Required Notice   |
| Project initiation  | No later than sixty days prior to adoption, unless expedited review is requested. | Commerce Notice   |
| Agency Comment [1]  | Fourteen (14) calendar days.<br>Notice at beginning of comment period.            | Agency Notice   |
| Public Comment [1]  | Thirty (30) calendar days.<br>Notice at beginning of comment period.              | All applications  |
|   |   | Electronic Notice   |
|   |   | Additional requirements for site-specific applications          |
|   |   | Neighborhood Council Notice<br>Sign Notice<br>Individual Notice |
| Plan Commission hearing   | Notice no later than ten (10) days prior to hearing.                              | All applications  |
|   |   | Electronic Notice<br>Direct Notice<br>Official Gazette          |
|   |   | Additional requirements for site-specific applications          |
|   |   | Neighborhood Council Notice<br>Sign Notice<br>Individual Notice |
| City Council hearing  | Notice no later than ten (10) days prior to hearing.                              | All applications  |
|   |   | Electronic Notice<br>Direct Notice<br>Official Gazette          |
|   |   | Additional requirements for site-specific applications          |
|   |   | Neighborhood Council Notice                                     |
| Project completion  | No later than ten (10) days after City Council adoption.                          | Commerce Notice   |
| Footnotes:<br>[1] Agency Comment and Public Comment are permitted to proceed concurrently but are not required to do so |   |   |

D. Notice Contents.

Contents of all notices shall be consistent with the relevant requirements of SMC 17G.061.210.

E. Duration of Sign Notice.

For signage related to a comment period, the signage shall remain in place for the duration of the comment period. For signage related to a hearing, the signage shall remain in place until the hearing has commenced.

F. Individual Notice on Multiple Sites.

In the case of a site-specific proposal that applies to multiple sites, requirements for Individual Notice shall apply to all affected sites.

**G. SEPA.**

The noticing milestones and timelines of this section shall be sufficient for fulfilling the public notice requirements of SEPA so long as the information and materials provided in notices meet the requirements of SEPA.

~~((H. Transmittal to State, Notice of Intent to Adopt.~~

~~At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state) department of commerce (Commerce) for their review and comment. In addition, copies of adopted amendments must be transmitted to Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).))~~

**Section 4.** That Section 17G.025.010 is amended to read as follows:

**Section 17G.025.010 Text Amendments to the Unified Development Code****A. Purpose.**

This section provides for orderly and transparent modifications to the Unified Development Code with significant opportunities for public review and participation.

**B. Definitions.****1. Construction Standards.**

The following chapters of the Spokane Municipal Code are referred to herein as Construction Standards:

- a. Chapter 17F.040 SMC (International Building Code, International Residential Code, International Energy Conservation Code);
- b. Chapter 17F.050 SMC (National Electrical Code);
- c. Chapter 17F.080 SMC (International Fire Code)
- d. Chapter 17F.090 SMC (International Mechanical Code)
- e. Chapter 17F.100 SMC (Uniform Plumbing Code)

**C. Applicability.**

The requirements of this section apply to all proposed modifications to Title 17 SMC.

**D. Amendments to Construction Standards.****1. Adoption Process.**

Amendments to Construction Standards do not follow the remainder of this section. Instead, they follow City Council's regular legislative process. When a proposal combines modifications to Construction Standards with other proposed amendments to Title 17 SMC, the portion pertaining to Construction Standards is not subject to the same approval process but should be clearly identified in public notices.

**2. Application of State Code.**

Adoption of changes to the Construction Standards is also subject to the following sections of state code:

- a. RCW 43.21C, if any;
- b. RCW 19.27.040; and
- c. RCW 19.27.060.

**3. State Building Code Council.**

Changes to Construction Standards that apply to single-dwelling or multi-dwelling residential buildings shall be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

**E. Initiation.**

Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood council, or other party; or
3. A City department, the Plan Commission, or the City Council.

**F. Proposals Initiated by Persons or Entities other than a City department, the Plan Commission, or the City Council.****1. Applications.**

Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specific in chapter 8.02 SMC.

**2. Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to the threshold review and docketing procedures set forth in SMC 17G.020.025, using the following criteria:**

- a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
  - e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
  - f. State law required, or a decision of a court or administrative agency has directed such a change.
3. If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application should be placed on ~~((the next available plan commission))~~ a future Plan Commission agenda for a workshop.
- G. ~~((Notice of Intent to Adopt and SEPA Review))~~ Public Participation  
~~((Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible.))~~ Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC ~~((17G.020.080))~~ 17G.025.020.
- H. ~~((Notice of Public Hearing))~~ Public Notice.  
~~Amendments to Title 17 SMC require a public hearing before the plan commission.~~
1. ~~Contents of Notice.~~  
~~A notice of public hearing shall include the following:~~
    - a. ~~The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;~~
    - b. ~~A statement of how the proposal would change the affected provision;~~
    - c. ~~The date, time, and place of the public hearing;~~
    - d. ~~A statement of the availability of the official file; and~~
    - e. ~~Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and~~
    - f. ~~A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.~~
  2. ~~Distribution of Notice.~~  
~~The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.061.210 Public Notice.))~~
- Public notice shall be given as provided in SMC 17G.025.020.
- I. Plan Commission Recommendation – Procedure.  
Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:
1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
  2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
  3. If the plan commission is unable to take either of the actions specified in (1) or (2) of this subsection, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.
- J. Approval Criteria.  
The City may approve amendments to this code if it finds that:
1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
  2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.
- K. City Council Action.  
Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing ~~((pursuant to council rules. Notice of city council hearings must be published in the Official Gazette. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council.))~~ The city council may:
1. Approve the application;
  2. Disapprove the application;

3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
  4. Refer the proposal back to the plan commission for further consideration.
- L. Transmittal to the State of Washington.  
~~((At least sixty days prior to final action being taken by the city council, the Washington Department of Commerce ("Commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period.))~~  
 No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ~~((Commerce))~~ the Washington Department of Commerce.

**Section 5.** That a new Section 17G.025.020 is created to read as follows:

#### 17G.025.020 Public and Agency Notice and Comment

##### Definitions.

Table 17G.025.020-1 provides the definitions for terms used within this section. Definitions provided here shall be limited to the purposes of this section.

| Table 17G.025.020-1<br>Definitions |   |
|------------------------------------|---|
| Term                               | Definition  |
| Agency Comment                     | A comment period during which review and feedback is solicited from the parties included in Agency Notice   |
| Agency Notice                      | Distribution via email to the parties identified in SMC 17G.061.120(B)(3)   |
| Commerce Notice                    | Notification to the WA State Department of Commerce as required by RCW 36.70A.106   |
| Electronic Notice                  | Distribution through an official electronic contact list, which may be a project-specific contact list, if available, or a general information list such as the Plan Commission email list. |
| Direct Notice                      | Notice to parties of record through email or other direct means of communication.   |
| Public Comment                     | A comment period during which review and feedback is solicited from the general public  |

##### Exemptions.

Moratoria or interim zoning ordinances adopted under RCW 36.70A.390 shall not be required to follow the standards of this section.

Amendment proposals which are categorically exempt from SEPA shall be included in regular Plan Commission and City Council notices and agendas, which shall provide sufficient public notice. SEPA-exempt proposals shall not be required to follow the remaining standards of this section.

Amendments to the Construction Standards as provided in SMC 17G.025.010 shall not be required to follow the standards of this section.

##### Participation Milestones.



| Table 17G.025.020-2<br>Participation Milestones   |   |  |
|---|---|--|
| Milestone   | Timing/Duration   | Required Notice  |
| Project initiation  | No later than sixty days prior to adoption, unless expedited review is requested. | Commerce Notice  |
| Agency Comment [1]  | Fourteen (14) calendar days.<br>Notice at beginning of comment period.            | Agency Notice  |
| Public Comment [1]  | Fourteen (14) calendar days.<br>Notice at beginning of comment period.            | Electronic Notice                                      |
| Plan Commission hearing   | Notice no later than ten (10) days prior to hearing.                              | Electronic Notice<br>Direct Notice<br>Official Gazette |
| City Council hearing  | Notice no later than ten (10) days prior to hearing.                              | Electronic Notice<br>Direct Notice<br>Official Gazette |
| Project completion  | No later than ten (10) days after City Council adoption.                          | Commerce Notice  |
| Footnotes:<br>[1] Agency Comment and Public Comment are permitted to proceed concurrently but are not required to do so |   |  |

#### Contents of Notice.

In the early stages of a proposal, some information may not be available. In such cases, information should be provided in as much detail as possible. Notices to the public shall contain the following information when available:

a brief description of the proposal;

identification of all SMC sections that are proposed to be modified, removed, or added;

description of the SEPA status;

statement of the right of any person to submit written comments and, if applicable, to appear at the public hearing to give oral comments on the proposal;

if applicable, the date, time, and place of the public hearing.

#### SEPA.

The noticing milestones and timelines of this section shall be sufficient for fulfilling the public notice requirements of SEPA so long as the information and materials provided in notices meet the requirements of SEPA.

**Section 6.** That Section 17G.061.010 is amended to read as follows:

#### **Section 17G.061.010 Summary of Land Use Application Procedures**

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

| TABLE 17G.061.010-1<br>SUMMARY OF APPLICATION TYPES AND REQUIREMENTS |                  |                             |                                 |                   |                |                      |                     |                      |
|--|------------------|-----------------------------|---------------------------------|-------------------|----------------|----------------------|---------------------|----------------------|
|  | Application Type | Notice of Community Meeting | Notice of Application           | Notice of Hearing | Notice Content | Review Official      | City Council Review | Expiration of Permit |
| <b>BUILDING AND CODE ENFORCEMENT</b>                                 |                  |                             |                                 |                   |                |                      |                     |                      |
| Building Permit without SEPA   | Excluded         | -                           | -                               | -                 | -              | Building Official    | -                   | 180 days             |
| Building Permit with SEPA (((Commercial/Industrial/Other)))          | Type I           | -                           | Sign Posted ((Legal))           | -                 | -              | Building Official    | -                   | 180 days             |
| Demolition Permit without SEPA                                       | Type I           | -                           | - [2]                           | - [1]             | -              | Building Official    | -                   | 180 days             |
| Demolition Permit with SEPA [2]                                      | Type I           | -                           | Sign Posted ((Legal Newspaper)) | - [1]             | -              | Building Official    | -                   | 180 days             |
| Fence Permit   | Excluded         | -                           | -                               | -                 | -              | Building Official    | -                   | 180 days             |
| Grading Permit without SEPA  | Type I           | -                           | ((Sign Posted Legal))           | -                 | -              | Building Official    | -                   | 180 days             |
| Grading Permit with SEPA   | Type I           | -                           | Sign Posted                     | -                 | -              | Building Official    | -                   | 180 days             |
| Manufactured Home Permit   | Excluded         | -                           | -                               | -                 | -              | Building Official    | -                   | 180 days             |
| Sign Permit  | Excluded         | -                           | -                               | -                 | -              | Building Official    | -                   | 180 days             |
| Residential Building Permit  | Excluded         | -                           | -                               | -                 | -              | Building Official    | -                   | 180 days             |
| Remodel Permit   | Excluded         | -                           | -                               | -                 | -              | Building Official    | -                   | 180 days             |
| <b>ENGINEERING SERVICES</b>  |                  |                             |                                 |                   |                |                      |                     |                      |
| Address Permit   | Excluded         | -                           | -                               | -                 | -              | Engineering Director | -                   | 180 days             |
| Approach Permit  | Excluded         | -                           | -                               | -                 | -              | Engineering Director | -                   | 180 days             |
| Design Deviation – Street Design                                     | Excluded         | -                           | -                               | -                 | -              | Engineering Director | -                   | 180 days             |
| Encroachment Permit  | Excluded         | -                           | -                               | -                 | -              | Engineering Director | -                   | 180 days             |
| LID Formation  | Excluded         | -                           | -                               | -                 | -              | Engineering Director | -                   | 180 days             |

|  |          |                        |                                       |                        |  |                      |   |          |
|--|----------|------------------------|---------------------------------------|------------------------|--|----------------------|---|----------|
| Obstruction Permit                                   | Excluded | -                      | -                                     | -                      | -  | Engineering Director | - | 180 days |
| Road Closure   | Excluded | -                      | -                                     | -                      | -  | Engineering Director | - | 180 days |
| Sidewalk Permit                                      | Excluded | -                      | -                                     | -                      | -  | Engineering Director | - | 180 days |
| Stormwater Design Acceptance                         | Excluded | -                      | -                                     | -                      | -  | Engineering Director | - | 180 days |
| Street Vacation                                      | Excluded | -                      | ((-))<br>Individual<br>Sign<br>Posted | -                      | -  | Engineering Director | - | 180 days |
| PLANNING AND ECONOMIC DEVELOPMENT SERVICES           |          |                        |                                       |                        |  |                      |   |          |
| Accessory Dwelling Unit (ADU)                        | Excluded | -                      | -                                     | -                      | -  | Planning Director    | - | 180 days |
| Administrative Exemptions                            | Excluded | -                      | -                                     | -                      | -  | Planning Director    | - | 180 days |
| Administrative Interpretations/ Determinations       | Excluded | -                      | -                                     | -                      | -  | Planning Director    | - | 180 days |
| Binding Site Plan (BSP) – Preliminary                | Type II  | -                      | Individual Sign Posted                | -                      | Project name<br>Proposed use<br>Acreage<br># of lots | Planning Director    | - | 5 years  |
| Binding Site Plan (BSP) – Final                      | Excluded | -                      | -                                     | -                      | -  | Planning Director    | - | N/A      |
| Boundary Line Adjustment (BLA)                       | Excluded | -                      | -                                     | -                      | -  | Planning Director    | - | N/A      |
| Certificate of Compliance (CC) – Hearing Examiner    | Type III | Individual Sign Posted | Individual Sign Posted                | Individual Sign Posted | Project name<br>Proposed use                         | Hearing Examiner     | - | N/A      |
| Certificate of Compliance (CC) – Planning Director   | Type II  | -                      | Individual Sign Posted                | -                      | Project name<br>Proposed use                         | Planning Director    | - | N/A      |
| Conditional Use Permit (CUP) – Hearing Examiner      | Type III | Individual Sign Posted | Individual Sign Posted                | Individual Sign Posted | Project name<br>Proposed use                         | Hearing Examiner     | - | 3 years  |
| Conditional Use Permit (CUP) – Planning Director [3] | Type II  | -                      | Individual Sign Posted                | -                      | Project name<br>Proposed use                         | Planning Director    | - | 3 years  |
| Floodplain Development with SEPA                     | Type I   | Individual Sign Posted | Individual Sign Posted                | -                      | Proposed use   | Planning Director    | - | 180 days |
| Floodplain Variance                                  | Type III | Individual Sign Posted | Individual Sign Posted                | Individual Sign Posted | Project name<br>Proposed use                         | Hearing Examiner     | - | 3 years  |
| Home Occupation                                      | Excluded | -                      | -                                     | -                      | -  | Planning Director    | - | N/A      |

|   |          |                        |                            |                                  |   |                   |     |                                |
|---|----------|------------------------|----------------------------|----------------------------------|---|-------------------|-----|--------------------------------|
| Long Plat – Preliminary                                   | Type III | Individual Sign Posted | Individual Sign Posted     | Individual Sign Posted Newspaper | Project name Proposed use Acreage # of lots | Hearing Examiner  | -   | 5 years                        |
| Long Plat – Final   | Excluded | -                      | -                          | -                                | -   | Planning Director | -   | N/A                            |
| Planned Unit Development (PUD) – Preliminary              | Type III | Individual Sign Posted | Individual Sign Posted     | Individual Sign Posted           | Project name Proposed use Acreage # of lots | Hearing Examiner  | -   | 5 years [5]                    |
| Planned Unit Development (PUD) – Final                    | Excluded | -                      | -                          | -                                | -   | Planning Director | Yes | N/A                            |
| Shoreline Exemption/Determination/ Interpretation         | Excluded | -                      | -                          | -                                | -   | Planning Director | -   | Must comply with WAC 173-27-90 |
| Shoreline Substantial Development Permit (SDP)            | Type II  | -                      | Individual Sign Posted     | -                                | Project name Proposed use                   | Planning Director | -   | Must comply with WAC 173-27-90 |
| Shoreline Variance  | Type III | Individual Sign Posted | Individual Sign Posted     | Individual Sign Posted           | Project name Proposed use                   | Hearing Examiner  | -   | Must comply with WAC 173-27-90 |
| Shoreline Conditional Use Permit (CUP)                    | Type III | Individual Sign Posted | Individual Sign Posted     | Individual Sign Posted           | Project name Proposed use                   | Hearing Examiner  | -   | Must comply with WAC 173-27-90 |
| Short Plat – Preliminary with Standard Review and SEPA    | Type II  | -                      | Individual Sign Posted     | -                                | Project name Proposed use Acreage # of lots | Planning Director | -   | 5 years                        |
| Short Plat – Preliminary with Standard Review and No SEPA | Type II  | -                      | Individual Sign Posted [4] | -                                | Project name Proposed use Acreage # of lots | Planning Director | -   | 5 years                        |
| Short Plat – Preliminary with Minor Review                | Type II  | -                      | -                          | -                                | -   | Planning Director | -   | 5 years                        |
| Short Plat – Final  | Excluded | -                      | -                          | -                                | -   | Planning Director | -   | N/A                            |
| Skywalk   | Type III | Individual Sign Posted | Individual Sign Posted     | Individual Sign Posted           | -   | Hearing Examiner  | Yes | Up to 25 year agreement        |

|          |          |                        |                        |                        |   |                  |     |         |
|----------|----------|------------------------|------------------------|------------------------|---|------------------|-----|---------|
| Variance | Type III | Individual Sign Posted | Individual Sign Posted | Individual Sign Posted | Project name<br>Proposed use<br>Proposed standard | Hearing Examiner | -   | 3 years |
| Rezone   | Type III | Individual Sign Posted | Individual Sign Posted | Individual Sign Posted | Project name<br>Proposed use<br>Proposed zone     | Hearing Examiner | Yes | 3 years |

## Footnotes

[1] Public Hearing is required if the structure is on the National Historic Register.

[2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten-day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to [SMC 4.27.010 \(D\)](#) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.

[3] Conditional Use Permits required under [SMC 17C.111.110](#), Limited Use Standards for Religious Institutions and Schools, will complete ((~~posted/individual~~)) Individual, Sign, and Posted notification requirements for a Community Meeting.

[4] Sign and posted notice not required for 2-4 lots per [SMC 17G.080.040\(D\)](#)

[5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

**Section 7.** That Section 17G.061.210 is amended to read as follows:

#### **17G.061.210 Public Notice**

##### **A. Purpose.**

Public notice informs interested parties of the application at proper stages of the approval process and ensures opportunity for appropriate comment. Notice occurs through various means depending on the type of application and proposed action.

##### **B. General.**

1. The types of notice for various categories of permit applications and actions are listed in Table 17G.061.010-1. The specified types of notice are used for community meetings, notice of application, notice of public hearing, notice of decision, and notice of appeals, as applicable.
2. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.

##### **C. Types of Notice.**

###### **1. Individual Notice.**

Individual notice is given in writing by regular U.S. mail or by personal service. Notice shall be given to the following parties:

- a. All owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
- b. Any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
- c. Any agency with jurisdiction identified by the director.
- d. The individual(s) designated pursuant to [SMC 4.27.010\(D\)](#) to receive written notice on behalf of the neighborhood council in which the project is located, at the address for such neighborhood council designee(s) that is on file with the City's department of neighborhood services.

## 2. Sign Notice.

Sign notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. ~~((The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.))~~

a. ~~The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.~~

b. ~~The director may waive or reduce signage requirements where placement of signage is impractical. Considerations include and are not limited to:~~

i. ~~where a sign cannot be placed on or adjacent to the site, and placement in the public right of way would restrict pedestrian or vehicle travel;~~

ii. ~~where weather or vandalism results in the destruction of signage;~~

~~((a))~~c. ~~The notice sign ((must)) shall meet the following specifications:~~

i. ~~It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.~~

ii. ~~It is constructed of material of sufficient weight and strength to withstand normal weather conditions.~~

iii. ~~It is white with red lettering.~~

## 3. Posted Notice.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

a. ~~The ((main City public library and the)) branch library within or nearest to the area subject to the pending action;~~

b. ~~The space in City Hall officially designated for posting notices; and~~

c. ~~Any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.~~

## 4. Newspaper Notice.

Newspaper notice is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (D) of this section, unless otherwise provided for. Newspaper notices are published ~~((on the same day of two consecutive weeks, the first))~~ no later than ~~((the number of days specified for the particular application type specified in this chapter))~~ ten days prior to the hearing, unless otherwise provided for.

## 5. Other Notice.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

## D. Contents of Notice.

## 1. Individual, Newspaper, and Posted Notice.

The following information shall be included:

## a. All application types:

i. Location of the property sufficient to clearly locate the site.

ii. Description of the proposed action and required permits.

iii. Name, address, and office telephone number of the City official from whom additional information may be obtained.

iv. Applicant name and telephone number.

v. Statement that any person may submit written comments and appear at the public hearing, if applicable.

vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.

vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.

viii. A statement, in bold type, that only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision.

ix. Date and time by which any written comments must be received on the notice of application; and

x. Date of the application and date of the notice of complete application.

b. An application requiring a community meeting shall also include a notice of community meeting with the date, time, and place of the meeting.

c. An application requiring a public hearing shall also include a notice of public hearing with the date, time, and place of the hearing.

## 2. Sign Notice.

Sign notices must contain the following information:

a. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.

b. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z----- -CUP" or some other appropriate description of the proposed action.

c. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time, and location)."

- d. The subsequent line(s) of text, in three-inch letters, contain additional details appropriate to the application type as ((indicated for the project type in Table 17C.061.010-1)) required by staff.
- e. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- f. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number and web page address where additional project information may be found)."
- g. The following figures illustrate posted notice signs:

**Example "A"**

NOTICE OF PUBLIC HEARING  
 PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC  
 PUBLIC HEARING ON : 1/1/2004 AT 9:00 A.M.  
 LOCATED: COUNCIL BRIEFING RM., CITY HALL  
 Proposed Zone: C1  
 Proposed Use: Warehouse  
 Applicant/Agent: John Doe, Phone (509) 999-0001  
 SEPA: DNS, appeal deadline 12/24/03  
 FOR INFORMATION: (509) 625-6300  
<https://my.spokanecity.org/projects/example/>

**Example "B"**

NOTICE OF SEPA/APPLICATION  
 BUILDING PERMIT, FILE #B0300001  
 PUBLIC COMMENT DUE : 1/1/2004 AT 9:00 A.M.  
 LOCATED: COUNCIL BRIEFING RM., CITY HALL  
 Proposed Use: Commercial  
 Applicant/Agent: John Doe, Phone (509) 999-0001  
 SEPA: DNS, appeal deadline 12/24/03  
 FOR INFORMATION: (509) 625-6300  
<https://my.spokanecity.org/projects/example/>

**E. Removal of Public Notice.**

1. Posted notices shall be removed within seven days after the close of the public hearing or by the due date of the decision on a ministerial permit.
2. If a posted notice remains on a site more than fourteen days after the time limitation stated above, the City shall remove and dispose of the sign and charge the applicant or other person responsible for the notice.

**Section 8. Severability:** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 9. Clerical Errors:** Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

**Passed by City Council December 8, 2025**  
**Delivered to Mayor December 15, 2025**

**ORDINANCE NO. C36810**

An ordinance relating to implementing the co-living housing requirements of RCW 36.70A.535, amending portions of SMC 17A.020.030, SMC 17A.020.190, SMC 17C.111.115, SMC 17C.111.205, SMC 17C.111.210, SMC 17C.111.300, SMC 17C.111.400, SMC 17C.190.100, and SMC 17C.190.110.

**WHEREAS**, in 2024, the Washington State Legislature passed Engrossed Substitute House Bill (ESHB) 1998 related to co-living housing; and

**WHEREAS**, in passing ESHB 1998 (2024) the State Legislature found that:

- Washington is facing a housing affordability crisis;
- Co-living housing historically provided a healthy inventory of rental homes on the lowest rung of the private housing market;
- Many communities throughout Washington face a severe shortage of workforce housing, and co-living housing provides housing affordable to that income range and below, without public funding;
- Co-living housing reduces pressure on the limited amount of publicly funded affordable housing by providing housing that is affordable to lower income residents who might otherwise wait years for subsidized housing;
- Co-living housing reduces demand for family-sized rentals from singles who would otherwise group together to rent large homes;
- Co-living housing is well-suited for people of diverse incomes, including low and very-low income households;
- State building codes have established minimum sizes and other standards to ensure that co-living housing meets modern health and safety standards; and

**WHEREAS**, In the early 20th Century, co-living housing in downtown Spokane provided flexible and affordable housing options for the city's growing population; and

**WHEREAS**, like middle housing, this historically common housing type could provide additional housing choice to residents today; and

**WHEREAS**, this proposal intends to meet the requirements and intent of ESHB 1998, codified in RCW 36.70A.535; and

**WHEREAS**, the adopted fee schedule for sewer connection fees is based on the water meter size of a project and is proportional to the needs of the development, meeting the intent of RCW 36.70A.535(8); and

**WHEREAS**, on September 24, 2025, A Notice of Intent to Adopt was published in the City Council Gazette; and

**WHEREAS**, on September 24, 2025, and October 8, 2025, the Spokane Plan Commission held workshops open to the public; and

**WHEREAS**, on October 1, 2025, the Washington State Department of Commerce was given the required 60-day notice before the adoption of proposed changes to the Unified Development Code in accordance with RCW 36.70A.106; and,

**WHEREAS**, on October 2, 2025, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on this proposal; and

**WHEREAS**, on October 8, 2025, and October 15, 2025, a joint legal Notice of SEPA Determination and Plan Commission Public Hearing was published in the Spokesman-Review and City Council Gazette; and

**WHEREAS**, on October 22, 2025, the Spokane Plan Commission held a duly noticed public hearing, allowed for public testimony, deliberated, and voted to recommend City Council adoption of the proposed amendments (Exhibit A); and

**WHEREAS**, the proposed amendments are consistent with the Goals and Policies of the Comprehensive Plan, especially those relating to diversity of housing choice and the efficiency of land use; and

**WHEREAS**, adoption of these proposed amendments will bring the City of Spokane into compliance with RCW 36.70A.535 and will serve the public health, safety, welfare, and protection of the environment; and



**WHEREAS**, the proposed amendments meet the approval criteria outlined in SMC 17G.025.010(G); and

**WHEREAS**, as outlined in the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A), interested agencies and the public have had opportunities to participate throughout the process and all persons wishing to comment on the amendment were given an opportunity to be heard; and

**WHEREAS**, the proposed text amendments were drafted and reviewed consistent with the requirements of RCW 36.70A.370 to assure protection of private property rights; -- Now, Therefore,

The City of Spokane does ordain:

**Section 1. Findings of Fact:** The City Council adopts the recitals set forth herein as its findings and conclusions in support of the adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A) for the same purposes.

**Section 2.** That Section 17A.020.030 is amended to read as follows:

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

**M. Clear Street Width.**

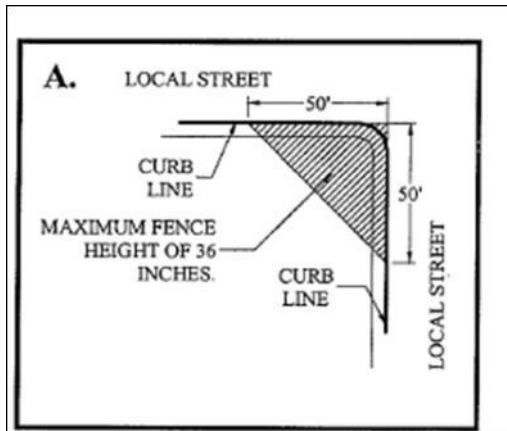
The width of a street from curb to curb minus the width of on-street parking lanes.

**N. Clear Pedestrian Zone.**

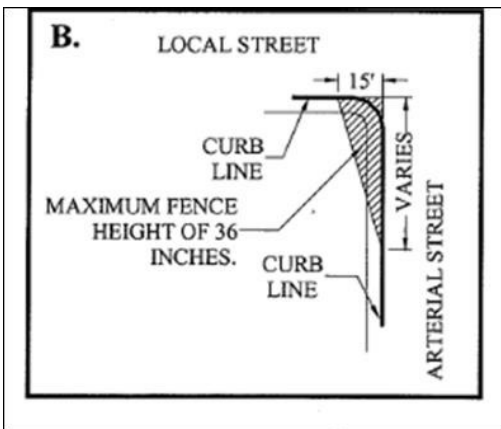
Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

**O. Clear View Triangle**

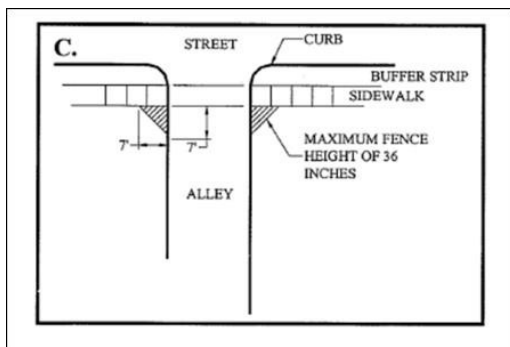
1. A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.



2. Intersection of local and arterial: A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet, or when the arterial speed limit is 40 mph or greater the dimensions of the triangle shall be determined by Street Department staff using AASHTO's A Policy on Geometric Design as a reference.



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



P. Clear Zone.

The roadside area free of obstacles, starting at the edge of the traveled way.

Q. Clearing.

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

R. Cliffs.

A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.

A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

S. Closed Record Appeal Hearing.

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

T. Collector Arterial.

Collector arterials (consisting of Major and Minor Collectors) collect and distribute traffic from local streets to principal and minor arterials. They serve both land access and traffic circulation.

U. Co-living.

A residential development with sleeping units that are independently rented and lockable and provide living and sleeping space with residents sharing kitchen facilities with other sleeping units in the building (RCW 36.70A.535).

~~((U-))~~ V. Co-location.

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

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

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

~~((W-))~~ X. Commercial Vehicle.

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

~~((X-))~~ Y. Commission – Historic Landmarks.

The City/County historic landmarks commission.

~~((Y-))~~ Z. Community Banner.

See SMC 17C.240.015.

~~((Z-))~~ AA. Community Meeting.

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

A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.

A community meeting does not constitute an open record hearing.

The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

~~((AA-))~~ BB. Compensatory Mitigation.

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

1. Restoration.

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.

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

~~((BB-))~~CC. Counter Complete

A land use application is counter complete if the application contains the documents and information required by SMC 17G.061.110 and required fees have been paid. This is the first step in the Land Use Application Determination of Completeness as outlined in 17G.061.120 and the department may request additional information, documents, or studies before certifying the application as technically complete.

~~((CC-))~~DD. Comprehensive Plan.

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

~~((DD-))~~EE. Conceptual Landscape Plan.

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

The type of landscaping, L1, L2, or L3, is required to be labeled.

It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

~~((EE-))~~FF. Concurrency Certificate.

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

~~((FF-))~~GG. Concurrency Facilities.

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

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

~~((GG-))~~HH. Concurrency Test.

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

~~((HH-))~~ II. Conditional Use Permit.

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

~~((H-))~~ JJ. Condominium.

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

~~((JJ-))~~ KK. Confidential Shelter.

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

~~((KK-))~~ LL. Congregate Residence.

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

~~((LL-))~~ MM. Conservancy Environments.

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

~~((MM-))~~ NN. Container.

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

~~((NN-))~~ OO. Context Areas

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

~~((OO-))~~ PP. Contributing Resource

Contributing resource is any building, object, structure, or site which adds to the historical integrity, architectural quality, or historical significance of the local or federal historic district within which the contributing resource is located.

~~((PP-))~~ QQ. Conveyance.

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

~~((QQ-))~~ RR. Conveyance System.

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

~~((RR-))~~ SS. Copy.

See SMC 17C.240.015.

~~((SS-))~~ TT. Cottage Housing.

A grouping of residential units with a common open space.

~~((TT-))~~ UU. Council.

The city council of the City of Spokane.

~~((UU-))~~ VV. County.

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

~~((VV-))~~ WW. Courtyard apartments.

Three or more attached dwelling units arranged on two or three sides of a yard or court.

~~((WW-))~~ XX. Covenants, Conditions, and Restrictions (CC&Rs).

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

~~((XX-))~~YY.Creep.

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

~~((YY-))~~ZZ.Critical Amount.

The quantity component of the definition of critical material.

~~((ZZ-))~~AAA.Critical Aquifer Recharge Areas (CARA).

Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.

~~((AAA-))~~BBB.Critical Areas.

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

~~((BBB-))~~CCC.Critical Facility.

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

1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

~~((CCC-))~~DDD.Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
  - a. domestic and industrial water supply,
  - b. agricultural irrigation,
  - c. stock water, and
  - d. fish propagation.Used herein, the designation is distinguished from state or other designation.
2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

~~((DDD-))~~EEE.Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials. A list of critical materials activities is contained in the Critical Materials Handbook.

~~((EEE-))~~FFF.Critical Materials Handbook.

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

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

~~((FFF-))~~GGG.Critical Review.

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

~~((GGG-))~~HHH.Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
  - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).
  - b. Application for a shoreline substantial development permit (SMC 17G.061.110(D)(1)).
  - c. Application for a certificate of occupancy (SMC 17G.010.170).

- d. Application for a variance or a certificate of compliance SMC 17G.061.110.
  - e. Application for rezoning SMC 17G.061.110.
  - f. Application for conditional permit SMC 17G.061.110.
  - g. Application for a business license (SMC 8.01.120).
  - h. Application for a permit under the Fire Code (SMC 17F.080.060).
  - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
  - j. Application for connection to the City sewer or water system.
  - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
  - l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).
  - m. Application involving a project identified in SMC 17E.010.120.
  - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
  - o. Application for an underground storage tank permit (SMC 17E.010.210); and
  - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

~~((HHH.))~~ III. Critical Review Applicant.

A person or entity seeking a critical review action.

~~((HH.))~~ JJJ. Critical Review Officer – Authority.

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

~~((JJ.))~~ KKK. Critical Review Statement.

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

~~((KKK.))~~ LLL. Cumulative Impacts.

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

~~((LLL.))~~ MMM. Curb Ramp.

A ramp constructed in the sidewalk to provide an accessible route from the sidewalk to the street.

~~((MMM.))~~ NNN. Cutbank.

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

**Section 3.** That Section 17A.020.190 is amended to read as follows:

- A. Salmonid.  
Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.
- B. Sandwich Board Sign.  
See SMC 17C.240.015.
- C. Scrub-shrub Wetland.  
An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

- D. Secondary Building Walls.  
Exterior building walls that are not classified as primary building walls.
- E. Secondary Containment.  
A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.
- F. Sediment.  
Mineral or organic matter deposited as a result of erosion.
- G. Sedimentation.  
The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.
- H. SEPA Rules.  
Chapter 197-11 WAC adopted by the department of ecology.
- I. Service Area.  
A geographic area defined by the City, which encompasses public facilities that are part of a plan.
- J. Serviceable.  
Means presently useable.
- K. Setback.  
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:
1. "Front setback" means a setback that is measured from a front lot line.
  2. "Rear setback" means a setback that is measured from a rear lot line.
  3. "Side setback" means a setback that is measured from a side lot line.
  4. "Street setback" means a setback that is measured from a street lot line.
- L. Sex Paraphernalia Store.  
A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:
1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
  2. Any establishment located within an enclosed regional shopping mall.
- M. Sexual Device.  
Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- N. Shall.  
Unless the context indicates otherwise, the term "shall" means:
1. In reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";
  2. With respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
  3. The future tense of the verb "to be."
- O. Shallow Groundwater.  
Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.
- P. Shared Use Pathway.  
A non-motorized transportation pathway shared by pedestrians, scooters and bicyclists. May be located next to a street or in a separate right-of-way.
- Q. Shorelands.  
Or "shoreline areas" or "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal



plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire shoreline master program; the same to be designated as to location by the department of ecology.

- R. Shoreline and Ecosystems Enhancement Plan and Program.  
See SMC 17E.020.090, Habitat Management Plans.
- S. Shoreline Buffer.
1. A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area.
  2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
  3. The term "buffer area" has the same meaning as "buffer."
- T. Shoreline Enhancement.  
Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.
- U. Shoreline Environment Designations.  
The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040 (4).
- V. Shoreline Habitat and Natural Systems Enhancement Projects.
1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
  2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
  3. Modification of vegetation,
  4. Removal of nonnative or invasive plants,
  5. Shoreline stabilization, dredging, and filling.
- W. Shoreline Jurisdiction.  
See "Shorelands."
- X. Shoreline Letter of Exemption.  
Authorization from the City which establishes that an activity is exempt from shoreline substantial development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire shoreline master program.
- Y. Shoreline Master Program.
1. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.
  2. For the City of Spokane, the shoreline master program includes the:
  3. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
  4. Shoreline Regulations (chapter 17E.060 SMC),
  5. City of Spokane Shoreline Restoration Plan (stand-alone document), and
  6. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).
- Z. Shoreline Mixed Use.  
Combination of water-oriented and non-water oriented uses within the same structure or development area.
- AA. Shoreline Modifications.  
Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.
- BB. Shoreline Protection.
1. Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action.
  2. The terms "Shoreline protection measure" and this term have the same meaning.

3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

CC. Shoreline Recreational Development.

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

DD. Shoreline Restoration.

1. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

EE. Shoreline Stabilization.

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

FF. Shoreline Structure.

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

GG. Shorelines Hearings Board (SHB).

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

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

HH. Short Plat – Final.

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

II. Short Plat – Preliminary.

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

JJ. Short Subdivision.

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

KK. Sign.

See SMC 17C.240.015.

LL. Sign – Animated Sign.

See SMC 17C.240.015.

MM. Sign – Electronic Message Center Sign.

See SMC 17C.240.015.

NN. Sign Face.

See SMC 17C.240.015.

OO. Sign – Flashing Sign.

See SMC 17C.240.015.

PP. Sign Maintenance.

See SMC 17C.240.015.

QQ. Sign – Off-premises.  
See SMC 17C.240.015.

RR. Sign Repair.  
See SMC 17C.240.015.

SS. Sign Structure.  
See SMC 17C.240.015.

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

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

UU. Single Unit Residential Building (or “Single-unit Residential”).  
A dwelling containing only one dwelling unit.

VV. Single-room Occupancy Housing (SRO).  
A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

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

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

XX. Site – Archaeological.

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

YY. Site, Parent.  
The initial aggregated area containing a development, and from which individual lots may be divided.

ZZ. Sixplex.  
A building that contains six dwelling units on the same lot that share a common wall or common floor/ceiling.

BA. Sleeping Unit (Co-living).  
A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

~~((BA-))~~ BB. Slump.  
The intermittent movement (slip) of a mass of earth or rock along a curved plane.

~~((BB-))~~ BC. SMC.  
The Spokane Municipal Code, as amended.

~~((BC-))~~ BD. Soil.  
The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

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

~~((BE-))~~ BF. Sound Transmission Class (STC).  
A single-number rating for describing sound transmission loss of a wall, partition, window or door.

~~((BF-))~~BG. Special Drainage District (SDD).

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

~~((BG-))~~BH. Special Event Sign.

See SMC 17C.240.015.

~~((BH-))~~BI. Species of Concern.

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

~~((BI-))~~BJ. Specified Anatomical Areas.

They are human:

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

~~((BJ-))~~BK. Specified Sexual Activities.

Any of the following:

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

~~((BK-))~~BL. Spokane Regional Stormwater Manual (SRSW).

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

~~((BL-))~~BM. Spokane Register of Historic Places.

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

~~((BM-))~~BN. Sports Field.

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

~~((BN-))~~BO. Stabilization.

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

~~((BO-))~~BP. Stacked flat.

Dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned.

~~((BP-))~~BQ. Standard Plans.

Refers to the City of Spokane's standard plans.

~~((BQ-))~~BR. Standard References

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

~~((BR-))~~BS. Start of Construction

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

~~((BS-))~~BT. State Candidate Species.

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

~~((BT-))~~ BU. State Endangered Species.

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

~~((BU-))~~ BV. State Register.

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

~~((BV-))~~ BW. State Sensitive Species.

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

~~((BW-))~~ BX. State Threatened Species.

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

~~((BX-))~~ BY. Stealth Facilities.

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

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

~~((BY-))~~ BZ. Stewardship.

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

~~((BZ-))~~ CA. Stormwater.

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

~~((CA-))~~ CB. Stormwater Management Program (SWMP).

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

~~((CB-))~~ CC. Story.

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

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

~~((CC-))~~ CD. Stream.

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

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

~~((CD-))~~ CE. Street.

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

~~((CE-))~~ CF. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
  - a. Principal arterial.
  - b. Minor arterial.

- c. Collector arterial.
- d. Local access street.
- e. Parkway.
- 2. Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

~~((CF-))~~ CG. Street Frontage.

The lot line abutting a street.

~~((CG-))~~ CH. Strobe Light.

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

~~((CH-))~~ CI. Structural Alteration.

See SMC 17C.240.015.

~~((CI-))~~ CJ. Structure.

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:

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

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

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

~~((CJ-))~~ CK. Structure – Historic.

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

~~((CK-))~~ CL. Subdivision.

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

~~((CL-))~~ CM. Subject Property.

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

~~((CM-))~~ CN. Sublevel Construction Controls.

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

~~((CN-))~~ CO. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

~~((CO-))~~ CP. Substantial Damage – Floodplain.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

~~((CP-))~~ CQ. Substantial Development.

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

~~((CQ-))~~ CR. Substantial Improvement – Floodplain.

- 1. This definition includes structures that have incurred "substantial damage," regardless of the actual work performed.
- 2. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
  - a. Before the improvement or repair is started, or
  - b. If the structure has been damaged and is being restored, before the damage occurred.
- 3. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

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

~~((CR-))~~CS. Suffix.

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

**Section 4.** That Section 17C.111.115 is amended to read as follows:

**A. Purpose.**

Housing types allowed in each zone are consistent with the intended intensity and scale of the zone, as described in section 17C.111.030. The standards allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. Other housing types, including large multifamily buildings, are allowed in the higher intensity zones under the RMF and RHD categories.

**B. The kinds of housing types allowed in the residential zones are stated in Table 17C.111.115-1.**

| <b>TABLE 17C.111.115-1</b><br><b>RESIDENTIAL ZONE HOUSING TYPES ALLOWED</b><br>(Click here to view PDF)  |                     |                    |                    |            |            |
|--|---------------------|--------------------|--------------------|------------|------------|
| <b>P – Permitted</b>   | <b>RA</b>           | <b>R1</b>          | <b>R2</b>          | <b>RMF</b> | <b>RHD</b> |
| Single-Unit Residential Building   | P                   | P                  | P                  | P          | P          |
| Middle housing [1]   | N                   | P                  | P                  | P          | P          |
| Accessory Dwelling Unit (ADU) [2]  | P                   | P                  | P                  | P          | P          |
| Manufactured Home [3]  | P                   | P                  | P                  | P          | P          |
| Mobile Home Parks [3]  | CU                  | CU                 | P                  | P          | P          |
| Single Room Occupancy (SRO)  | N                   | <del>((N))</del> P | <del>((N))</del> P | P          | P          |
| <u>Co-living</u>   | <u>N</u>            | <u>P</u>           | <u>P</u>           | <u>P</u>   | <u>P</u>   |
| Group Living   | See SMC 17C.330.100 |                    |                    |            |            |
| Multi-Unit Residential Building [1]  | N                   | P                  | P                  | P          | P          |
| Short Term Rentals [4]   | P/CU                | P/CU               | P/CU               | P/CU       | P/CU       |
| Notes:<br>[1] See SMC 17A.020.130 for definitions of middle housing and multi-unit residential building.<br>[2] See chapter 17C.300 SMC, Accessory Dwelling Units.<br>[3] See chapter 17C.345 SMC, Manufactured Homes and Mobile Home Parks.<br>[4] See chapter 17C.316 SMC, Short Term Rentals. |                     |                    |                    |            |            |

**Section 5.** That Section 17C.111.205 is amended to read as follows:

Development standards that apply within the residential zones are provided in Tables 17C.111.205-1 through 17C.111.205-3.

TABLE 17C.111.205-1  
LOT DEVELOPMENT STANDARDS [1]

|  | RA            | R1                        | R2                        | RMF                       | RHD                       |
|--|---------------|---------------------------|---------------------------|---------------------------|---------------------------|
| <b>DENSITY STANDARDS</b>   |               |                           |                           |                           |                           |
| Maximum density on sites 2 acres or less [2][3]  | No maximum    | No maximum                | No maximum                | No maximum                | No maximum                |
| Maximum density on sites larger than 2 acres [2]   | 10 units/acre | 10 units/acre             | 20 units/acre             | No maximum                | No maximum                |
| Minimum density [2]  | 4 units/acre  | 4 units/acre              | 10 units/acre             | 15 units/acre             | 15 units/acre             |
| <b>LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS</b>  |               |                           |                           |                           |                           |
| Minimum lot area   | 7,200 sq. ft. | 1,200 sq. ft.             | 1,200 sq. ft.             | 1,200 sq. ft.             | 1,200 sq. ft.             |
| Minimum lot width [4]  | 40 ft.        | 15 ft.                    | 15 ft.                    | 15 ft.                    | 15 ft.                    |
| Minimum lot width within Airfield Overlay Zone   | 40 ft.        | 40 ft.                    | 36 ft.                    | 25 ft.                    | 25 ft.                    |
| Minimum lot depth  | 80 ft.        | 80 ft.                    | 40 ft.                    | N/A                       | N/A                       |
| Minimum lot frontage   | 40 ft.        | Same as minimum lot width | Same as minimum lot width | Same as minimum lot width | Same as minimum lot width |
| <b>MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS</b>  |               |                           |                           |                           |                           |
| Minimum parent lot area  | No minimum    | No minimum                | No minimum                | No minimum                | No minimum                |
| Maximum parent lot area  | 2 acres       | 2 acres                   | 2 acres                   | 2 acres                   | 2 acres                   |
| Minimum child lot area   | No minimum    | No minimum                | No minimum                | No minimum                | No minimum                |
| Minimum child lot depth  | No minimum    | No minimum                | No minimum                | No minimum                | No minimum                |
| <b>LOT COVERAGE</b>  |               |                           |                           |                           |                           |
| Maximum total building coverage [5][6][7]  | 50%           | 65%                       | 80%                       | 100%                      | 100%                      |
| Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8][9]   | 50%           | 60%                       | 60%                       | N/A                       | N/A                       |
| Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8][9]   | 40%           | 40%                       | 40%                       | N/A                       | N/A                       |
| <p>Notes:</p> <p>[1] Plan district, overlay zone, or other development standards contained in <u>Title 17C SMC</u> may supersede these standards.</p> <p>[2] See <u>SMC 17C.111.210</u> for applicability of minimum and maximum density standards in the residential zones.</p> <p>[3] Development within Airfield Overlay Zones is further regulated as described in <u>SMC 17C.180.090</u>, Limited Use Standards.</p> <p>[4] Requirements associated with driveways such as minimum approach separation and driveway coverage maximums may limit driveways on narrow lots.</p> <p>[5] Lot and building coverage calculation includes all primary and accessory structures.</p> <p>[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.</p> <p>[7] Developments meeting certain criteria relating to transit, Centers &amp; Corridors, or housing affordability are given a bonus for building coverage. See <u>SMC 17C.111.225</u> for detailed eligibility criteria.</p> <p>[8] Projects may exceed impervious coverage requirements by including an engineer's drainage plan in submittals, subject to review by the City Engineer as described in <u>SMC 17D.060.135</u>. "ADC" means Area of Drainage Concern.</p> <p>[9] Projects in the RMF and RHD zones that are exempted from review under the Spokane Regional Stormwater Manual shall follow the impervious coverage requirements of the R1 zone.</p> |               |                           |                           |                           |                           |



TABLE 17C.111.205-2  
BUILDING AND SITING STANDARDS [1]

|  | RA                        | R1            | R2            | RMF                   | RHD                   |
|--|---------------------------|---------------|---------------|-----------------------|-----------------------|
| <b>PRIMARY BUILDINGS</b>   |                           |               |               |                       |                       |
| Floor area ratio   | N/A                       | N/A           | N/A           | N/A                   | N/A                   |
| Maximum building footprint per primary building - lot area 7,000 sq. ft. or less   | N/A                       | 2,450 sq. ft. | 2,450 sq. ft. | N/A                   | N/A                   |
| Maximum building footprint per primary building - lot area more than 7,000 sq. ft. | N/A                       | 35%           | 35%           | N/A                   | N/A                   |
| Maximum building height [2]  | 35 ft.                    | 40 ft.        | 40 ft.        | 55 ft.                | 75 ft.                |
| Minimum Setbacks   |                           |               |               |                       |                       |
| Front [3]  | 15 ft.                    | 10 ft.        | 10 ft.        | 10 ft.                | 10 ft.                |
| Interior side lot line - lot width 40 ft or less [4] [5]                           | 3 ft.                     | 3 ft.         | 3 ft.         | 3 ft.                 | 3 ft.                 |
| Interior side lot line - lot width more than 40 ft [4] [5]                         | 5 ft.                     | 5 ft.         | 5 ft.         | 5 ft.                 | 5 ft.                 |
| Street side lot line – all lot widths  | 5 ft.                     | 5 ft.         | 5 ft.         | 5 ft.                 | 5 ft.                 |
| Attached garage or carport entrance from street                                    | 20 ft.                    | 20 ft.        | 20 ft.        | 20 ft.                | 20 ft.                |
| Rear   | 25 ft.                    | 15 ft.        | 15 ft.        | 10 ft.                | 10 ft.                |
| <b>ACCESSORY DWELLING UNITS</b>  |                           |               |               |                       |                       |
| Maximum building footprint for accessory dwelling unit                             | 1,200 sq. ft.             | 1,200 sq. ft. | 1,200 sq. ft. | 1,200 sq. ft.         | 1,200 sq. ft.         |
| Maximum building height  | 25 ft.                    | 25 ft.        | 25 ft.        | 25 ft.                | 25 ft.                |
| Minimum side lot line setbacks [4] [5] [6]   | Same as Primary Structure |               |               |                       |                       |
| Minimum rear setback with alley [4] [5] [6]  | 0 ft.                     | 0 ft.         | 0 ft.         | 0 ft.                 | 0 ft.                 |
| Minimum rear setback no alley  | 5 ft.                     | 5 ft.         | 5 ft.         | 5 ft.                 | 5 ft.                 |
| <b>OTHER ACCESSORY STRUCTURES</b>  |                           |               |               |                       |                       |
| Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less         | 20%                       | 20%           | 20%           | See Primary Structure | See Primary Structure |
| Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.     | 20%                       | 15%           | 15%           | See Primary Structure | See Primary Structure |
| Maximum building height  | 30 ft.                    | 20 ft.        | 20 ft.        | 35 ft.                | 35 ft.                |
| Minimum side lot line setbacks [4] [5] [6]   | Same as Primary Structure |               |               |                       |                       |
| Minimum rear setback with alley  | 0 ft.                     | 0 ft.         | 0 ft.         | 0 ft.                 | 0 ft.                 |
| Minimum rear setback no alley [5]  | 5 ft.                     | 5 ft.         | 5 ft.         | 5 ft.                 | 5 ft.                 |

**OPEN SPACE [7][8]**

|   |             |             |             |  |   |
|---|-------------|-------------|-------------|--|---|
| Minimum outdoor area per unit [((8))9]  | 250 sq. ft. | 250 sq. ft. | 250 sq. ft. | Studio: 48 sq. ft. per unit<br>1-bedroom: 75 sq. ft. per unit<br>2+ bedrooms: 150 sq. ft. per unit | Studio: 48 sq. ft. per unit<br>1-bedroom: 75 sq. ft. per unit<br>2+ bedrooms: 100 sq. ft. per unit<br>Sites 20,000 sq. ft. or less: 36 sq. ft. per unit |
| Minimum common outdoor area per unit as a substitute for private area - first six units     | 200 sq. ft. | 200 sq. ft. | 200 sq. ft. | Studio: 48 sq. ft. per unit<br>1-bedroom: 75 sq. ft. per unit<br>2+ bedrooms: 150 sq. ft. per unit | Studio: 48 sq. ft. per unit<br>1-bedroom: 75 sq. ft. per unit<br>2+ bedrooms: 100 sq. ft. per unit<br>Sites 20,000 sq. ft. or less: 36 sq. ft. per unit |
| Minimum common outdoor area per unit as a substitute for private area - all units after six | 150 sq. ft. | 150 sq. ft. | 150 sq. ft. | Studio: 36 sq. ft. per unit<br>1-bedroom: 48 sq. ft. per unit<br>2+ bedrooms: 48 sq. ft. per unit  | Studio: 36 sq. ft. per unit<br>1-bedroom: 48 sq. ft. per unit<br>2+ bedrooms: 48 sq. ft. per unit<br>Sites 20,000 sq. ft. or less: 25 sq. ft. per unit  |

**Notes:**

[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.

[2] Base zone height may be modified according to SMC 17C.111.230, Height.

[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks.

[4] There is an additional angled setback from the interior side lot line. Refer to SMC 17C.111.230(C) and 17C.111.235(E) for more detail.

[5] Setbacks for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner as specified in SMC 17C.111.240(C).

[6] Accessory structures may be subject to an additional side setback adjacent to streets as specified in 17C.111.240(C)(5).

[7] Residential units with a continuous pedestrian route as defined in SMC Section 17C.111.420(B) from the property boundary to a public park within 800 feet shall have a minimum of not more than 36 square feet of open space per unit.

[8] Sleeping units in a co-living development do not require open space.

[((8))9] Common outdoor area may be substituted for private outdoor area according to SMC 17C.111.310.

| TABLE 17C.111.205-3<br>DEVELOPMENT STANDARDS FOR PROPERTIES QUALIFYING FOR DEVELOPMENT BONUS [1] [2]  |     |               |               |      |      |
|---|-----|---------------|---------------|------|------|
|   | RA  | R1            | R2            | RMF  | RHD  |
| <b>LOT COVERAGE</b>   |     |               |               |      |      |
| Maximum total building coverage   | N/A | 80%           | 90%           | 100% | 100% |
| <b>PRIMARY BUILDINGS</b>  |     |               |               |      |      |
| Floor area ratio  | N/A | N/A           | N/A           | N/A  | N/A  |
| Maximum building footprint per primary building - lot area 7,000 sq. ft. or less  | N/A | 2,450 sq. ft. | 2,450 sq. ft. | N/A  | N/A  |
| Maximum building footprint per primary building - lot area more than 7,000 sq. ft.  | N/A | 35%           | 35%           | N/A  | N/A  |
| Notes:<br>[1] Standards not addressed in this table are consistent with the general standards in Tables 17C.111.205-1 and 17C.111.205-2.<br>[2] Criteria to qualify for Development Bonuses is outlined in <u>SMC 17C.111.225</u> . |     |               |               |      |      |

**Section 6.** That Section 17C.111.210 is amended to read as follows:

- A. Purpose.  
The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services. The use of density minimums ensures that in areas with the highest level of public services, the service capacity is not wasted and that the City's housing goals are met.
- B. Unless specifically exempted, all residential development shall meet the minimum and maximum densities provided in Table 17C.111.205-1.
- C. Gross Density Used.  
The calculation of density for a subdivision or residential development is based on the total (gross) area of the subject property.
- D. Critical Areas May Be Subtracted.  
Land within a critical area (see definitions under chapter 17A.020 SMC) may be, but is not required to be, subtracted from the calculation of density.
- E. Right-of-Way May Be Subtracted.  
Land dedicated as Right-of-Way may be, but is not required to be, subtracted from a calculation of density.
- F. Sleeping Units in Co-Living Development.  
When calculating allowed density for co-living housing, sleeping units are treated as one-quarter of a dwelling unit. For example, when a calculation results in a density of four dwelling units allowed on a site, a density of 16 sleeping units is allowed on the site.
- ~~((F.))~~ G. Numbers Rounded Up.  
When the calculation of density results in a fraction, the density allowed or required is rounded up to the next whole number. For example, when a calculation results in 4.35 units, the number is rounded up to five units.
- ~~((G.))~~ H. Formula.  
The following formula is used to determine the maximum number of units allowed or the minimum number of units required on the site:

Square footage of site, less any land within a critical area or dedicated to right-of-way, divided by the square footage of one acre (43,560 square feet), multiplied by the density number from Table 17C.111.205-1 equals maximum number of units allowed or minimum number of units required.

Example of determining the minimum number of units with a minimum density of 4 units/acre on a 135,036 square foot (3.1 acre) site:

$$(135,036 \text{ square ft} / 43,560 \text{ square ft/acre}) * 4 \text{ units/acre} = 12.4 \text{ units (rounded up to 13 units)}$$

Example of determining the maximum number of units with a maximum density of 20 units/acre on a 112,400 square foot (2.58 acre) site encumbered by 21,780 square feet (0.5 acre) of Critical Areas (see Title 17E):

$$[(112,400 \text{ square feet} - 21,780 \text{ square feet}) / 43,560 \text{ square ft/acre}] * 20 \text{ units/acre} = 41.6 \text{ units (rounded up to 42 units)}$$

If calculating allowed density for co-living development, multiply the result of the density maximum calculation by four.

If this formula results in a decimal fraction, the resulting number of units allowed is rounded up to the next whole number.

~~((H.))~~ L. Land Division in R1 or R2 Zones.

If a land division is proposed in an R1 or R2 zone, the calculation of density shall count one lot as one dwelling unit.

~~((I.))~~ J. Exceptions to Maximum Density Limits.

1. Development Less Than Two (2) Acres.

If the development site excluding any land within a critical area is two (2) acres or less in area, the maximum density standards shall not apply. Proposed new Right-of-Way may also be subtracted from the development site.

2. Middle Housing Allowance.

Notwithstanding any density maximum resulting from a density calculation, any combination of Middle Housing types identified under SMC 17A.020.130(J) shall be allowed on a lot up to six total units, including Accessory Dwelling Units. Such development shall still be subject to other site development standards which may limit the total amount of achievable development on the site.

~~((J.))~~ K. Exceptions to Minimum Density Requirements.

1. Construction on Existing Legal Lots.

Except as provided in subsection (K), when renovation or new construction is proposed on an existing legal lot in the RA, R1, or R2 zones, minimum density shall not apply.

2. Land Divisions with Existing Structures.

When a land division is proposed on a lot below the minimum density and with an existing dwelling unit, any new lots created shall meet these density requirements. A lot which retains an existing primary structure may continue its nonconforming density.

~~((K.))~~ L. Nonconforming Situations.

A site with pre-existing development may not move out of conformance or further out of conformance with the density standards, including sites in the RA, R1, and R2 zones (regardless of whether a land division is proposed).

~~((L.))~~ M. Transfer of Density.

Density may be transferred from one site to another subject to the provisions of chapter 17G.070 SMC, Planned Unit Developments.

~~((M.))~~ N. Other Standards Apply.

The number of units allowed or required on a site is based on the presumption that all site development standards will be met. A calculation of maximum allowable density does not ensure the maximum number is achievable under other standards and regulations that govern site development.

**Section 7.** That Section 17C.111.300 is amended to read as follows:

Except as specified in this section, all new development of single-unit residential and middle housing must address the following design standards, administered pursuant to SMC 17C.111.015, Design Standards Administration. When existing single-unit residential or middle housing development is expanded or additional dwelling units are added, only those portions of the development that are new or renovated must meet the standards in this section. Co-living development in the R1 and R2 zones is subject to these standards. Manufactured Home Parks are not subject to these standards.

**Section 8.** That Section 17C.111.400 is amended to read as follows:

A. Purpose.

Multi-unit housing at intensities above Middle Housing types is often more intensive than single-unit or Middle Housing development and can have different design considerations. These standards are intended to address the specific needs of multi-unit housing; mitigate impacts to light, air, visual intrusions, and noise; and assist these buildings in complementing surrounding development. These standards may also be used to make higher density housing more livable communities.

B. Applicability.

These standards apply to multi-unit development, including co-living, in the RMF and RHD zones where permitted unless otherwise noted.

**Section 9.** That Section 17C.190.100 is amended to read as follows:**A. Characteristics.**

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Residential Household Living. ~~((The size of the group will be larger than the average size of a household.))~~ Tenancy is primarily arranged on a month-to-month basis, or for a longer period. ~~((Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories.))~~ Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training or treatment, as long as they also reside at the site.

**B. Accessory Uses.**

Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

**C. Examples.**

Examples include ~~((dormitories, communes, fraternities and sororities, monasteries and convents,))~~ nursing and convalescent homes, assisted living facilities, confidential shelters, ~~((congregate residences,))~~ residential care facility for adults or youth, and alternative or post incarceration facilities. Group Living may include dormitories, communes, fraternities and sororities, monasteries and convents, and congregate residences that do not meet the definition of co-living.

**D. Exceptions.**

1. Residential structures occupied by persons with disabilities requiring reasonable accommodations pursuant to the federal or state law are included in the Residential Household Living category.
2. Lodging ~~((where tenancy may be arranged for periods less than one month))~~ where the proportion of units rented on a short-term basis exceeds the limits in SMC 17C.316.040 and SMC 17C.316.050 for the underlying zone is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short-term housing or mass shelters.
- ~~((3. Lodging where the residents meet the definition of "household," and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Residential Household Living.))~~
- ~~((4.))~~ 3. Facilities for people who are under judicial detainment and are under the supervision of detention/incarceration officers are included in the Detention Facilities category.

**Section 10.** That Section 17C.190.110 is amended to read as follows:**A. Characteristics.**

Residential Household Living is characterized by the residential occupancy of a dwelling or sleeping unit by a household. Tenancy is primarily arranged on a month-to-month basis, or for a longer period. ~~((Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories.))~~ Apartment, SRO, or co-living complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Residential Household Living. ~~((Single room occupancy housing (SROs) that does not have totally self-contained dwelling units is also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents.))~~ Residential structures occupied by persons with disabilities requiring reasonable accommodations pursuant to the federal or state law are included in the Residential Household Living category.

**B. Accessory Uses.**

Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, short-term rentals, and bed and breakfast facilities are accessory uses that are subject to additional development standards of the zoning code.

**C. Examples.**

Uses include single-family residences, duplexes, middle housing, apartments, condominiums, retirement center apartments, manufactured housing, co-living, SROs, and other structures with self-contained dwelling or sleeping units. ~~((Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.))~~

**D. Exceptions.**

1. Lodging ~~((in a dwelling unit or SRO where less than two thirds of the))~~ where the proportion of units ~~((are))~~ rented on a ~~((monthly))~~ short-term basis exceeds the limits in SMC 17C.316.040 and SMC 17C.316.050 for the underlying zone is considered a hotel or motel use and is classified in the Retail Sales and Service category.
- ~~((2. SROs that contain programs that include common dining are classified as Group Living.))~~

((3-))2. Guest houses that contain kitchen facilities are prohibited as accessory to Residential Household Living uses.

((4-))3. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short-term housing or mass shelter.

**Section 11. Severability:** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 12. Clerical Errors:** Upon approval by the City Attorney, the City Clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

# 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.

## HEAVY EQUIPMENT OPERATOR SPN 622 Promotional

**DATE OPEN:** Monday, December 15, 2025

**DATE CLOSED:** Monday, January 5, 2026

**SALARY:** \$53,578.08 annual salary, payable bi-weekly, to a maximum of \$83,457.36

### CLASS SUMMARY:

Performs skilled and frequently supervisory work in the operation of heavy-duty specialized maintenance and construction type equipment.

### EXAMPLES OF JOB FUNCTIONS:

- Operates one or more of the following types of equipment depending upon the department to which assigned: ditching machine or power shovel over one-quarter yard capacity, bulldozer, compactor, front end loader, 18-wheel tractor trailer, mobile or stationary crane or other similarly specialized heavy-duty equipment.
- May supervise a small group of unskilled to semi-skilled laborers engaged in related work.
- May be required to fill out records, forms, and miscellaneous paperwork related to associated tasks being performed.
- Services equipment, makes minor field repairs, reports and may assist in making major repairs. Prepares the necessary operating reports.
- May be assigned to, and work on, general laboring tasks during slack or seasonal periods.
- May train new employees.
- Performs related work as required.

### MINIMUM QUALIFICATIONS:

#### Promotional Requirements:

- *Experience:* One year with the City in the classification of Laborer II, Refuse Collector I, or higher laboring classification that requires possession of a commercial driver's license.
- *License:* Applicants must currently have possessed a valid Class "B" Commercial Driver's License for one year. Incumbents must obtain a valid Class "A" Commercial Driver's License (CDL) during the probationary period, to be maintained throughout employment.

**Note:** Individuals in this classification in the Water Department possessing a Washington State Department of Health Water Distribution Manager I or higher certificate are eligible for a two-range pay adjustment. The pay adjustment is contingent on the budget process and Civil Service verification of the certification.

### EXAMINATION DETAILS:

For information on what to expect with the hiring process, a test information guide, and frequently asked questions, please visit our website.

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 a multiple-choice test with weights assigned as follows:

- Multiple-Choice Test 100%

**IN-PERSON MULTIPLE-CHOICE EXAMINATION DETAILS:**

- Test Date: Thursday, January 8th, 2026
- Test Time: 9:00 a.m.
- Test Method: On Paper
- Test Location: Civil Service Test Room, 4<sup>th</sup> floor City Hall, 808 W Spokane Falls Blvd, Spokane, WA 99201
- Test Duration: 1.5 Hours
- Test Subjects May Include:
  - ◇ Vehicle Operation
  - ◇ Heavy Equipment Operation & Maintenance
  - ◇ Safety & First Aid
  - ◇ Interpersonal Skills

**TO APPLY:**

**An application is required for 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

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 11th day of December 2025.

SCOTT STEPHENS  
Chair

KELSEY PEARSON  
Chief Examiner

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