

EXHIBIT "A"

Amendments to Spokane County Code Chapters 1.20, 3.06, 3.15, 3.20, 6.26, 7.48, 8.56, 11.16, 17, 20 & 30, 12.300, 12.400, 12.500, 12.600 and 13.20, 13.100

Effective September 26, 2023

The proposed amendments to Spokane County Code (SCC) Chapter 1.20, 8.03 and 8.03A are set forth below. In amendatory sections, new matter is underlined and deleted matter is ~~lined out~~.

Chapter 1.20 – Public Works ~~Environmental Services~~ Department

Chapter 1.20.2010 is revised as follows:

1.20.2010 – Department Created.

~~There is established a department in County government to be known as the "Environmental Services Department," for the purposes set forth in RCW 36.94, et seq.~~

There is established a department in County government to be known as the "Public Works Department", for oversight of County public works including, but not limited to, transportation systems, sewage systems, and all purposes set forth in RCW 36.94, et seq.

Chapter 3.06.040 is revised as follows:

3.06.040 Water System Design

Spokane County Minimum Water System Design Standards. These standards are generally performance and detailed design standards used only when uniformity of design between adjacent water utilities is in the public interest. The purveyor, as part of their water system plan, is required by state law (WAC 246-290, 246-293) to identify their standard design specifications. By reference to these standards, the intent of the state law will be met and standard design documents will be maintained for reference by the Spokane County public works ~~environmental services~~ department. The standards contained herein shall not supersede any other legally constituted standards that are more stringent or are in conflict with these standards.

Chapter 3.15.070 (c) is revised as follows:

3.15.070 – Critical Materials List

The critical materials list is to be used in the process of designating critical materials use activities. Any activity which involves the use, handling or storage of a critical quantity of material on the list shall be designated a critical materials use activity and is subject to the provisions of this code.

- (c) The critical materials list may be updated administratively by the director following a review and recommendation regarding any proposed changes by the Spokane County public works ~~environmental services~~ director water quality advisory committee.

Chapter 3.20.320 is revised as follows:

3.20.320 – Responsibility of All Public Works Directors.

It shall be the responsibility of the building director and planning director, ~~environmental services director~~ and the county engineer/public works director (acting as coordinator) to:

- (a) Assist the Federal Insurance Administrator's request in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale and to identify the location of building sites.
- (b) Provide information as requested by the Federal Insurance Administrator on locally available present uses and occupancy of the floodplain area.
- (c) Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain areas.
- (d) Cooperate with local communities on management of adjoining floodplain areas in order to prevent aggravation of existing hazards.
- (e) Submit to the Federal Insurance Administrator periodic reports as the insurance administrator may require.

Chapter 3.20.360 is revised as follows:

3.20.360 – Duties and Authority of the Building and Planning Department, Planning Director.

The building and planning department, planning director shall request conditions of development approval for the proposals listed in Section 3.20.340(g)(1) from the county engineer/public works director ~~and the environmental services director~~.

Chapter 6.26.030 is revised as follows:

6.26.030 - Fee

A fee of five dollars, in addition to any other applicable charges imposed at the staffed transfer station or landfill, shall be assessed and collected on any person operating a vehicle and arriving at a staffed transfer station or landfill in violation of the provisions of this chapter, payable by any vehicle operator individually, and/or as agent or employee of any other person or entity for which such vehicle is being operated.

Any person being assessed a fee shall be notified prior to unloading their vehicle.

All fees imposed under this chapter shall be collected by staffed transfer station or landfill operators and deposited, no less often than quarterly, with the Spokane County public works ~~environmental services~~ department. For the purpose of this chapter, deposits shall occur on or before the end of the month for the previous quarter.

Chapter 7.48.060 is revised as follows:

7.48.060 – Transfer of Capital Assets – Schedule

The board of county commissioners, acting under the authority of Chapter 67, Laws of 1977 and State Auditor Bulletin 181, September 1, 1977, do direct that the following capital assets of the respective offices and departments of the county be transferred to the fund as of January 1, 1978:

EQUIPMENT NO.
155
157

DEPARTMENT
~~Environmental Services~~-~~Public Works~~-Department
~~Environmental Services~~-~~Public Works~~ Department

(Res. No. 16-0288, 4-19-2016; Res. 77-1514 (part), 1977)

Chapter 8.56.020 is revised as follows:

8.56.020 - Definitions

- (d) "Authorized designee" means the director of the ~~public works~~ ~~environmental services~~ department of the county, the county regional solid waste manager, or either of their authorized representatives unless the board designates another public official to carry out the duties under this chapter.

Chapter 8.56.350 is revised as follows:

8.56.350 – Account Holder responsible for Payment of Solid Waste Bills.

All solid waste charges, fees, and interest shall be billed to the account holder, or to an agent whom the account holder has authorized in writing on forms provided by the ~~public works~~ ~~environmental services~~ department for the ~~public works~~ ~~environmental services~~ department to bill. Each account holder shall remain fully responsible for all solid waste charges, fees, and interest with respect to his/her account, whether such charges were incurred by himself/herself, or by some other person. Failure to receive solid waste bills will not relieve the account holder from the obligation to pay under this section.

Chapter 8.56.355 is revised as follows:

8.56.355 – Underpayment Customer Responsible for Payment of Solid Waste Bills

For customers with insufficient funds at the outbound scale of a county-owned solid waste transfer stations the following shall apply: The customer shall be required to provide correct information for the establishment of a solid waste billing account on forms provided by the ~~public works~~ ~~environmental services~~ department prior to leaving the site. All solid waste charges, fees, and interest shall be billed to the customer through the county's solid waste billing system. Each underpayment customer shall remain fully responsible for all solid waste charges, fees, and interest. The ~~public works~~ ~~environmental services~~ department shall add a fee of five dollars to the account for each underpayment event. Failure to receive solid waste bills will not relieve the customer from the obligation to pay under this section.

Chapter 8.56.380 is revised as follows:

The ~~public works~~ ~~environmental services~~ director or designee may send notice to a customer with an overdue account advising that until the balance of the account is paid in full, the account may be placed in a "cash only" status, and the account may be inactivated (e.g. cash payment required when using transfer stations).

Chapter 8.56.390 (a, c, g, h & i) are revised as follows:

Chapter 8.56.390

- (a) Any person incurring charges or fees for solid waste services, and making a timely payment thereof, may file an application for an adjustment if there is an alleged overpayment or an alleged error. This

request shall be filed with Spokane County ~~Public Works Environmental Services~~ on forms provided by ~~Public Works Environmental Services~~.

- (c) Decisions on adjustments shall be made by the ~~public works environmental services~~ director, or designee, within thirty calendar days of the adjustment request, except when additional information is needed to render a decision. The applicant shall be notified in writing of the director's decision.
- (g) The decision regarding an adjustment application shall be final and conclusive, unless appealed to the board of county commissioners in accordance with the following appeals process:
 - (1) An appeal from the decision shall be filed, in writing, with the board of county commissioners, with a copy to the ~~public works environmental services~~ director or designee. Any such appeal shall be filed within ten days of the decision.
- (h) In the event that ~~public works environmental services~~ identifies an overpayment or an error, the ~~public works environmental services~~ director or designee shall have the authority to make an appropriate refund or apply an appropriate credit to the account.
- (i) The ~~public works environmental services~~ director has the authority to write-off delinquent accounts in the event that the cost of collection is expected to exceed the amount due.

Chapter 11.16.010 is revised as follows:

11.16.010 Legislative History - Intent

In 1985, the voters of Spokane County approved the formation of the aquifer protection area of Spokane County, and authorized the imposition of monthly fees on property owners in order to finance the activities of the aquifer protection area. Pursuant to Spokane County Resolution No. 86-0614 and as amended by Spokane County Resolution Nos. 96-1212, 98-0554 and 01-1187, the board of county commissioners approved certain billing policies in connection with the collection of these fees. Under these policies, the billing and collection of these fees has been carried out by the Spokane County ~~public works environmental services~~ department. Under Spokane County Resolution No. 96-317, the board of county commissioners has directed that the responsibility for billing and collecting aquifer protection area fees designated in Spokane County be transferred from the ~~public works environmental services~~ department to the Spokane County treasurer, commencing in calendar year 1997, including the authority of the county treasurer under RCW Section 84-56.035 to bill such fees along with the notice of property taxes due the county. It is the purpose of this chapter to formally adopt the policies and procedures through which the county treasurer carries out these functions.

Chapter 11.17.030 is revised as follows:

11.17.030 Imposition of Monthly Fees for the Withdrawal of Water and On-site Sewage Disposal Within the APA

Any nonhousehold unit not having a water meter shall be charged that fee, as determined by the Spokane County ~~public works environmental services~~ director commensurate with water usage.

Chapter 11.20.075 is revised as follows:

11.20.075 – Critical Aquifer Recharge Areas

The Growth Management Act requires the county to designate areas and adopt development regulations for the purpose of protecting areas within the unincorporated areas of the county critical to maintaining ground water recharge and quality. This section specifies the requirements to be enacted when regulated development within these areas is proposed to occur. This section applies to any person, firm, or corporation, which establishes or proposes to establish new, expanded, enlarged or different land use or

activity identified in Table 11.20.075B, or a use or activity determined by the director, in consultation with the public works ~~environmental services~~ director or the hearing examiner as subject to the intent and purpose of this section, within a designated critical aquifer recharge area in the unincorporated areas of Spokane County.

- B. Uses and Activities Regulated in Critical Aquifer Recharge Areas. Table 11.20.075B establishes the following uses and activities regulated by the requirements of this section. The director, in consultation with the public works ~~environmental services~~ director or the hearing examiner may determine that other uses or activities are also subject to the intent and purpose of this section. This table should be interpreted with the corresponding performance standards set forth in section 11.20.075.C.
- C. Performance Standards for Uses and Activities in Critical Aquifer Recharge Areas. The following are the performance standards applicable to the uses and activities listed in Table 11.20.075B, or a use or activity determined by the director, in consultation with the public works ~~the environmental services~~ director or the hearing examiner as subject to the intent and purpose of this section. The uses and activities are defined in the county zoning code.
- D. Procedures for Hydrogeologic Report/Study. When a use or activity identified in Table 11.20.075B is proposed, or a use or activity determined by the director in consultation with the public works ~~environmental services~~ director or the hearing examiner as subject to the intent and purpose of this section, it shall be subject to the following:
 - 2. The public works ~~environmental services~~ director or the hearing examiner may require an applicant to submit a hydrogeologic report if:
 - 6. A qualified geologist, as defined in this chapter, shall prepare the hydrogeologic report. The report shall include, but is not limited to, the following information.
 - i. An analysis of aquifer susceptibility to include:
 - i. Soil types (from the Natural Resources Conservation Service Soil Survey of Spokane County);
 - ii. Hydraulic conductivity;
 - iii. Annual recharge (based on estimate of monthly precipitation at the site and an appropriate recharge model).
 - iv. Depth to water (the depth to the water-bearing zone, not the potentiometric surface);
 - v. Importance of the vadose zone based on the geology above the aquifer;
 - vi. Discussion of the effects of the proposed project on groundwater resources;
 - vii. Discussion of potential mitigation measures if the proposed project should have an adverse impact on groundwater resources; and
 - viii. Other information as required by the public works ~~environmental services~~ director or hearing examiner in consultation with other agencies of expertise.
 - 7. An applicant may elect to meet the appropriate performance standards in lieu of preparing a hydrogeologic report if the public works ~~environmental services~~ director or hearing examiner finds the performance standards provide adequate aquifer protection.
- E. Monitoring and Reporting.
 - 1. The public works ~~environmental services~~ director, building director and planning director, or the hearing examiner may require a monitoring program as a condition of approval to document compliance with permit conditions and to determine whether the project contributes to water quality degradation.
 - 3. The building and planning department shall periodically review monitoring programs to determine compliance with conditions of approval in cooperation with the public works ~~environmental services~~ department, Spokane Regional Health District, Spokane Aquifer Joint Board and other agencies responsible for aquifer protection.

Chapter 11.20.090 is revised as follows:

11.20.090 – Apendices.

- N. Appendix N, Explanation of Aquifer Susceptibility Map. A method for assessing ground water susceptibility in Spokane County.
- D. SHADI Rating Map revised to create Aquifer Susceptibility Map. The SHADI rating map was revised to create the Aquifer Susceptibility Map by adding additional areas to coordinate wellhead protection throughout Spokane County. The Washington State Department of Health provided the data for wellhead protection coordination based on site specific (well specific) determination of susceptibility of contamination to wells. The data includes designated wellhead protection areas and areas within 1000-foot radius of Group A community and Group A community transient wells without reported plans. As wellhead protection plans are completed for wells, the 1,000-foot radius placeholder will be replaced by the Washington Department of Health-certified wellhead protection area. These areas are treated as high aquifer susceptibility areas. It is the intent of the Aquifer Susceptibility Map to coordinate the wellhead protection program with protection of critical aquifer recharge areas. Uses and activities within designated wellhead protection areas subject to critical aquifer recharge area regulations are required to meet the standards for high aquifer susceptibility. However, applicants have the opportunity to provide evidence to support a low or medium aquifer susceptibility rating by means of a hydrogeologic report. The Spokane County ~~public works environmental services~~ director, in consultation with agencies of expertise, shall review and accept or reject the hydrogeologic report.

The Aquifer Susceptibility Map will be revised as required to display updated date on wellhead protection areas received from the Washington State Department of Health. The Aquifer Susceptibility Map is available from the Spokane County building and planning department and the Spokane County ~~public works environmental services~~ department.

Chapter 11.30.040 is revised as follows:

11.30.040 – Non-Exempt General Permit Eligibility/Application.

Applicants seeking stream flow mitigation certificates to support development through the certificate of exemption, short subdivision or subdivision processes requiring potable water for domestic water use in WRIA 55 may apply to purchase multiple stream flow mitigation certificates collectively exceeding allowed permit-exempt withdrawals. Applicants must submit a non-exempt permitted stream flow mitigation certificate application, all applicable documentation, and all applicable fees (according to applicable fee schedules) to the county ~~public works environmental services~~ department and the county building and planning department.

Upon receipt of a completed application, the county director of ~~public works environmental services~~ or his/her designee will in their sole discretion determine if sufficient certificates are available in the designated mitigation area to accommodate the requested permitted use. If the director determines insufficient certificates are available the application will be denied and the fee refunded.

Permitted stream flow mitigation certificates or rights thereto acquired under this section, associated with the preliminary approved short subdivisions or preliminary plat subdivisions, expire as a matter of time after five years but will be deemed to have been extended as part of any valid time extensions of the preliminary approvals of the associated short subdivision or preliminary plat subdivision. Preliminary approvals of short subdivisions and preliminary plat subdivisions expire as a matter of time five years from the date of approval unless valid extensions of time are granted (RCW 58.17.140 and Spokane County Code Section 12.100.118). Expiration periods, extensions of time, appeals and general intent and purpose of the subdivision ordinance are located in Chapter 12.100 Spokane County Code and criteria for extensions of time Spokane County Code Section 12.100.118. Permitted stream flow mitigation certificates or rights thereto not associated with a valid unexpired building permit or valid building permit and certificate of occupancy are invalid. Upon stream flow mitigation certificate invalidation, the county will automatically

refund the mitigation certificate cost paid by the permitted stream flow mitigation certificate holder less all recording and program administration fees including the costs associated with securing the department of ecology permit. The stream flow certificates will be returned to the Little Spokane Water Bank, and the invalidation will be documented on the property title by the department of public works environmental services.

Chapter 11.30.070 is revised as follows:

11.30.070 – Enforcement Power.

The county director of public works environmental services or his/her designee is authorized to take such lawful action as may be required to enforce the provision of this chapter, including but not limited to the mitigation certificate and/or the property covenant requiring compliance with the terms of the mitigation certificate, through the imposition of civil penalties, referrals for criminal charges, or other actions provided by law. The mitigation certificate shall identify a mitigation package provided for in Section 11.30.050.

Chapter 11.30.0970 is revised as follows:

11.30.090 – Notice of Civil Violation – Determination Final Unless Appealed - Service

If the county director of public works environmental services or his/her designee determines through investigation, inspection, or other means that a person, firm or corporation has violated any provision of this chapter, including but not limited to the stream flow mitigation certificate, he or she may issue a notice of violation. The notice of violation represents a determination that a civil violation has been committed. The determination is final unless appealed.

The person, firm or corporation served with a notice of violation may appeal to the county hearing examiner within fourteen days of service. Appeals must be filed and processed in accordance with the provisions of Chapter 1.46 of the Spokane County Code. At the appeal, the county director of public works environmental services or his/her designee will have the burden of proving the violation by a preponderance of the evidence. The decision of the hearing examiner on any appeal will be final and conclusive. An aggrieved party may seek judicial review in the Spokane County Superior Court within twenty-one calendar days of the issuance of the hearing examiner's final decision.

Chapter 12.300.140 is revised as follows:

12.300.140 – Contents of Final Short Plat.

(o) The following signatures are required on the final short plat:

- (1) Spokane County engineer/public works director;
- ~~(2) Spokane County environmental services director;~~
- ~~(23)~~ Health officer of the Spokane regional health district;
- ~~(34)~~ Spokane County building director and planning director;
- ~~(45)~~ Spokane County treasurer;
- ~~(56)~~ Spokane County assessor.

Chapter 12.300.142 is revised as follows:

12.300.142 – Filing.

The original reproducible final short plat shall be submitted to the public works department for review. Once the county engineer/public works director ~~and environmental services director~~ have affixed their

signature on the final short plat, it shall be submitted to the director for obtaining the rest of the required signatures.

Once the final short plat has been reviewed and approved by the applicable agencies, the final short plat shall be filed with the county auditor and the applicant shall be so notified of such filing. Fees to record the final short plat must be submitted to the director prior to filing.

Chapter 12.400.142 is revised as follows:

12.400.142 – Contents of Final Plat.

(15) The following signatures are required on the final plat:

- (B) Spokane County public works ~~environmental services~~ director;

Chapter 12.400.144 is revised as follows:

12.400.144 – Filing.

The original reproducible final plat shall be submitted to the public works department. Once the county engineer/public works director ~~and environmental services director~~ have affixed their signatures on the final plat, it shall be submitted to the director for obtaining the rest of the required signatures.

Once the final plat has been reviewed, approved and signed by the applicable agencies and chairperson of the board of county commissioners, the director shall file the final plat with the county auditor and the applicant shall be so notified of such filing. Fees to record the final plat must be submitted to the director prior to filing.

Chapter 12.500.142 is revised as follows:

12.400.142 – Contents of Final Binding Site Plan.

(18) The following signatures of approval are required on the final binding site plan:

- (A) Spokane County engineer/public works director;
- ~~(B) Spokane County environmental services director;~~
- ~~(B)~~ Health officer of the Spokane regional health district;
- ~~(C)~~ Spokane County building and Spokane County planning director;
- ~~(D)~~ Spokane County treasurer;
- ~~(E)~~ Spokane County assessor.

Chapter 12.500.144 is revised as follows:

12.500.144 – Filing.

The original final binding site plan shall be submitted to the public works department. Once the county engineer/public works director ~~and environmental services director~~ have affixed their signatures on the final binding site plan, it shall be submitted to the director for obtaining the rest of the required signatures.

Once the final binding site plan has been reviewed, approved and signed by the applicable agencies the director shall file the final binding site plan with the county auditor and the applicant shall be so notified of such filing. Fees to record the final binding site plan must be submitted to the director prior to filing.

Chapter 12.600.142 is revised as follows:

12.600.142 – Contents of Final Plat.

- (16) The following signatures of approval are required on the final plat:
- (A) Spokane County engineer/public works director;
 - ~~(B) Spokane County environmental services director;~~
 - ~~(B)C~~ Health officer of the Spokane regional health district;
 - ~~(C)D~~ Spokane County building and Spokane County planning director;
 - ~~D~~(E) Spokane County treasurer;
 - ~~(D)F~~ Spokane County assessor.

Chapter 12.600.144 is revised as follows:

12.600.144 – Filing.

The original final plat shall be submitted to the public works department. Once the county engineer/public works director ~~and environmental services director~~ have affixed their signatures on the plat, it shall be submitted to the director for obtaining the rest of the required signatures.

Once the final plat has been reviewed, approved and signed by the applicable agencies, the director shall file the final plat with the county auditor and the applicant shall be so notified of such filing. Fees to record the final plat must be submitted to the director prior to filing.

Chapter 13.20.370 is revised as follows:

13.20.370 – Duties and Authority of the Public Works ~~Environmental Services~~ Director

The ~~public works~~environmental services director shall review and condition any permits for development and development proposals listed in Section 3.20.340(g)(1) which requires new or replacement sanitary sewer systems within the area of special flood hazard to ensure compliance with Sections 3.20.530 and 3.20.540(b)

Chapter 13.100.106 is revised as follows:

13.100.106 – Administration.

- (a) Responsibility for the administration, application and interpretation of these procedures rests with the review authority. The review authority is generally the responsible official pursuant to RCW 43.21C and the Spokane Environmental Ordinance. Specifically:
 - (4) The director of the public works ~~environmental services~~ department for those sections of the Spokane County Code or other development regulations under his/her responsibility such as, but not limited to, those pertaining to sanitary sewer, stormwater utility and water.