

9.01.010 EXHIBIT "C"

**Amendments to Spokane County Code Chapter 9
Effective September 26, 2023**

The proposed amendments to Spokane County Code (SCC) Chapter 9 are set forth below. In amendatory sections, new matter is underlined and deleted matter is ~~lined out~~.

**Title 9
ROADS AND BRIDGES**

Chapter 9.01 COUNTY ENGINEER/~~PUBLIC WORKS~~ AUTHORITY

Chapter 9.01.010 is amended as follows:

9.01.010 County engineer/~~public works director~~.

The county engineer/~~public works director~~ for Spokane County is authorized to:

- A. Administer provisions of this chapter;
- B. Prepare and administer procedures implementing this chapter;
- C. Prepare and publish for public use any procedures manual or manuals covering this chapter;
- D. Order the closure of any county road or part thereof to travel by all vehicles or by any class of vehicles for a definite period of time as provided for in RCW 47.48.010 so long as the appropriate notice and posting requirements of RCW 47.48.020 are satisfied. Provided, the county engineer/~~public works director~~ shall notify the board of county commissioners, if possible prior to or otherwise immediately thereafter any action stating the county road or any portion thereof which is to be closed to travel by vehicles or by any class of vehicles.
- E. Order the closure of county roads, or portions thereof, in cases of emergencies or the maximum time the closure will be in effect is twelve hours or less so long as the appropriate posting requirements of RCW 47.48.020 are satisfied.
- F. Perform the duties of the county engineer/~~public works director~~ set forth in chapters 36.75 and 36.80 RCW.

Chapter 9.14.160 is amended as follows:

9.14.160 Drainage—Approval by county engineer/~~public works director~~.

Before a development and/or approach permit is issued, as specified in Section 9.14.070(2), or approval is granted for those actions outlined in Section 9.14.020, drainage controls in accordance with Sections 9.14.170 through 9.14.220 shall be submitted to and approved by the county engineer/~~public works director~~.

Chapter 9.14.170 is revised as follows:

9.14.170 Drainage—Authority to develop and administer standards.

The county engineer/~~public works director~~ shall develop and administer standards for drainage control that as a minimum provide:

Chapter 9.14.183 is amended as follows:

9.14.183 Drainage—Authority to recommend and enforce conditions relating to drainage and stormwater management on land use actions, property divisions and any county permits.

- (a) The county engineer/~~public works director~~ and the public works ~~environmental services~~ director are authorized to recommend conditions of approval, and to interpret and enforce their respective conditions related to drainage and stormwater imposed through the State Environmental Policy Act and/or by actions of the board of county commissioners, hearing body and/or the division of planning.
- (b) The county engineer and/or the public works director ~~and/or the environmental services director~~ may cause to be recorded a title notice for each lot within new subdivisions, where drainage swale systems and/or drainage ditches are required. The title notice shall state:

Drainage swale systems, drainage ditches, drainage and stormwater easements and maintenance access easements are necessary for the control and treatment of stormwater runoff. The property owner shall be responsible for repair, restoration, and perpetual maintenance of drainage swale systems or drainage ditches installed on residential lots. The property owner shall be responsible for keeping open drainage and stormwater easements and maintenance access easements serving drainage facilities and drainage easements. Upon the transfer of a residential lot, this title notice shall serve to notify the successor in interest of the above duties to maintain, repair and restore the drainage swale and/or drainage ditches on the property and to keep open drainage and stormwater and maintenance access easements.

(Res. No. 16-0288, 4-19-2016; Res. 01-1093, Exhibit A (part), 2001

Chapter 9.14.185 is amended as follows:

9.14.185 Erosion and sediment control.

- (3) Definitions.

"Public works director" means that person, or his/her designee, who has been appointed ~~by the board of county commissioners~~ to direct the activities of the Spokane County public works department.

Chapter 9.14.200 is amended as follows:

9.14.200 Stormwater drainage facilities—Bonds or sureties.

- (3) For all drainage swale systems and/or drainage ditches required to be installed in or on residential lots, the sponsor shall provide to the county public works department, plans prepared by a civil engineer, showing the location and design of the drainage swale system along with an eight-and-one-half-inch by eleven-inch plan for each lot having a drainage swale, showing the specific location and design of the swale and/or ditches for that lot, prior to final plat approval. The plans shall clearly show the location of all maintenance access easements for drainage facilities. The sponsor shall also install drywells and drainage ditches and rough grade drainage swales in accordance with the plans, or post a bond or other security accepted by the county engineer or/~~public works director~~ therefor.

Chapter 9.14.202 is amended as follows:

9.14.202 Property owner responsibilities.

- (d) Prior to any alteration of a drainage swale or drainage ditch not in conformance with the plan on file with the Spokane County public works department, the property owner shall submit, or cause to be submitted, to the Spokane County ~~environmental services~~ public works department a revised plan for the drainage swale or drainage ditch; however, the area, volume of water that may be stored and infiltrated, and the water quality treatment capability of the drainage swale and drainage ditch must remain the same as the original plan. If Spokane County accepts the revised plan and drainage analysis, the property owner shall alter the drainage swale or drainage ditch according to the revised plan within the time limit specified by the Spokane County.

Spokane County may require the property owner to have performed a field test of the drainage swale, by flooding the swale to the design volume of the original plans, in the presence of a county inspector. The property owner shall notify the Spokane County ~~environmental services~~ public works department when the field test is to be performed, if required, or when work on the swale has been completed if the field test is not required.

- (e) If all or any portion of a drainage swale or drainage ditch altered as provided in the preceding subsection is located outside the original public easement for the facility, the owner shall grant a revised easement that includes the entire drainage swale or ditch as altered. The revised easement shall grant Spokane County, and its authorized agents, the right of ingress and egress to the drainage swale or ditch. If the altered drainage swale or ditch and revised easement are accepted by Spokane County, the property owner shall record the revised easement with the Spokane county auditor, and provide the Spokane County ~~environmental services~~ public works department with a copy of the revised easement.

(Res. No. 16-0288, 4-19-2016; Res. 01-1093, Exhibit A (part), 2001)

Chapter 9.14.205 is amended as follows:

9.14.205 Failure to maintain drainage facilities—Penalties.

- (a) Staff from the Spokane County ~~environmental services department and/or~~ public works department shall contact affected persons to try to achieve informal resolution of violations of this chapter whenever feasible in the county's judgment. If the violations cannot be resolved informally, then the matter shall be referred to the prosecuting attorney's office for further action.

Chapter 9.14.207 is amended as follows:

9.14.207 Stormwater or drainage easements and maintenance access easements penalty.

- (c) Drainage and stormwater easements and maintenance access easements shall be recorded with the Spokane County auditor, and shall run with the land. Under no circumstances shall a property owner modify such easements or the drainage access facilities within them without prior approval from the Spokane County ~~environmental services~~ public works department.

(Res. No. 16-0288, 4-19-2016)

Chapter 9.14.215 is amended as follows:

9.14.215 Discharge of unauthorized waters and non-stormwater prohibited—Penalty.

- (1) It shall be unlawful for any person to throw, drain, run or otherwise discharge or connect unauthorized water and/or non-stormwater discharges (illicit discharges) to the municipal separate storm sewer system (MS4), surface waters or ground waters of the state without written permission of the ~~environmental services director, county engineer/~~public works director or authorized designee.
- (2) Discharges—Conditionally Allowed. The following types of discharges shall not be considered to be illegal discharges if the stated condition(s) is met:
 - (D) Other non-stormwater discharges may be allowed when in compliance with the requirements of a stormwater pollution prevention plan approved by the county engineer/public works director ~~or environmental services director.~~
- (5) Authority to Inspect.
 - (A) The county ~~engineer/~~public works director ~~and/or environmental services director,~~ or authorized designee(s) shall have the authority to inspect county property and/or the municipal separate storm sewer system, surface water or ground water to discover and locate illegal discharges.
- (6) Authority to Investigate.

- (A) The county ~~engineer/public works director and/or environmental services director~~, or authorized designee(s) shall have the authority to investigate public or private property to determine the source of illegal discharges to public property, the municipal separate storm sewer system, surface water or ground water.
- (7) Enforcement.
- (A) The county ~~engineer/public works director and/or environmental services director~~, or authorized designee(s), may give oral or written notice to any property owner or person who is discharging unauthorized waters or non-stormwater to county property, municipal separate storm sewer system or public rights-of-way;
- (B) The county ~~engineer/public works director and/or environmental services director~~ or authorized designee(s), may give oral or written notice to any property owner or person who has connected or is illegally connecting a pipe, culvert, ditch, swale, stormwater pond, detention or retention facility, or other unauthorized connection to county property, municipal separate storm sewer system, public rights-of-way, surface water or ground water for the purpose of discharging unauthorized waters or non-stormwater;
- (a) The illegal discharge or connection must cease and desist as soon as notice is given to the person. If oral notice is given, the county within twenty-four hours will send written notice to the person.
- (i) If the violation does not cease and desist immediately upon oral and/or written notice, the county ~~engineer/public works director or environmental services director~~ or authorized designee, may authorize the immediate removal of the illegal discharge and/or connection;

Chapter 9.14.250 is amended as follows:

9.14.250 Actions authorized when conditions of approval are not met.

Should the county ~~engineer/public works director~~ find that the conditions of approval have not been met, he is authorized to:

- (1) Withdraw the permit; and/or
- (2) Draw upon the applicant's bond to complete the work in accordance with the original approval.

(Res. No. 16-0288, 4-19-2016; Ord. 81-0726 (part), 1981; Res. 80-1592, § 5.3, 1980)

Chapter 9.25.060 is amended as follows:

9.25.060 Primary State Highway No. 3—Denison to Deer Park.

In accordance with the provisions of Chapter 202, Laws of 1947, as revised and amended by Chapter 167, Laws of 1951, the county of Spokane, acting through its board of county commissioners, consents to the establishment of limited access as shown on the plans entitled "Primary State Highway No. 3, Denison ~~Denison~~ to Deer Park, Plans Showing Access," approved by the director of highways on July 31, 1956.

(Res. 56-276 (part), 1956)

Chapter 9.30 STANDARD SPECIFICATIONS

Chapter 9.30.010 is amended as follows:

9.30.010 Standard specifications of State Department of Highways adopted.

(a) The current edition and subsequent revised editions of the "State of Washington Standard Specifications for Road, Bridge and Municipal Construction" are approved and formally and officially adopted by Spokane County and each and every contract entered into by the board of county commissioners of Spokane County for the construction or improvement of highways and bridges in the county, or other contracts administered by the office of the county engineer/~~public works director~~, shall be subject to the provisions of the aforesaid standard specifications as if said provisions were set out in full in the contract except and unless the said provisions are superseded by amendments or special provisions contained in the contract.

(b) Wherever the terms in the left column below are used in the Standard Specifications or amendments thereto, it shall be understood that the terms in the right column below are substituted therefor and shall be interpreted to reflect the county counterpart to the state designation:

- | | |
|---|--|
| 1. Commission, Washington State Transportation Commission | 1. Board of county commissioners |
| 2. Department, Department of Transportation | 2. Spokane County engineer/ public works director |
| 3. Secretary, Secretary of Transportation | 3. Spokane County engineer/ public works director |
| 4. Engineer | 4. Spokane County engineer/ public works director |
| 5. State | 5. County of Spokane, Washington |

(c) The county engineer/~~public works director~~ is designated the officer responsible for acceptance of the work pursuant to Section 1-05.12 of the Standard Specifications and RCW 39.08.030.

(Res. No. 16-0288, 4-19-2016; Res. 84-0874, 1984; Res. 79-0308, 1979; Res. 72-106 (part), 1972; Res. 69-539 (part), 1969; Res. 62-583 (part), 1962)

Chapter 9.35.040 is amended as follows:

9.35.040 Permit issuance conditions.

The county engineer/~~public works director~~ is authorized to issue a permit allowing the landing of aircraft upon a county street, road or highway for commercial fertilizing and herbicide purposes upon the following conditions:

- (1) The county engineer/~~public works director~~ approves of the particular portion of the road, street or highway to be used for landing purposes.
- (2) The applicant provides adequate warning signs and flagmen as required by the county engineer/~~public works director~~.
- (3) The applicant provides liability insurance in an amount approved by the county engineer/~~public works director~~, naming the county as an additional insured, and saving and holding the county harmless.
- (4) Subject to any other reasonable safety and welfare conditions required by the county engineer/~~public works director~~.

(Res. No. 16-0288, 4-19-2016; Res. 79-0601 § 4, 1979)

Chapter 9.41 BUS BENCHES

Chapter 9.41.010 is amended as follows:

9.41.010 Bus benches permitted.

Nothing in the Spokane County code shall prohibit the practice of placing bus benches carrying advertising on the county road right-of-way. Bus benches with advertising thereon may be placed upon county road rights-of-way at any actual bus stop in the county of Spokane subject to the approval of the county engineer/~~public works~~

director, and the issuance of a permit by the county engineer/~~public works director~~ for such placement; subject to the requirements hereinafter provided.

(Res. No. 16-0288, 4-19-2016; Res. 73-389 (part), 1973)

Chapter 9.41.020 is amended as follows:

9.41.020 County engineer/~~public works director~~ authority.

The county engineer/~~public works director~~ is hereby authorized to issue nonexclusive, annual permits for the placement of bus benches within county road rights-of-way; to prescribe specifications and requirements for benches and their placement; to limit the number and location of benches placed upon county roads; to cause the removal of unauthorized, defective or hazardous benches, to revoke any permit for failure to comply with any requirement therein or as herein set forth, to collect fees for the investigation, issuance and administration of permits herein authorized.

(Res. No. 16-0288, 4-19-2016; Res. 73-389 (part), 1973)

Chapter 9.41.030 is amended as follows:

9.41.030 Permit bond.

Any applicant for a permit to place bus benches upon county road rights-of-way shall deposit with the county engineer/~~public works director~~ a faithful performance bond in the penal sum of five thousand dollars, in form and substance satisfactory to the prosecuting attorney of Spokane County, guaranteeing performance of the conditions of the permit, and payment of any and all costs incurred by Spokane County in connection therewith.

(Res. No. 16-0288, 4-19-2016; Res. 73-389 (part), 1973)

Chapter 9.41.050 is amended as follows:

9.41.050 Permit fees.

The county engineer/~~public works director~~ is authorized to collect for Spokane County an annual permit fee of twenty-four dollars per bus bench, and also an annual inspection fee of eight dollars per bus bench. Such fees shall be deposited to the county road fund. The permit fee may be waived by the county engineer/public works director for installation of bona fide public service bus benches. A public service bus bench shall be defined as having no paid advertising and placed at actual bus stops for convenience of the public. The annual inspection fee will apply to public service bus benches.

(Res. No. 16-0288, 4-19-2016; Res. 83-0048, 1983; Res. 73-389 (part), 1973)

Chapter 9.41.060 is amended as follows:

9.41.060 Removal of unauthorized, defective or hazardous bus benches.

Bus benches located upon county road rights-of-way which are unauthorized under this chapter, or which are defective and not in adequate repair, or present a hazard to the public are hereby determined to be a public nuisance and shall be removed from county road right-of-way by the owners thereof upon notification to do so by the county engineer/~~public works director~~. Should the owner of unauthorized, defective or hazardous benches fail to accomplish such removal within thirty days after notification by the county engineer/~~public works director~~ to do so, the county engineer/~~public works director~~ is authorized to cause the removal and disposal of such benches without further notification to the owner. Costs of any such removal and disposal shall be assessed against the owner of the benches. The county engineer/~~public works director~~ is authorized to remove and dispose of any bench which presents a hazard to pedestrian or vehicular traffic without notification to the owner. The costs of any such removal and disposal shall be assessed against the owner of the benches. If any benches have to be removed

and disposed of by the county engineer/~~public works director~~ for any reason whatsoever, the permittee forfeits and conveys to the county any right, title and interest in said benches.

(Res. No. 16-0288, 4-19-2016; Res. 73-389 (part), 1973)

Chapter 9.41.080 is amended as follows:

9.41.080 Disclaimer of county liability of responsibility.

In no way shall the provisions of this chapter be interpreted that the county engineer,~~public works director~~, or Spokane County assumes any responsibility or liability for supervisions, methods, materials, acts and/or for conditions involved in doing any work under a permit herein authorized. The permittee shall bear full responsibility and liability and save Spokane County, its agents and employees harmless, for all supervision, methods, materials, acts and/or conditions involved in doing the work for which the permit is issued and for any and all claims arising from issuance of said permit including the actions of any agents of the permittee of whatever relationship.

(Res. No. 16-0288, 4-19-2016; Res. 73-389 (part), 1973)

Chapter 9.45 TRENCHING

Chapter 9.45.010 is amended as follows:

9.45.010 Definitions.

For the purpose of this chapter the following words, terms and phrases are hereby defined and shall have the meaning herein given to them.

County Engineer/~~Public Works Director~~: Shall mean the county engineer/~~public works director~~ or their his duly authorized representative.

Chapter 9.45.050 is amended as follows:

9.45.050 Provision for water courses.

The permittee shall provide for a flow of all water courses, sewers or drains intercepted during the progress of the work, and shall replace the same in as good condition as it found them or shall make such final provisions for them as the county engineer/~~public works director~~ may direct. The permittee shall not obstruct the gutter of any county road, but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, mud, silt, slickings or other run-off pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from its failure so to provide.

(Res. No. 16-0288, 4-19-2016; Res. 56-150 (part), May 22, 1956)

Chapter 9.45.060 is amended as follows:

9.45.060 Cleaning up—Responsibility of permittee.

As the construction or maintenance work ~~progresses~~ progresses, all highways and private property shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. Cleaning up the locations of such properties or highways shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the county engineer/~~public works director~~ before final acceptance of said work. From time to time as may be ordered by the county engineer/public works director, and, in any event, immediately after completion of said work, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within twenty-four hours after having

been notified to do so by the county engineer/~~public works director~~, said work may be done by the county engineer/~~public works director~~ and the cost thereof charged to the permittee and the permittee's bond shall be liable for the cost thereof.

(Res. No. 16-0288, 4-19-2016; Res. 56-150 (part), May 22, 1956)

Chapter 9.45.070 is amended as follows:

9.45.070 Trenches.

(1) Except by special permission from the county engineer/~~public works director~~, no trench shall be excavated more than three hundred feet in advance of pipe laying, not left unfilled more than seven hundred feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available to the site ready to put in place.

Chapter 9.45.080 is amended as follows:

9.45.080 Water in trenches.

Unless otherwise specifically permitted by the county engineer/~~public works director~~, water, either from surface or subsurface origin, will not be permitted in the trenches at any time during construction and until backfilling over the top of the pipe has been completed; nor will the ground water level in the trench be permitted to rise above an elevation of six inches below the pipe. Dewatering trenches, when required, may be accomplished in any manner the permittee desires, provided the chosen method has the approval of the county engineer/~~public works director~~. Any damage resulting from the failure of the chosen method to operate properly, however, shall be the responsibility of the permittee, and shall be repaired in a manner satisfactory to the county engineer/~~public works director~~, at the permittee's expense.

Chapter 9.45.110 is amended as follows:

9.45.110 Backfill requirements.

Backfilling in all public streets and improved areas, both public and private, shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, by rolling in layers, or by water settling, as required by the soil in question. The decision as to whether a trench shall be water settled or not, shall be made by the county engineer/~~public works director~~. When water is taken from a fire hydrant, the permittee shall assign one man to operate the hydrant and shall make certain that said man has been instructed by the Water Company in the operation of the hydrant. The Water Company shall likewise be notified at both the beginning and end of the job so that the condition of the fire hydrant can be checked on both occasions. Any damage done to the hydrants during the operation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with the Water Company.

Chapter 9.45.160 is amended as follows:

9.45.160 Restoration of surface.

The permittee shall restore the surface of all highways to their original condition in accordance with the specifications of the county engineer/~~public works director~~.

The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place. This gravel shall be topped with a minimum of at least one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above

the adjoining pavement. The permittee must exercise special care in making temporary restorations and must maintain such restorations in safe travelable condition until such time as permanent restorations are made.

The asphalt which is used in the bituminous mixture for pavement herein required, shall be in accordance with the specifications of the county engineer/~~public works director~~.

(Res. No. 16-0288, 4-19-2016; Res. 56-150 (part), May 22, 1956)

Chapter 9.45.170 is amended as follows:

9.45.170 County's right to restore surface—Procedure.

If the permittee shall have failed to restore the surface of the highways to their original and proper condition upon the expiration of the time fixed by such permit or upon the completion of the work allowed to be done under such permit, the county engineer/~~public works director~~ shall, if he deems it advisable, have the right to do all work and things necessary to do so. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permit, and the county shall have a cause of action for all fees, expenses and amounts paid out upon such work; provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition. Provided further, that if, in the judgment of the county engineer/~~public works director~~, it is not expedient to replace the pavement over any cut or excavation made in any highway upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the replacing of such temporary pavement within five days after the date of such notice, the county engineer/~~public works director~~ may lay such temporary pavement himself and collect the cost thereof from the permittee in the manner hereinbefore provided.

(Res. No. 16-0288, 4-19-2016; Res. 56-150 (part), May 22, 1956)

Chapter 9.45.190 is amended as follows:

9.45.190 Traffic control during construction.

During construction, traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of abutting property and to the general public, provided that the county engineer/~~public works director~~ may permit the closing of highways to all traffic for a designated period of time if, in his opinion, it is necessary. The permittee shall route and control all traffic, including its own vehicles, as directed by the county engineer/~~public works director~~. The following steps must be taken before any highway may be closed or restricted to traffic:

- (1) Receive the approval of the county engineer/~~public works director~~ and the Sheriff's office.
- (2) Notify the Chief of the Fire Department of any highway so closed.

Upon completion of construction work the county engineer/~~public works director~~ shall again be notified before traffic is moved back to its normal flow so that any necessary adjustments may be made. Where flagmen are deemed necessary by the county engineer/~~public works director~~ they shall be furnished by the permittee at its own expense.

Through traffic shall be maintained without the aid of detours if possible. In instances in which this would not be feasible, the county engineer/~~public works director~~ will designate detours. The County will maintain roadway surfaces of existing highways designated as detours without expense to the permittee, except in case there are no existing highways, the permittee will construct all detours at its expense and in conformity with the specifications of the county engineer/~~public works director~~. The permittee will be responsible for any unnecessary damage caused to any highway by the operation of its equipment.

The permittee shall erect and maintain timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. It shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of plank, timbers and blocking of adequate side to accommodate vehicular traffic safely. Pecking shall be not less than four inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking three inches thick, twelve inches wide and of length required together with necessary blocking. The walk shall be not less than four feet in width and shall be provided with a railing if required by the county engineer/~~public works director~~.

(Res. No. 16-0288, 4-19-2016; Res. 56-150 (part), May 22, 1956)

Chapter 9.55 ACCOMMODATION OF UTILITIES ON COUNTY ROAD RIGHTS-OF-WAY

Chapter 9.55.055 is amended as follows:

9.55.055 Construction of electric facilities.

D. Electric lines (55kV and over) within county right-of-ways. Construction or modification (maintenance or upgrades) of electric facilities is classified into three categories. The requirements for obtaining county approval to construct or modify these electrical facilities within county right-of-way vary based on the category of work being performed.

3. Category 3. New construction and/or upgrading within county right-of-way. The following rules and procedures apply to all work not falling within category 1 or 2 performed within county right-of-way.

Prior to construction of new electrical facilities with a design voltage of 55kV or more, irrespective of the voltage at which they are energized or the rebuilding of a current power line to greater than 55kV, the utility shall file an application for such installation or construction, along with a SEPA checklist, with the county engineer/public works director. The county engineer/public works director will first apply the following tests to the proposed project:

b. Test 2. Is the proposed new construction and/or upgrade consistent with the county's comprehensive plan?

If the answer to both of the preceding questions is "yes" the county engineer/public works director shall require the electric utility to mail a notice to all property owners and tax payers, if different than the property owners, whose property or any part there of is within three hundred feet perpendicular to the proposed line with the following information:

- i. A description of the work/project;
- ii. Timeline for the work/project;
- iii. Utility involved;
- iv. Who to contact with questions;
- v. Mailing address for comments; and
- vi. Deadline for comments (not less than twenty-four days from the mailing of the notice).

The mailing address for comments shall be that of the county engineer/public works director, who shall provide copies to the utility upon receipt.

If the county engineer/~~public works director~~ has not received any written correspondence in opposition to the proposed new construction, and the work meets the two tests, the county engineer/~~public works director~~ shall issue a permit for the work. If the county engineer/public works director determines that the proposed new construction has been timely received, and if the utility and objector(s) are unable to resolve their differences within thirty days after the deadline for comments period, then the application will be forwarded to the county hearing examiner for public hearing and decision.

Chapter 9.65 CLASSIFICATION OF COUNTY ROADS FOR VACATION

Chapter 9.65.010 is amended as follows:

9.65.010 Review by county engineer/public works director.

The county engineer/~~public works director~~ is authorized and directed to review each vacation action brought before the board and to report with a recommendation as to whether a charge should be made for the vacation of the road right-of-way and the amount of the compensation for each property owner benefiting from the vacation action.

(Res. No. 16-0288, 4-19-2016; Res. 74-845, 1974)

Chapter 9.70 CHARGES FOR STORMWATER MANAGEMENT SERVICES AND BENEFITS

Chapter 9.70.080 is amended as follows:

9.70.080 Adjustments and appeals.

- (a) Any person receiving a billing statement for stormwater management charges and making a timely payment thereof, may file an application for a rate adjustment if there is an alleged error in billing. This request shall be filed with the stormwater utility on forms provided by the County Engineer ~~director~~.
- (c) Decisions on rate adjustments applied for in 1993 shall be made by the director based on information submitted by the applicant and by the stormwater utility within sixty days of the adjustment request except when additional information is needed. For subsequent years, decisions on rate adjustments shall be made by the director within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the County Engineer's ~~director's~~ decision.

Chapter 9.75 STANDARDS FOR ROAD AND SEWER CONSTRUCTION

Article I. General Considerations

Chapter 9.75.020 is amended as follows:

9.75.020 Definitions.

"County engineer" means the Spokane County engineer/~~public works director~~, having authorities specified in RCW 36.75.050 and 36.80, or an authorized representative.

"Design deviation review panel" means an advisory review panel selected by the county engineer/~~public works director~~ to review deviation request denials. The panel consists of three professional engineers, two from public service and one from the private sector.

"Final Approval" shall mean the signature of the county engineer/~~public works director~~ on the final plat map, short plat, binding site plan, or commercial building permit release, or the county engineer's/~~public works director's~~ concurrence for approval of a certificate of occupancy.

Chapter 9.75.070 is amended as follows:

9.75.070 Deviations and review of decision.

- (a) Deviations from these standards may be granted by the county engineer/~~public works director~~ in writing upon written evidence from the project sponsor that:
- (1) The proposed deviation does not conflict with or modify a condition of approval; and
 - (2) Deviations are based upon sound engineering principles; and
 - (3) Deviations meet requirements for safety, function, appearance and maintainability.
- (b) Desired deviations must be approved before road plans are accepted for residential development. Deviations must be approved before commercial building permits are issued. The county engineer/~~public works director~~ may apply conditions to the approval of design deviations. The conditions may not have been required in the preliminary plat approval. In case of a denial of a deviation request, the developer may request a review and reconsideration of the denial. The design deviation review panel will review the deviation request and make a recommendation to the county engineer/~~public works director~~. The county engineer/~~public works director~~ will then consider the recommendation of the design deviation review panel and render a final decision on the deviation request.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.080 is amended as follows:

9.75.080 Compliance review.

- (b) Decisions of the County Engineer ~~director of public works~~ may be appealed to the board of county commissioners. Failure to comply with these standards will be cause for withholding or withdrawing approval of permits, plats, forfeiture of bond, and/or other penalties as provided by law.

Chapter 9.75.090 is amended as follows:

9.75.090 Roadway types.

The types and widths of county streets are shown in Tables 1, 2 and 3. Standard plan sheets entitled "Roadway Section-Curbed" and "Roadway Section-Shouldered" show typical roadway cross-sections. Curbed streets shall be constructed on roads within an urban land use classification. The county engineer/~~public works director~~ may also require curbs in other land use classifications near schools or commercial establishments.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.095 is amended as follows:

9.75.095 Typical roadway section.

The county engineer/~~public works director~~ shall for each application designate typical roadway sections using the widths shown in Tables 1, 2 and 3 of these standards. In selecting the roadway section to be applied, the county engineer/~~public works director~~ will review and give consideration to certain factors in connection with the proposal, including but not necessarily limited to the functional classification of the roadway, traffic volume, the terrain, density of the proposed or existing development, the proposed or existing zoning, the existing roads in the immediate area, the cost relationship of the proposed improvements, the surrounding developments, and other such factors as are deemed significant of the proposal being reviewed in light of public health, safety and welfare.

(Res. No. 16-0288, 4-19-2016; Res. 01-0298 (part))

Chapter 9.75.140 is amended as follows:

9.75.140 Levels of service.

The county engineer/~~public works director~~ has established acceptable levels of service (LOS) for traffic at Spokane County intersections. Levels of service are used in determining the impacts on the road system by land development proposals. The minimum acceptable LOS are:

- (1) Signalized—"D."
- (2) Unsignalized—"E."

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.150 is amended as follows:

9.75.150 Traffic impact study.

Prior to a land use action, the sponsor shall perform a traffic impact study when the project meets the criteria of one or more of the items listed below. A specific scoping by the county engineer/public works director may range from an in-depth analysis of site generated levels-of-service to a cursory review of safety issues. The county engineer/~~public works director~~ shall determine the specific project scope. The sponsor shall submit a traffic report signed by a professional engineer, licensed in the state of Washington. The traffic impact study shall be performed in accordance with Technical Reference A of these standards.

- (1) The county engineer/~~public works director~~ determines that the proposed development will generate enough peak hour trips to lower or aggravate the minimum acceptable LOS.
- (2) The county engineer/~~public works director~~ determines that driveways from the land development proposal have the potential to generate traffic safety problems on the adjacent public roadway.
- (3) The county engineer/~~public works director~~ determines that an existing route with a history of traffic accidents will be further impacted by an increase in traffic from the proposal.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Article III. New Construction Design Standards

Chapter 9.75.200 is amended as follows:

9.75.200 Intersections.

(f) The road approach area is where vehicles store while waiting to enter an intersection, and shall be designed with a nearly flat grade. For public or private roads, the road approach area at a stop-controlled intersection (e.g. stop sign, yield sign, or traffic signal) shall have a downgrade approaching the intersection of no greater than 2.0 percent. An upgrade approaching the intersection shall be no steeper than four percent. The minimum length of the road approach area, measured from the edge of curb face, or traveled way where curbs are not present, is to be in accordance with Table 4. For any road classification not listed in Table 4, the county engineer/~~public works director~~ may require a traffic analysis to determine the road approach length.

Chapter 9.75.240 is amended as follows:

9.75.240 Connections of state highways and new county roads.

The sponsor shall prepare and submit to the county engineer or ~~public works director~~ a design proposal, acceptable to the Washington State Department of Transportation (W.S.D.O.T.), of the proposed state highway -

county road intersection. W.S.D.O.T. approval of the proposed design must be received before the filing of the final plat. Improvements to the state highway are the responsibility of the sponsor. The sponsor may either construct the improvements or furnish to the county engineer ~~or~~ public works director a bond to cover the cost of such improvements. The county engineer ~~or~~ public works director and W.S.D.O.T. will decide the amount of the bond.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.250 is amended as follows:

9.75.250 Railroad grade crossing

- (b) The sponsor shall install flashing light signals and gates, showing the approach or presence of trains, at those railroad-road crossings where studies by the county engineer ~~/public works director~~ show the need of warning beyond that provided by standard signs and markings.

Chapter 9.75.290 is amended as follows:

9.75.290 Road surfacing requirements.

- (a) All public roads in Spokane County shall be paved. A pavement surfacing design procedure must be performed for all public and private roads. Table 6 may be used in place of performing a pavement design for residential access roads. The design life for all roads shall be twenty years. The design procedure used must be approved by the county engineer ~~/public works director~~ and must consider the following:
 - (b) Minimum Thickness.
 - (2) Rural roads with a traffic volume less than two hundred A.D.T. may be paved by means of a light bituminous surface treatment (L.B.S.T.). The L.B.S.T. shall consist of no less than two applications of oil. The gravel thickness shall be designed according to good engineering practices considering the quality of the underlying soil. The design method shall be subject to approval by the county engineer ~~/public works director~~. In no case shall the gravel thickness be less than six inches. The sponsor shall provide funding for an additional application of oil to be placed as a seal coat approximately one year after initial construction.

Chapter 9.75.310 is amended as follows:

9.75.310 Curbs, sidewalks and pathways.

- (a) Requirement for all public roads within urban, commercial and industrial land use zones:
 - (2) If roads abutting commercial property have concrete curb and gutter and/or sidewalks for which the following actions are requested:
 - (A) A building permit for a new building; or
 - (B) Change in use of an existing building.

The owner shall replace broken or off-grade curb and gutter and/or sidewalks. The project sponsor shall remove or replace all driveways not conforming to this chapter as directed by the county engineer ~~/public works director~~.

- (3) Where new concrete curb is to be placed to form a wider road than the existing paved road, the area between the existing edge of the pavement and the new curb shall be paved as directed by the county engineer ~~/public works director~~. Where the existing curb is removed and replaced at a new grade, the sponsor shall pave the road next to the gutter to match the new grade of the gutter.

Chapter 9.75.330 is amended as follows:

9.75.330 Private roads.

- (d) Private road design plans, drainage studies, drainage plans and appropriate calculations shall be submitted by the sponsor to the county engineer/~~public works director~~ prior to construction of the road. All submittals shall bear a certification by the sponsor's design engineer that they were prepared in conformance with and meet the requirements of these design standards and all other applicable laws and regulations. Prior to private road construction, the sponsor must acquire acceptance for any private development drainage plan that impacts the public road rights-of-way. Submittal requirements and procedures shall be according to Section 9.75.380.
- (e) The sponsor shall submit record drawings of private road and drainage improvement construction to the county engineer/~~public works director~~. All record drawing submittals shall bear certification by the sponsor's construction engineer that construction was performed in conformance with these standards, the provisions for Section 9.75.600 and the Guidelines for Stormwater Management.

Chapter 9.75.350 is amended as follows:

9.75.350 Driveway approaches.

- (b) Nonresidential Driveway Approaches.
 - (3) Driveway approaches shall not restrict or impound drainage flow in the road gutter line. Far shouldered roads with ditches, storm drainage shall be passed under a driveway by a culvert pipe. A suitable warning marker shall be placed at each end of the culvert. The size of the culvert shall be as specified by the county engineer/~~public works director~~. A diameter of twelve inches shall be the minimum size culvert allowed.

Article IV. 3-R Design Standards

Chapter 9.75.370 is amended as follows:

9.75.370 Design standards.

It is desirable that 3-R projects be designed to meet the standards for new construction. However, if for reasons such as environmental concerns, social impact or cost, it is inadvisable or impossible to meet new construction standards, the project sponsor should make a careful analysis of the alternatives. The analysis should consider adjacent roadway sections, future improvements and existing conditions. If meeting the new construction standards is unreasonable, improvements in roadway widths should still be considered.

- (1) Design Speed. The county engineer/~~public works director~~ will set the design speed for 3-R projects.

Article V. Project Application and Certifications

Chapter 9.75.380 is amended as follows:

9.75.380 Application procedure.

- (a) Submittal requirements and procedures shall be as prescribed by the county engineer/~~public works director~~. The application and certification procedure for public and private road construction shall be as prescribed by the county engineer/~~public works director~~ and shall generally include, in sequence, the following items:

- (1) Conduct pre-design meetings with the county engineer/~~public works engineer~~ to reach concurrence on the design parameters and drainage concept;
 - (2) If needed, conduct a joint site visit by the sponsor's design engineer and the county engineer/~~public works director~~;
 - (6) Cursory check of the submittal and acceptance of the plans and calculations by the county engineer/~~public works director~~;
 - (8) Final inspection by the sponsor's construction engineer and the county engineer/~~public works director~~;
- (b) The sponsor's engineer shall schedule a pre-design meeting with the county engineer/~~public works director~~. The purpose of the pre-design meeting is to identify the major design parameters prior to design, review the general design concepts proposed by the sponsor's engineer, and reach concurrence on design concepts and design parameters. As part of the pre-design meeting, applicants shall receive checklist from the county engineer's/~~public works director's~~ office, which demonstrates the items required by Spokane County standards minimally necessary for plan review. The meeting minutes and the checklist shall be signed by the sponsor (or his engineer), as well as by a representative of the Spokane County engineer/~~public works director~~. Additional pre-design meetings may be needed as determined by the county engineer/~~public works director~~. A joint site visit may be required to reach agreement on drainage basin limits prior to design concurrence.
- (c) Proposed design deviations shall be applied for and approved prior to submittal of final road and drainage plans. The design deviation application shall be submitted in a format prescribed by the county engineer/~~public works director~~.
- (d) The sponsor's engineer and a representative of the development services section of the county public works department must conduct a pre-submittal meeting before the county engineer/~~public works director~~ accepts the design documents for review. The submittal will be checked along with the pre-submittal checklist to ensure that the basic information necessary to review the submittal for compliance with the project requirements is provided.
- (e) Submittals that do not contain the basic information necessary to review the submittal for compliance with the project requirements will be returned to the submitter for revision. When the design documents are revised, additional pre-submittal meetings are required until the county public works department accepts the submittal for review. The pre-submittal checklist, which includes the minimum requirements checklist from the pre-design meeting, will be reviewed at these meetings. If the design submittal is still incomplete, the meeting minutes and any revised checklist will be signed by the sponsor or his engineer, as well as by a representative of the Spokane County engineer/~~public works director~~.
- (g) The sponsor ~~and~~ the county engineer/~~public works director~~, ~~and the county environmental services director~~ shall execute a project agreement prior to road, drainage, or sewer plan approval and/or acceptance by Spokane County for the project. The project agreement shall be in a form acceptable to the Spokane County prosecuting attorney. A sample agreement is provided in these standards as technical reference C.
- (h) The sponsor shall obtain acceptance of the plans and calculations from the county engineer/~~public works director~~ before the start of construction and before recording the plat. The county engineer/~~public works director~~ may require that a temporary erosion/sedimentation control plan be implemented.
- (j) The county engineer/~~public works director~~ relies upon the certification and approval of the road and drainage plans and calculations by the sponsor's engineer for approval of the plat. The county engineer's/~~public works director's~~ acceptance of the plans shall not relieve the sponsor or the sponsor's design engineer from any liability related to portions of the design which are not in conformance with these standards or do not follow good engineering practice.
- (k) The plans, basin maps and calculations shall be signed, sealed and dated by the sponsor's design engineer. The cover sheet of the plan set and the cover sheet of all the calculations shall bear the certification, which reads:

The design improvements shown in this set of plans and calculations conform to the applicable editions of the Spokane County Standards for Road and Sewer Construction and the Spokane County Guidelines for Storm Water Management. The Spokane County Engineer/~~Public Works Director~~ has approved all design deviations. I approve these plans for construction.

Chapter 9.75.390 is amended as follows:

9.75.390 General formatting.

The general format, number of copies and application processes shall be as follows:

- (1) Private Design. Original sheets shall be good quality reproducible, ink on mylar. The designer may submit the original sheets on vellum paper if computer-drawing files are also submitted. Computer files shall be in AutoCAD .DWG or .DXF format.
- (D) The final application shall contain the original and two sets of blue line prints of corrected road plans, profiles, typical cross sections, detail sheets, and drainage plans and calculations. If the sponsor or his engineer desires the county to return an approved set of reproducible plans, the sponsor should also submit a set of sepia plans. Upon the county engineer's/~~public works director's~~ acceptance of the final application, the county engineer/~~public works director~~ will retain the original, using it to make copies for public inspection and distribution as required. The approval of construction plans shall expire two years from the approval date shown on the plans. It may be extended for an additional two years at the option of the county engineer/~~public works director~~. Before the extension of approval, the sponsor's engineer shall revise the plans to reflect current standards.

Article VI. Land Survey Standards

Chapter 9.75.450 is amended as follows:

9.75.450 Regulations.

- (a) Surveys shall conform to all applicable state and local regulations.
- (b) Prior to any construction within county rights-of-way, a surveyor shall conduct a thorough search for all survey monuments. Any found monuments shall be referenced in accordance with current applicable state laws. A copy of the references shall be filed in the office of the county engineer/~~public works director~~.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.470 is amended as follows:

9.75.470 Horizontal control net.

A horizontal control net established by the Spokane County engineer/~~public works director~~ shall be the mapping base for all surveys lying within its boundaries. All surveys done within this net shall conform to the degree of accuracy required under applicable state laws with adequate supplemental information as required by the county engineer/~~public works director~~ to ensure accuracy.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Article VIII. Utilities

Chapter 9.75.530 is amended as follows:

9.75.530 Standard utilities locations.

- (b) Exceptions may be approved when necessary to meet the special requirement of overhead utilities when right-of-way space is limited in planned unit developments, manufactured home parks, multifamily developments and commercial developments.
- (3) Any utility company may use another utility company's standard location provided they obtain approval from that company. A copy of the approval shall be furnished to the county engineer/~~public works director~~.

Article IX. Permits and Inspection

Chapter 9.75.550 is amended as follows:

9.75.550 Application.

Any party desiring to construct on county right-of-way, including connecting a road or driveway to a county road, shall first obtain a permit by filing a written application with the county engineer/~~public works director~~. Such application shall be made on a Spokane County form provided for that purpose, and shall include:

- (6) The county engineer/~~public works director~~ may require, at his/~~her~~ discretion, the filing of any other information when they ~~he~~ feel- such information is necessary to properly enforce the provisions of this section.
- (7) The county engineer/~~public works director~~ will not approve a plan nor issue a permit where it appears that the proposed work conflicts with the provision of this standard or any other ordinance or resolution of Spokane County; nor shall issuance of a permit be construed as a waiver of the zoning ordinance or other ordinance requirements concerning the plan.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.560 is amended as follows:

9.75.560 Basis for control of the work.

- (b) The county engineer/~~public works director~~ shall have authority to enforce the standards just as other referenced or pertinent specifications. He/she will appoint engineers, assistants and inspectors as necessary to control and inspect the work and they will exercise such authority as the county engineer/~~public works director~~ may delegate.
- (2) Traffic Control During Construction. Before commencing work on the project, the sponsor shall prepare and submit a signing plan to the county engineer/~~public works director~~ for review and approval. As work progresses, the sponsor shall revise the signing plan to conform to changing conditions. The sponsor shall provide flagmen to control traffic during the project. He/she shall also provide the flagman's protective apparel, barricades, lights, standard signs, cones, and other devices for the protection of the public and maintenance of traffic through the project.

(Res. No. 16-0288, 4-19-2016; Res. 10-0107, Att. A, 1-26-2010; Res. 99-0265)

Chapter 9.75.570 is amended as follows:

9.75.570 Road construction inspections.

The sponsor's engineer or a designated representative shall perform inspections on all road construction generated by a land use action. The county engineer/~~public works director~~ may elect to perform the construction inspection on public road improvements generated by a building permit.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.580 is amended as follows:

9.75.580 Construction inspection notifications and records.

- (b) The sponsor's engineer shall submit all construction change orders that propose changes to the accepted plans or specifications to the county engineer/~~public works director~~ for his review and approval. The county engineer/~~public works director~~ will use a fast-track system for change order approvals when the progress of construction makes it infeasible to wait for formal approval.
- (c) If, in the opinion of the county engineer/~~public works director~~, the sponsor's engineer fails to satisfactorily perform the proper inspection, testing, and record-keeping duties, the county may take action as provided for in Section 9.75.080, Compliance review.
- (d) Prior to scheduling a final inspection with Spokane County, the sponsor's engineer shall:
 - (1) Submit all construction records to the county engineer/~~public works director~~. This shall include but not be limited to, daily inspector's reports, correspondence, manufacturer's certifications, material test reports, and record drawings as required in Section 9.75.600.
 - (2) Ensure that all previously identified project deficiencies have been corrected.
- (e) The sponsor's engineer shall schedule a final inspection meeting between the sponsor's engineer and the county engineer/~~public works director~~ prior to establishment of the roads by Spokane County. Deficiencies found shall be corrected by the sponsor prior to road acceptance. At the time of establishment of the roads by the board of county commissioners, the county will assume responsibility for road maintenance and operation. The county will then release the sponsor's engineer from responsibility with regard to construction inspection.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Chapter 9.75.600 is amended as follows:

9.75.600 Record drawings.

- (c) When changes to the design are necessary, the sponsor shall be responsible for obtaining approval of plan changes from the sponsor's design engineer. The sponsor shall forward a copy of the approved plan changes, and any related calculations, to the county engineer/~~public works director~~.

(Res. No. 16-0288, 4-19-2016; Res. 99-0265 (part))

Article X. Surety

Chapter 9.75.610 is amended as follows:

9.75.610 Performance surety.

- (a) Road and Drainage Improvements. The surety will generally address the construction and installation of all public road, private alley, and private road improvements, including but not limited to the roadway, drainage improvements, utility work within county right-of-way, monumentation, construction inspection, and other costs. For commercial building permits, the guarantee shall apply to improvements in the public right-of-way, and drainage improvements, located in tracts or easements on the project site, which serve the public right-of-way. In any case, the surety shall be in an amount equal to at least one hundred ten percent of the county engineer's/public works director's estimate.

In order to obtain final approval of a project (either a land use action such as a plat, short plat, or binding site plan, or a certificate of occupancy for a commercial project), a private sponsor must select one of these options: (1) Post of surety prior to construction; or (2) Partially construct the project and provide a surety; or (3) Complete construction of the project, certify the construction, obtain the county engineer's/public works director's acceptance of the project certification package, and post a warranty surety prior to final approval of the project.

The sponsor is not required to post a surety prior to final approval. However, the county engineer/public works director will only recommend final approval if either the required improvements have been constructed and certified by the sponsor, and accepted by the county engineer/public works director, or a surety acceptable to the county engineer/public works director has been posted.

The sponsor may select one of three methods to provide the surety. (1) Post a surety prior to construction; or (2) Partially construct the project and provide a surety instrument; or (3) Complete construction of the project and receive county engineer/public works director acceptance of the project certification package and post a warranty bond prior to final approval of the project. The surety that is posted with the county engineer/public works director for compliance with this section shall conform to the following conditions:

- (1) The surety shall be of a form approved by the prosecuting attorney's office and acceptable to the county engineer/public works director. The surety amount shall be in United States currency.
- (3) The term of the surety shall be for two years from the date of the county engineer's/public works director's plan acceptance. The surety may be extended for an additional two years at the option of the county engineer/public works director. The county engineer/public works director will then calculate a new surety amount.
- (4) At the discretion of the county engineer/public works director, a cash surety (either a cash savings assignment or a letter of credit) may be reduced with satisfactory progress on the project. The surety shall not be reduced below twenty thousand dollars, or twenty percent of the original surety amount, whichever is greater.
- (5) A performance surety will not be required if the improvements are constructed and certified according to these standards prior to final development approval.
- (b) Performance Surety Prior to Construction. The sponsor may choose to post a surety for the entire estimated construction and inspection cost in order to obtain final approval. The county engineer/public works director shall estimate the amount of the surety. The surety shall be structured in two parts as follows:
- (1) A performance retainer of at least seven thousand five hundred dollars or ten percent of the surety amount, whichever is greater, naming Spokane County as beneficiary. The performance retainer shall be in the form of a cash savings assignment or a letter of credit.

- (2) A performance guarantee shall be a separate surety instrument comprising the remainder of the guarantee amount naming Spokane County as beneficiary. The performance guarantee shall be in the form of a cash savings assignment, letter of credit, or surety instrument.

Under this option, final approval will not occur until the design documents have been accepted by the county engineer's/~~public works director's~~ office, and an acceptable surety has been posted.

- (c) Partial Construction Before Final Approval. The sponsor may choose to construct a portion of the required road and drainage improvements in order to obtain final approval. Under this option, the county engineer/~~public works director~~ will accept only a cash savings assignments as surety for the portion of the project that has not yet been constructed at the time final approval is requested. The amount will be recalculated from the original surety estimate, to account for such elements as changed quantities, revised unit prices, construction of the remaining work through public works contracting procedures, project inspection and certification, etc.

Under this option, final approval will not occur until:

- (1) The sponsor's engineer has submitted certified record drawings and associated inspection reports for the project (the "certification package") to the Spokane County engineer/~~public works director~~ for the constructed improvements constructed to date;
- (2) The Spokane County engineer/~~public works director~~ has provisionally accepted the certification package; and
- (3) The sponsor has posted a cash savings assignments or letter of credit for any remaining road and drainage improvements (public or private), in accordance with the edition of the Spokane County standards for road and sewer construction (the "Standards") applicable to the project, and the accepted plans on file at the Spokane County engineer's/~~public works director's~~ office. As a minimum, the sponsor shall post the performance retainer, based on the original quantities shown on the approved and accepted plans on file at the county engineer's/~~public works director's~~ office, as amended.

Note: The surety for this option shall be in the form of a cash savings assignment in an amount as estimated by the county engineer/public works director. The surety shall include a date ("date certain") for the completion of the remaining work. The "date certain" must occur prior to the original expiration date of the plan acceptance. The surety shall include a provision that failure to obtain the county engineer's/~~public works director's~~ acceptance of the remaining work by the "date certain" shall constitute a material breach, and shall be grounds for immediate demand by the Spokane County engineer/~~public works director~~ for full payment of the entire amount of all surety instruments relevant to this project. The proceeds of the surety shall be used by the county engineer/~~public works director~~ to complete the remaining work. Any surplus shall be refunded to the sponsor upon the county engineer's/~~public works director's~~ acceptance of the completed work. The sponsor shall reimburse the county engineer's/~~public works director's~~ office for any costs in excess of the amount of the total amount of the surety incurred by the county, including but not limited to construction, inspection, administration, collection agency fees, and legal expenses incurred in securing the surety and completing the work.

- (d) Complete and Certify Construction Before Final Approval. The sponsor may choose to construct all of the required road and drainage improvements prior to obtaining final approval. Under this option, final approval will not occur until such time as:
 - (1) All required improvements for the project are constructed in accordance with the accepted plans on file at the Spokane County engineer's/~~public works director's~~ office; and
 - (2) The sponsor's engineer has submitted complete certified record drawings and associated inspection reports for the project (the "certification package") to the Spokane County engineer/~~public works director~~; and
 - (3) The Spokane County engineer/~~public works director~~ has accepted the certification package; and
- (e) Reductions in Surety; Surety Release.

- (1) General. Any reductions in the surety described in Paragraphs 1 and 2, if allowed by Spokane County, will not apply to the performance retainer. Reductions in the surety amount will only be applied on cash savings assignments or on letters of credit. In no case will the aggregate amount of the surety reduction exceed the amount given by the formula:

$$\text{Total aggregate reduction} = 90\% \times (\text{Total Surety-Retainer})$$

Examples of the surety computations are shown in Technical Reference D.

Reductions in cash savings assignments or letters of credit will only be made if:

- (B) The Spokane County engineer/~~Public Works Director~~ has provisionally accepted said certification package; and

- (2) Substantial Completion. The county engineer/~~public works director~~ may, at his discretion, may further reduce a cash savings assignment or letter of credit prior to final acceptance of the improvements and final plat approval. This will only occur when the county engineer/~~public works director~~ determines that the improvements have reached substantial completion.

If the work is substantially complete, and a cash savings assignment or letter of credit has been posted for the project improvements, then the surety may be further reduced to an amount equal to twice the estimated cost for Spokane County to complete the remaining work if a "date certain" is established. Weather impacts shall be considered in defining the "date certain". The amount of the cost estimate shall be determined by the county engineer/public works director.

Once the substantial completion surety has been posted, the county engineer/~~public works director~~ may, at his sole discretion, recommend final approval to the board of county commissioners. The board of county commissioners is not legally bound by the county engineer's/~~public works director's~~ recommendation. The county engineer's/~~public works director's~~ recommendation is not to be construed as a guarantee or warranty of any sort that the board of county commissioners will, in fact, grant final plat approval.

- (3) Surety Release. The county engineer/~~public works director~~ will release the performance surety in full only when all of the following conditions have been met:
- (4) Sureties for Sanitary Sewer Improvements.
 - (a) Plats. For plats, short plats, or other land use actions requiring public sewer collection system final approval will only be recommended if either the required improvements have been constructed by the developer, accepted by the public works environmental services department (to include record drawings), and secured at the warranty amount, or if a surety acceptable to the public works environmental services director has been posted.

If public off-site sewer extension is not required:

The sponsor shall post a surety equal to the amount estimated by the public works environmental services department for the on-site sewer improvements, prior to final approval.

If public off-site sewer extension is required:

The sponsor shall post separate sureties equal to the amount estimated by the public works environmental services department for the on-site sewer improvements and for the off-site extension, prior to final approval.

When the construction has passed the air test and mandrel test, the guarantee may be reduced to fifty percent of the initial amount.

When the public works environmental services department has accepted the sewer construction for operation and maintenance, and record drawings have been approved, the guarantee may be reduced to twenty-five percent of the initial amount. This twenty-five percent will be held as security for the duration of a warranty period. If either of the initial guarantee amounts exceed one hundred thousand dollars, then the security will be twenty percent of the respective initial amount.

(b) For commercial projects:

Private sewer system:

No surety is required for private sewer systems. Plans must be submitted to the public works ~~environmental services~~ department and accepted for construction prior to issuance of a sewer connection permit. Inspection of sewer construction must also be scheduled through the public works ~~environmental services~~ department.

Public sewer extension required:

A surety, acceptable to the county public works ~~environmental services~~ director, must be posted prior to sewer construction plans being accepted by the public works ~~environmental services~~ department. Sewer connection permits will be issued only when the public works ~~environmental services~~ department has accepted the sewer extension construction for operation and maintenance (subject to a one-year warranty period) and record drawings have been approved.

(Res. No. 16-0288, 4-19-2016; Ord. 01-0298 (part))

Chapter 9.75.620 is amended as follows:

9.75.620 Warranty surety.

The sponsor of a private development shall post a warranty surety for improvements within or serving county rights-of-way with the county engineer/public works director before:

- (1) The acceptance of construction by the county engineer/public works director; and
- (B) The warranty surety shall be for an amount equal to twenty percent of the county engineer's/public works director's estimate of the construction costs or ten thousand dollars whichever amount is greater. The county engineer/public works director, at his/her discretion, may reduce the warranty surety amount for projects valued at less than twenty thousand dollars. For approved, non-standard facilities, the county engineer/public works director may require additional surety up to one hundred percent of the estimated replacement cost of the non-standard facility.
- (C) The warranty surety shall guarantee against defects in road construction, utility work performed within the county right-of-way, and/or drainage facilities as determined by the county engineer/public works director.

Chapter 9.75.630 is amended as follows:

9.75.630 Permit sureties.

A surety, commensurate with the extent of work to be done, shall be posted with the county engineer/public works director before the issuance of a permit to work within public roads.

(Res. No. 16-0288, 4-19-2016; Ord. 01-0298 (part))

Appendix

**TECHNICAL REFERENCE A
Traffic Studies and Review Standards**

Introduction

Traffic studies or site impact studies are required by the Spokane County engineer/public works director to examine the demands that development may or may not have on the surrounding transportation system. The need for a traffic study shall be determined on a case by case basis. A list of general guidelines and decision criteria are available in Section 1.30, Traffic Impact Study, of the Spokane County Standards for Road and Sewer Construction.

**TECHNICAL REFERENCE C
Sample Project Agreement**

SPOKANE COUNTY DEPARTMENT OF PUBLIC WORKS
1026 W. Broadway Ave.
Spokane, WA 99260

PROJECT AGREEMENT
Plats—Short Plats—Binding Site Plans—
Building Permits

WHEREAS, pursuant to Resolution No. _____, the Spokane County Board of County Commissioners have authorized the Spokane County Engineer/Public Works Director ~~and the Spokane County Environmental Services Director~~ to enter into Agreements with Project Sponsors, in which various elements of policies of the Spokane County Public Works Department, and various requirements of Spokane County Code and other regulations applicable to various Development Project are clarified.

Terms of the Agreement

11. Prior to a recommendation of Final Plat Approval by the County ~~Public Works~~ ~~Environmental Services~~ Director, the SPONSOR may, at the discretion of the County ~~Public Works~~ ~~Environmental Services~~ Director, post a financial surety to guarantee construction, inspection, and certification of the sanitary sewer improvements required for the PROJECT. The financial surety or guarantee shall be in a form approved by the Spokane County Prosecuting Attorney and in an amount acceptable to County ~~Public Works~~ ~~Environmental Services~~ Director. The financial surety shall remain in full force and effect unless and until specifically released in writing, or otherwise modified by the Spokane ~~County Public Works~~ ~~Environmental Services~~ Director. All financial sureties or guarantees must include a provision that they may not be cancelled or otherwise impaired unless the Spokane ~~County Public Works~~ ~~Environmental Services~~ Director has provided expressed written consent to the proposed cancellation or other impairment at least 30 calendar days prior to the desired date of cancellation. All financial sureties and/or guarantees must also include a provision that a notice of cancellation or other impairment, or a failure to maintain a financial surety or guarantee as agreed upon herein shall constitute a material breach and shall be grounds for immediate demand by the Spokane County ~~Public Works~~ ~~Environmental Services~~ Director, for full payment of the entire amount of all financial surety or guarantee instruments relevant to this PROJECT, subject thereafter to revision or refund as may be determined appropriate by the Spokane County ~~Public Works~~ ~~Environmental Services~~ Director.

SPOKANE COUNTY ENVIRONMENTAL SERVICES

By
Title: Spokane County Engineer/~~Environmental Services~~ Director
Date: _____

**TECHNICAL REFERENCE E
Performance Surety Reduction**

Introduction

The procedures developed by the Committee and presented herein are intended to foster consistent high quality products for the developer, and to facilitate the subsequent transfer of ownership of the finished products to Spokane County. The procedures have been derived from the committee's interim report documents, with consideration of comments received and concerns expressed by the development/contracting community, and have been adopted by the Public Works Department, ~~and by the Environmental Services Department.~~

Inspection Bonding. The inspection and construction bonds/securities will not be released until the project is certified and the project is accepted by the County and written authorization for release is received from the Sponsor's Engineer. In some cases, partial releases of certain types of construction securities may be allowed by the County Engineer/Public Works Director ~~or the Environmental Services Director~~.

Utility Inspections. A sewer inspection policy has been developed by the ~~Public Works~~ ~~Environmental Services~~ Department and adopted by the Board of County Commissioners (See Attachment 4, Resolution No. 98-0771).

In addition, the ~~Public Works~~ ~~Environmental Services~~ Department has developed a protocol for the scheduling and review of television inspections, which is Attachment 5 to this document.

Conflict Resolution. During the construction process, occasional differences may arise between the Sponsor's Engineer and County staff regarding the interpretation of policies, standards or guidance documents. When the Sponsor's Engineer does not agree with an interpretation made by County staff, the Sponsor's Engineer may appeal to the County Engineer/Public Works Director ~~or Environmental Services Director~~, as appropriate. The County Engineer/Public Works Director ~~or Environmental Services Director~~ will review the circumstances and make a determination in support of the position of the Sponsor's Engineer or County staff. If the Sponsor's Engineer disputes the outcome of this review process, he/she may request that the issue be referred to an Engineering Review Panel with a structure similar to that of the panel identified in the County's Standards for Road and Sewer Construction for the resolution of design deviation issues.

ATTACHMENT 4

INTERIM POLICY REGARDING SEWER CONSTRUCTION INSPECTIONS, RECORD DRAWINGS & ENGINEER'S STATEMENT

Inspection Requirements

These requirements apply to all public and private sewer lines eight inches and larger in diameter, and to sewer service stubs extended from those lines to the property lines of individual parcels. Note that all sewer service lines six inches and smaller in diameter, other than those service stubs noted above, will be inspected by the Spokane County ~~public works~~ ~~environmental services~~ department.

11. The Sponsor's Engineer shall schedule television inspection of the sewer lines through the ~~public works~~ ~~environmental services~~ department once the other testing has been satisfactorily completed. The ~~public works~~ ~~environmental services~~ department will then perform the television inspection and review the tapes for deficiencies requiring correction or repair.
12. Daily inspection reports shall be prepared, summarizing construction activities, contractor work force and work period, testing results, problems encountered, and other pertinent information.

The project sponsor or the sponsor's Construction Engineer shall notify the ~~public works~~ ~~environmental services~~ department forty-eight hours in advance of the start of construction of the sewer system, and shall provide a generalized schedule for the progress of the work. County inspection personnel will make occasional site visits to inspect the work and do materials testing as deemed necessary. County inspection personnel will address concerns and questions to the Engineer of Record. The cost of these occasional site visits will be charged to the Construction Permit for the work.

The sponsor will bear the cost of all inspections and materials testing. The ~~public works~~ ~~environmental services~~ department shall have access to all construction inspection records and reports. Before the County accepts the sewer system, the Sponsor's Engineer shall submit all construction records to the ~~public works~~ ~~environmental services~~ department. This shall include but not be limited to Daily Inspection Reports, correspondence, manufacturers' certifications, and material test reports.

When changes to the design are necessary, the sponsor shall be responsible for coordinating the proposed design changes with the sponsor's Design Engineer. The sponsor's Design Engineer shall forward two copies of the

proposed plan changes, together with related calculations, to the public works ~~environmental services~~ department for review and acceptance prior to construction.

The Sponsor's Engineer shall schedule a final inspection meeting between the Sponsor's Engineer, the sponsor, and the public works ~~environmental services~~ department at the completion of construction and testing of the sewer system. Deficiencies found shall be corrected by the sponsor prior to the County's acceptance of the sewer.

ATTACHMENT 5
SPOKANE COUNTY PUBLIC WORKS ~~ENVIRONMENTAL SERVICES~~ DEPARTMENT PROTOCOL FOR TELEVISION
INSPECTION OF SEWERS

In the interest of developing a consistent methodology for the coordination and review of television inspections, the following steps have been established:

1. PRE-PAVING TELEVISION INSPECTION

- a) At least two weeks prior to the desired pre-paving television inspection, the Contractor requests the television inspection through the Sponsor's Engineer. The Engineer submits the request (on standard form) to the public works wastewater system division at SewerTVRequests@spokanecounty.org ~~environmental services Sewer Design Section. (Utility contacts are B. Urhausen and G. Repp).~~

7. MAKING CONNECTIONS TO NEW SEWER LINES

No connections to the new sewer lines will be allowed until the County has accepted the sewer lines for operation and maintenance. Before acceptance can occur, the Engineer must provide acceptable record drawings for the project to the public works ~~environmental services~~ department, together with the required Engineer's Statement. Additionally, the warranty period security must be provided by the developer as stipulated in the development agreement.