

## Spokane County - Zoning Text Amendments

Resolution	Adoption Date	Section	Subject
04-0461	May 25, 2004	All	Adoption of Zoning Code
04-0519	June 15, 2004	14.606	Setbacks for side yard
04-0557	June 29, 2004	Many	BCC Revisions
04-0587	July 13, 2004	14.604	Zone Reclassification Applications
04-0666	August 3, 2004	14.606	Setbacks for side yard
05-0107	February 1, 2005	14.810	Flanking yard setbacks
05-0365	April 25, 2005	Many	Inert landfills
05-0579	June 21, 2005	Various	Commercial in Industrial, Accessory dwellings
05-0835	November. 2005	Various	Morgan Acres Subarea Plan
05-1004	November 8, 2005	14.804	Large signs for truck stops
05-1006	November 9, 2005	14.616	LTA, retiring farmer
07-0046	January 16, 2007	14.506	Temporary uses
07-0208	March 13, 2007	14.600,14.616	LTA to STA zone changes
07-0472	June 5, 2007	14.802- 14.606	Parking
07-0473	June 5, 2007	14.606	Setbacks
08-0021	January 8, 2008	Denied	Commercial at rural intersections
08-0065	January 22, 2008	14.614, 14.702	Row housing in LDR
08-0563	June 10, 2008	14.508	Nonconforming lots
08-0737	August 5, 2008	14.606, 14.704	Row housing in LDR
09-0929	October 13, 2009	13.300	Definitions, Density and Lot Area
09-1148	December 31, 2009	14.616, 14.618	Rural Cluster
10-0061	Jan. 19, 2010	14.820, 14.618	Rural Cluster
10-0145	Feb. 16, 2010	14.510.200	Administrative Exceptions – Utility facilities
10-0621	July 13, 2010	14.702	Airport Overlay Zone
10-1053	December 7, 2010	14.618	Greenhouses
10-1098	December 14, 2010	14.828	Public Purpose TDRs
11-0415	May 3, 2011	14.614	Building Height – Industrial Zones
11-0570	June 21, 2011	14.606, 612	Beekeeping
11-1191	December 23, 2011	14.618, 14.402	Mining in Rural Zones as CUP
12-0172	February 28, 2012	14.300, 14.804	Signage for college campus
12-0211	March 13, 2012	14.618	Detached assessor dwellings in RCV
12-0344	May 1, 2012	14.702A	FAFB Overlay, uncodified
12-0642	August 21, 2012	14.618	Allow Commercial Rec. Area in RCV zone
13-0045	February 5, 2013	14.702A	FAFB Overlay, codified
13-0256	March 18, 2013	14.614	150' Height in LI
13.0826	September 21, 2013	14.804	Cemetery signage
14-0401	May 12, 2014	14.300, 14.506	STA weddings and social events
15-0071	January 27, 2015	Numerous	Marijuana
15-0472	June 10, 2015	14.822	IZO, Wireless Facilities (expired)

[illegible]

# **Spokane County Zoning Code**



**Department of Building and Planning**

**2020 Printing**

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Effective Date: June 1, 2004

Responsible Officials: Board of Spokane County Commissioners

## **Table of Contents**

	<b>Preface</b>	
<b>14.100</b>	<b>Introductory Provisions .....</b>	
<b>14.300</b>	<b>Definitions .....</b>	
<b>14.400</b>	<b>General Procedures .....</b>	
14.402	Amendments	
14.404	Conditional Use Permits	
14.406	Variances	
14.408	Enforcement	
14.410	Building Permit Review	
<b>14.500</b>	<b>Administrative Procedures .....</b>	
14.502	Administrative Procedures	
14.504	Administrative Interpretations	
14.506	Administrative Permits	
14.508	Nonconforming Provisions	
14.510	Administrative Exceptions	
14.512	Alternative Methods of Compliance	
<b>14.600</b>	<b>Zone Classifications .....</b>	
14.604	List of Zone Classifications	
14.606	Urban Residential Zones.....	
14.608	Mixed Use Area Zone .....	
14.612	Commercial Zones .....	
14.614	Industrial Zones.....	
14.616	Resource Lands Zones .....	
14.618	Rural Zones.....	
14.620	Mineral Lands Zone .....	
<b>14.700</b>	<b>Overlay Zones.....</b>	
14.702	Airport Overlay (AO) Zone	
14.702A	Fairchild AFB Overlay Zone (FOZ) .....	
14.704	Planned Unit Development (PUD) Zone .....	
14.706	Aesthetic Corridor Overlay (ACO) Zone .....	
<b>14.800</b>	<b>Development Standards .....</b>	
14.802	Off-Street Parking/Loading Standards .....	
14.804	Signage Standards.....	
14.806	Landscaping/Screening Standards .....	
14.808	Manufactured Home Standards .....	
14.810	Modifications to Development Standards .....	
14.812	Fences/Clear View Triangle .....	
14.818	Historic Property Preservation .....	
14.820	Rural Cluster Development .....	
14.822	Wireless Communications Facilities .....	
14.824	Top Soil Removal.....	
14.826	Illumination .....	
14.828	Public Purpose Transfer of Development Rights .....	
<b>14.900</b>	<b>Urban Design.....</b>	
14.900	Urban Design Standards and Guidelines	

Appendix Amendment Resolution Reference

## Preface

This code, adopted as an official control under chapter 36.70 RCW and chapter 36.70A RCW, shall consist of zoning text and a series of official zoning maps. The zoning maps and arterial/road maps located in the Division of Building and Planning shall be considered the official zoning maps and the official arterial/road maps. Copies of these official maps are located in the Division of Building and Code Enforcement, Permit Center.

### Organization

The zoning text is organized into four general sections. The first section includes the Table of Contents, Preface, Introductory Provisions (14.100) and Definitions (14.300).

The second section describes procedural provisions. Chapter 14.400 addresses general procedures including amendments, conditional use permits, variances, enforcement, building permit review and vacated rights-of-way. Chapter 14.500 includes administrative procedures dealing with interpretations and exceptions, alternative methods of compliance and nonconforming provisions.

The third section includes Zone Classifications and Overlay Zones (chapters 14.600 and 14.700). These chapters provide general regulations for permitted, not permitted, limited, and conditional uses in regular zones and overlay zones. The standards include lot sizes, height of buildings, densities, frontage requirements, storage, lighting, and other related matters.

The fourth section contains Development Standards and Urban Design Review Guidelines. Chapter 14.800 details the development standards for signs, landscaping, parking, and other general development standards. Chapter 14.900 addresses the urban design review process applied to projects in mixed-use areas.

### How to use the code

The land use regulations in this code are organized in to be user friendly and easily understood. Nonetheless, land use issues and needs in Spokane County are complex and land use regulations inherently are not simple. The code seeks to balance the protection of the quality of life for Spokane County residents with development opportunities for private property owners to benefit from the reasonable use of their property.

Any property owner seeking an understanding of regulations that may affect the use of their property should look first at the official zoning maps on file in the Spokane County Public Works Department. These maps will help the property owner determine the zoning classifications of their property. Chapter 14.600 sets forth the general regulations pertaining to the zoning classification of their property. The property owner should also review the official zoning map for possible inclusion in an overlay zone, which would include additional regulations as set forth in chapter 14.700. Additionally, the property owner should be aware of special development regulations contained in chapter 14.800. Methods of obtaining relief from provisions of the ordinance, and procedures for obtaining zoning changes, are included in chapters 14.400 and 14.500.

Any person may visit the Spokane County Public Works Department where staff will assist them in understanding the regulations and how they affect the development of property. Staff will also outline the requirements for developing property in a manner consistent with this code.

This code is not intended to replace any written agreement or covenant made between two or more private parties establishing restriction on a piece of property. Such covenants do not supersede any restrictions outlined within this code, nor is Spokane County responsible for enforcing such covenants.

## Chapter 14.100 Introductory Provisions

### **14.100.100 Title**

This zoning text together with the official zoning maps shall be known as the Spokane County Zoning Code.

### **14.100.102 Purpose and Intent**

The purpose of the Zoning Code is to promote and protect the public health, safety, and general welfare and to implement the goals and policies of the Spokane County Comprehensive Plan.

### **14.100.104 Relationship to Other Regulations**

1. The provisions of this title shall be the minimum requirements necessary for the protection of public health, safety and general welfare. No building, structure, or improvements or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used, except as permitted in the Zoning Code.
2. It is not the intent of this title to interfere with, abrogate or annul any other official ordinances, regulations, plans, easements, covenants or other agreements between parties. Should a law, rule, regulation or legal agreement overlap or conflict with the Zoning Code, the more restrictive provision(s), to the extent lawful, shall govern.
3. Any condition of approval attached to a zone reclassification or associated approved site development plan which is in conflict with the provisions of this title such as by placing greater restrictions on property than provided for herein shall be considered null and void, and the provisions of this title shall govern, provided this provision shall not apply to the following:
  - a. Conditions of approval related to mining or the subdivision of property.
  - b. Conditions of approval related to any zone reclassification or associated approved site development plan wherein the application was considered counter complete on or after the initial adoption of the Phase I Development Regulations approved on January 15, 2002.
  - c. Conditions of approval related to any zone reclassification for which the owner/developer has already obtained a building permit, all Hearing Examiner conditions will remain intact. For those properties/projects which have Hearing Examiner conditions attached, but for which the owner/developer has not obtained a building permit, the Hearing Examiner conditions will be extinguished, PROVIDED HOWEVER, that the project/property will be subject to current zoning regulations.
  - d. Conditions of approval imposed by the Hearing Examiner that are a result of "neighborhood agreement", and are incorporated as such in his decision.

Notation for Implementation: The intent of the language "the provisions of this title" in this subsection is to relate only to those conditions of approval for zone reclassifications and associated site development plans that are necessarily zoning standards or land use conditions that are governed by this Zoning Code. That language does NOT apply to other conditions of approval, including but not limited to engineering, traffic, stormwater, or other conditions that have been placed on a property that are not zoning conditions governed by this Zoning Code.

**14.100.106 Severability**

If any section, subsection, sentence, clause, phrase, or portion of the Zoning Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and such holding shall not affect the validity of the remaining portions of the Zoning Code.

**Spokane County Zoning Code**

**Chapter 14.300**  
**Definitions**



## Chapter 14.300 Definitions

### **14.300.000 General**

1. For the purpose of this Code, certain words and terms are defined herein. The word "shall" is always mandatory. The word "may" is permissive, subject to the judgment of the person administering the Code.
2. Words not defined herein shall be construed as defined in Webster's *New Collegiate Dictionary*.
3. The present tense includes the future, and the future the present.
4. The singular number includes the plural, and the plural the singular.

### **14.300.100 Definitions**

**Accessory Use:** A building, area, part of a building, structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot.

**Actively Farmed:** Any farm from which \$1,000 or more of agricultural products (e.g. fruit, ornamental plants, vegetables, grain and/or Christmas trees) were produced and sold, or normally would have been sold during the calendar year.

**Adapted vegetation:** Plants that are native to another region or continent with soil and climate conditions similar to the Inland Northwest.

**Administrative Exception:** A minor deviation from standards specified in this Code.

**Adult Entertainment Establishment:** An establishment defined pursuant to chapter 7.80 of the Spokane County Code.

**Adult Retail Use Establishment:** A retail establishment which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade, to the sale, exchange, rental, loan, trade, transfer, or viewing of adult oriented merchandise.

"Adult oriented merchandise" means any goods, products, commodities, or other ware, including but not limited to, videos, CD ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate specified anatomical area or specified sexual activities.

"Specified anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed or unclothed, of oneself or one person by another.

**Agriculture/Agricultural:** Relating to the science or art of cultivating soil or producing crops to be used or consumed directly or indirectly by man or livestock, or raising of livestock. For purposes of this Title the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.

**Agricultural Direct Marketing Activities:** Those accessory activities associated with the retail sale of agricultural products produced on and off the premises. This includes the sale of nonagricultural products (e.g. crafts,

antiques, kitchen goods, etc.), educational classes and tours, commercial farm rides on premises, and limited restaurant services, as defined.

Agricultural Land: Defined in WAC 365-190-030(1) as now or hereafter amended.

Agricultural Processing: The series of operations taken to change agricultural products into food products.

Agricultural Zones: Those zones outright permitting various agricultural uses, including the Large Tract Agricultural and Small Tract Agricultural zones.

Aircraft: A vehicle (as an airplane or balloon) for traveling through the air.

Airport: Any area of land or water which is designated and set aside for landing and taking off of aircraft and which is utilized, or which is certified on a plan to be utilized, in the interest of the public for such purposes.

Airport Hazard: Any structure or tree or use of land which obstructs the airspace required for the flights of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off of aircraft, and any use of land which is hazardous to persons or property because of its proximity to an airport.

Airstrip, Personal: A landing area for only 1 aircraft for personal use by only the owner.

Airstrip, Private: A landing area for more than 1 aircraft.

Alley: A public right-of-way not designed for general travel and primarily used as a means of vehicular, pedestrian and utility access to the rear of abutting properties. An alley may or may not be named.

Altered/Alteration: Any change, addition, or modification in construction or any change in occupancy group or character of occupancy.

Amendment: A change in the wording, context, or substance of this Code, or change in the zone boundaries on the zoning map.

Animal Health Services: An establishment in which veterinary medical and similar services are rendered to large or small animals, such as horses, cows, donkeys, sheep, pigs, and similar animals.

Animal Health Services – Small Animal: An establishment other than a kennel in which veterinary medical services, clipping, bathing, and similar services are rendered to dogs, cats and other small animals and domestic pets.

Animal, Large: Animals, including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, bison, camels and other animals or livestock of similar size and type, except inherently dangerous mammals and inherently dangerous reptiles. Horses, mules, donkeys, burros, llamas, alpaca, bison, and camels under 1 year in age, bovines under 10 months in age, and sheep, goats and swine under 3 months of age shall not be included when calculating the density of large animals.

Animal, Small: Animals or fowl other than a household pet, large animal, inherently dangerous mammals or inherently dangerous reptiles, including but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, emu, ostriches (struthious), kangaroos, rabbits, mink, chinchilla, nutria, gnawing animals in general and other animals or fowl of similar size and type. Small animals or fowl under 3 months in age shall not be included when computing intensity of small animals or fowl. Young or miniature large animals are not included in this definition and are considered large animals.

Animal, Wildlife Rehabilitation or Scientific Research Facility: A building, structure, pen or portion(s) thereof or an area of land where animals are housed, kept or maintained for the purpose of wildlife rehabilitation; or for the purpose of research and investigation, aimed at the discovery and interpretation of facts or the collecting of information about a particular subject.

Aquifer: A geologic structure that is sufficiently permeable to conduct ground water and yield economically significant quantities of water to wells and springs.

Arterials - Principal, Major, Minor and Collector: Street or road classification per the Spokane County Road Standards adopted definitions.

Auto Wrecking/Recycling, Junk and Salvage Yards: Any area, lot, land, parcel, building, structure or part thereof where waste, discarded or salvaged materials are exchanged, handled, bought, sold, baled, packed, stripped, stored, dumped or disassembled, including but not limited to inoperable vehicles, machines or remnants thereof, and/or metals, paper, rags, tires and bottles.

The following establishments shall not be considered an Auto Wrecking, Junk, and Salvage Yard when all activity, storage, odor and noise is confined wholly within an enclosed building.

1. The private, noncommercial storage of inoperable vehicles and remnants thereof
2. Pawn shops; secondhand stores; used furniture stores and public garages.
3. Open sales lots for the sale of new and used motor vehicles and machinery which are in operable condition;
4. Motor vehicle towing services and auto repair establishments which do not store inoperable vehicles for more than 90 days.
5. Accessory storage areas for recyclable items associated with permitted uses.

Automobile Sales: An area, other than a street, used for the display and sale of more than 2 new or used automobiles or trucks in any 30-day period and where no repair work is done except that necessary for completion of the sale.

Automobile/Taxi Rental: An area, or building, used to park and repair automobiles to be rented to the general public and where no other automobile repair work is done; such area may include customer service and support space.

Bee(s): Adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis Melifera*.

Beehive: A structure with movable-frames intended for the housing of one (1) honey bee colony.

Beekeeper: A person owning, possessing or controlling one (1) or more beehives.

Beekeeping: A private or commercial activity where beehives are kept on a lot or parcel.

Billboard: A structure for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises on which the billboard is located.

Binding Site Plan: A physical plan developed per requirements of chapter 58.17 RCW or local ordinance which allows divisions of land within Commercial or Industrial zones, and manufactured home parks as defined in the County Subdivision Ordinance.

Block: A group of lots, tracts, or parcels within well-defined and fixed boundaries.

Board: The Board of County Commissioners of Spokane County, State of Washington.

Border Easement: The areas on curbed roads, between the right-of-way line and the back of sidewalk dedicated as an easement.

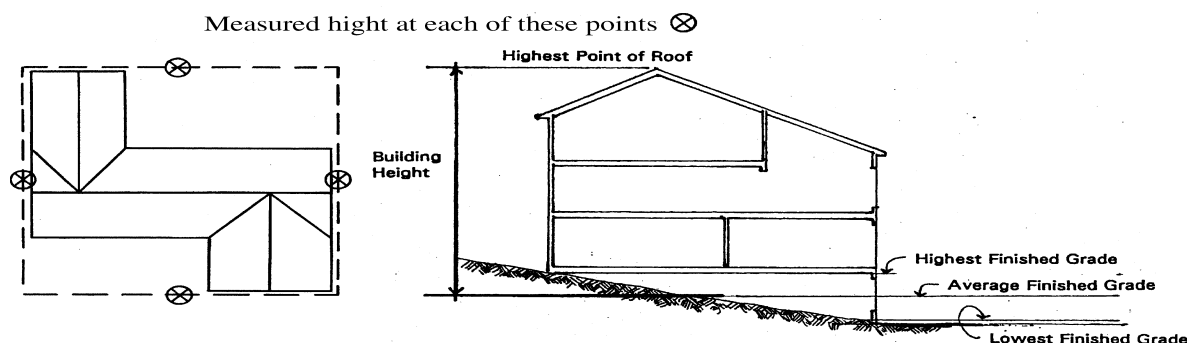
Building: A structure with a single roof or connected with a roof built for the support, shelter, or enclosure of persons, animals, stored items, mechanical devices, or property of any kind, and permanently affixed to the ground. This shall include any vehicle affixed to the ground for any of the previously mentioned purposes.

**Building Coverage:** The area of a lot occupied by a main building or structure and its accessory building(s) or structure(s), not including patios, driveways, open steps and buttresses, terraces, cornices, and ornamental features projecting from building(s) or structure(s) which are not otherwise supported by the ground.

**Building Height:** This definition differs from the building height definition contained in the State Building Code because it is based on the visual impact of building height rather than fire and life safety concerns.

Building height shall be measured from the average finished grade to the highest point of the roof, except for skylights, chimneys, wireless masts, and other provisions of Section 14.810.230 herein. The average finished grade shall be determined by first delineating the smallest rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the rectangle, provided that the measured elevations do not include berms or backfills extending less than 10' horizontally from the building.

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**Building Line:** A line established as the minimum distance a building may be located from any property line as determined by the standards of this Code or, if applicable, determined per Section 14.810.240.

**Bulletin Board:** A sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities or similar messages.

**Camping Units:** A structure, shelter, or vehicle designed and intended for temporary occupancy by persons engaged in camping or use of a camping unit for recreation. Camping units include but are not limited to recreational vehicles, recreational park trailers, travel trailers and campers, camping cabins, tents, teepees, yurts and other similar shelters. Camping units such as camping cabins, yurts or other structures constructed on site, which are not subject to the Department of Labor and Industry certification, require a building permit from Spokane County. Camping units shall not exceed 400 square feet in floor area and not exceed a maximum height of 15 feet.

**Caretaker's Residence:** A residence that is occupied by an employee of the property owner who is responsible for taking care of the property on which the caretakers residence is placed.

**Category:** A land use classification as defined and used within the Comprehensive Plan text that applies policies to designated areas in Spokane County as displayed on the Comprehensive Plan Map.

**Cemetery:** Land or facilities on such land legally used or planned for use for the preparation for burial and for the burial of the human dead or household pets including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Child day-care center:** A facility that regularly provides care for a group of children for periods of less than 24 hours.

Church: An establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, recreation hall and living quarters/dormitories on site for staff and/or students of religious study, but excluding facilities for training of religious orders. A single family dwelling (parsonage) is included in this definition with its use for the pastor or caretaker.

Circus: A commercial variety show of a temporary nature that includes animal acts for public entertainment.

Club: An association of persons for some common purpose, but not including groups organized primarily to render a service that is customarily carried on as a business.

Clustered Housing, Urban: A group of dwelling units consisting of permitted uses in the underlying zone, designed in such a manner as to make efficient use of existing or planned facilities and whereby the amount of resultant common open space per dwelling unit is equal to or greater than the open space requirements for conventional development under the pertinent zone and zoning standards.

Clustering, Rural: A residential development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for open space, recreation, agriculture, forestry, preservation of environmentally sensitive areas or reserved for future development.

Code: Zoning Code of the County of Spokane, Washington.

College: A public or private institution offering instruction usually in a professional, vocational, or technical field beyond the 12th grade.

College Campus: A contiguous area of land constituting and making up the grounds of a community college, college, or university containing buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, dormitories, fraternities, and sororities, but not including private for-profit educational facilities or vocational schools that do not offer a complete educational curriculum.

Collocation: Locating wireless communication equipment on an existing or replacement structure and/or eligible support structure, at a single site. For Eligible Facilities Requests, the term collocation shall not apply to the initial placement of a small cell facility on a utility pole or on any other base station or small cell tower that was not constructed for the sole purpose of an FCC Licensed antenna and their associated facilities.

Colony: A natural group of bees having a queen or queens.

Commercial Farm Rides: Farm rides (e.g. hay rides, horse rides, wagon rides, tractor pulled rides, etc.) given in exchange for payment.

Commercial Use: Any activity carried out for pecuniary gain or loss.

Commercial Zones: Those zones outright permitting commercial uses.

Commission: The Spokane County Planning Commission or any subcommittee thereof empowered to carry out the duties set forth in chapter 36.70 RCW and chapter 36.70A RCW, and/or any function the Board of Spokane County Commissioners has delegated to the Planning Commission.

Community Centers: Community Centers generally contain commercial, civic, higher-density residences and recreational uses. These centers provide a focal point and contribute to community district identity.

**Community Hall:** A building and related grounds used for social, civic, or recreational purposes and owned and operated by a nonprofit group serving the area in which it is located and open to the general public on equal basis.

**Community Recreational Facility:** Any public or private building, structure, or area which provides amusement, relaxation, or diversion from normal activities for persons within the area in which it is located and which is not operated for profit.

**Community Residential Facility:** Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Halfway House, Crisis Residential Center, or Secure Community Transition Facility. May include: specialized group home for the developmentally disabled, group care facility for children, and boarding home.

**Community Transit Center:** A bus transfer area or facility located at major points providing passenger access to routes and adjacent activities.

**Community Treatment Facility:** Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway house, crisis residential center or secure community transition facility. May include alcohol and/or drug abuse treatment facilities and adult treatment facilities.

**Comprehensive Plan:** The Plan Text and future Land Use Map of Spokane County, Washington and additional elements as adopted or later amended by the Board of County Commissioners pursuant to chapter 36.70 RCW and 36.70A RCW.

**Conditional Use:** A use listed among those in any given zone but permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against imposing excessive demands upon public utilities as determined by the Hearing Body.

**Contractor's Yard:** An area and/or building used to store equipment, trucks and motor vehicles, construction supplies, building equipment and raw materials for an individual or for a contractor engaged in building or other construction businesses, including but not limited to plumbing, electrical, structural, finish, demolition, transportation, masonry, excavating or other construction work. Normal maintenance of equipment is allowed. The definition of a contractor's yard shall not apply to those instances where materials stored are to be used within 180 days for the improvement of a residence or business on the property where it is to be constructed.

**Controlled Plant Growth Structures (indoor grow):** Group F and U buildings that utilize the interior of the structure or portions thereof, that are specifically controlled to facilitate and enhance plant growth and production by manipulating various indoor environmental conditions. Controlled indoor environment variables include, but are not limited to, temperature, air quality, humidity, and carbon dioxide. These activities take place in permanent buildings/structures authorized by building and other associated permits.

**Convalescent Home:** A residential facility licensed by the State or County to provide special care and supervision to convalescents, invalids, and/or aged persons, but where no persons are kept who suffer from mental sickness or disease or physical disorder or ailment which is normally treated within sanitariums or hospitals. Special care in such a facility includes, but is not limited to, nursing, feeding, recreation, boarding and other personal services.

**Crisis Residential Center:** A protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.

**Critical Material:** A substance as defined in the Critical Area Ordinance and Title 3.15 present in sufficient quantity that its accidental or intentional release would result in the impairment of one or more beneficial uses of aquifer water. Current beneficial uses of aquifer water include, but are not limited to, domestic and industrial water supply, agricultural irrigation, stock watering, and fish raising.

**Cultural Center/Museum:** An institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

**Dairy:** Any premises where 3 or more cows, or goats, or any combination thereof are maintained and milked for a period exceeding 60 days and for which the product is sold to others.

**Dangerous Animal Keeper:** A person licensed by the Spokane County Animal Control Authority to harbor and/or own 1 or more inherently dangerous mammal(s)/reptile(s).

**Day(s):** Shall mean calendar days unless otherwise specified and shall be computed pursuant to RCW 1.12.040 or as amended.

**Deciduous:** Plants that drop leaves or foliage for the winter.

**Density:** The numerical value obtained by dividing the number of dwelling units in a residential development by the total area (in acres) of land in the development, after deducting any areas reserved for commercial, industrial, public/private utilities and facilities, and institutional uses that do not predominantly serve the development. For the purpose of computing density in rural zones and resource lands zones when the development borders a street or road, the area shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.

**Department, Designated:** The department or office in charge of the major licensing or permitting duties, unless otherwise agreed to by the other involved departments or offices. In the event of uncertainty, the Public Works Directory or the County Administrative Officer shall assign designated department status.

**Dependent Relative:** One who is related by direct blood line, marriage, adoption, unmarried partner relationship or court-appointed guardianship and has been determined by a licensed physician to be physically or mentally incapable of caring for themselves and/or their property; and who is over the age of 18. The Planning Director may exercise discretion in determining qualifying relationships.

**Detention Facility:** A public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release, or probationary programs.

**Director:** That person, or his/her designee, appointed by the Board of County Commissioners pursuant to RCW 36.70.160.

**Division:** The Spokane County Department of Building and Planning, a Division of Public Works.

**Dormitory:** A building used as group living quarters for a student body or religious order as a normal accessory use for a college, university, boarding school, orphanage, convent, monastery, church or other similar institutional use.

**Driveway:** Any area, improvement, or facility between the roadway of a public or private street and private property, which provides ingress/egress for vehicles from the roadway to a lot(s) or parcel(s).

**Dwelling:** A building or portion thereof designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis and which therefore does not include hotels, motels, dormitories, convalescent homes or accessory buildings or structures.

**Dwelling, Multi-Family:** A building designed for occupancy by 3 or more families living independently of each other within 3 or more separate dwelling units.

**Dwelling, Multi-Family (Low Income):** A multi-family dwelling designed and constructed to primarily serve persons of low income as defined by the United States Department of Housing and Urban Development.

**Dwelling, Row Housing:** A form of attached single family housing where three or more dwelling units share one or more common walls with other dwelling units, and with each dwelling occupying an individually owned parcel of land.

**Dwelling, Single-Family:** A building designed for long-term habitation exclusively by 1 family, having complete living facilities, and constituting 1 dwelling unit. This term shall include manufactured homes and mobile homes.

**Dwelling, Two-Family (Duplex):** A single structure containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other, and neither unit is considered an accessory dwelling unit. To be classified as a duplex, the dwelling units must be connected by a common floor/ceiling, a common wall or by a covered carport which does not exceed 20 feet between the two dwelling units. To be considered a common wall, at least 50% of the wall shall be physically connected to the wall of the contiguous unit. To be considered a common ceiling, at least 50% of the ceiling area shall be physically connected to the ceiling of the contiguous unit.

**Dwelling Unit:** One or more rooms in a dwelling, which is designed, occupied, or intended for occupancy as separate living quarters, with an individual entrance, cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of 1 family maintaining a household.

**Dwelling Unit, Accessory (Attached):** A second dwelling unit including separate kitchen, sleeping and sanitation facilities, and entrance, within or on a lot with a primary residence. The second unit shares one or more common or abutting walls, and is created auxiliary to and is always smaller than the primary residence.

**Dwelling Unit, Accessory (Detached):** A second dwelling unit including separate kitchen, sleeping, and sanitation facilities, on a lot with a primary residence. The second unit is created auxiliary to and is always smaller than the primary residence.

**Electric Sign:** A sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

**Electric vehicle infrastructure:** Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations described as follows:

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.



"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Electronically Changeable Message Sign: A computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc.) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed. Messages and symbols that have the capability of alternating, traveling, and animating along with any other of a variety of change, appear and disappear methods are allowed. This definition does not include video boards.

Eligible Support Structure: Any wireless communication facility, structure, or base station as defined herein; provided that, at the time the relevant application is filed with the county, houses or supports an antenna, microcell or small cell deployment.

Essential Public Facility: Includes those facilities such as airports, colleges, universities, correctional facilities, solid waste stations, sewage treatment facilities, major highways, or freeways, regional transit authority facilities, and inpatient facilities, including substance abuse treatment facilities, mental health facilities, and group homes.

Expanded Seasonal Harvest Festivities: Expanded Seasonal Harvest Festivities allow a farming activity to expand beyond the restrictions for Seasonal Harvest Festivities. The purpose and intent of the conditional use for Expanded Seasonal Harvest Festivities is to allow direct marketing of crops to the public. It is not to provide alternative ways to create permanent or semi-permanent sales businesses that would otherwise require a zone reclassification to a commercial zone.

FAA: The Federal Aviation Administration.

Family: An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than 5 persons, excluding dependents, who are not related by blood, marriage or adoption, living together as a single nonprofit housekeeping unit in a dwelling unit.

Family day-care provider: A child day-care provider who regularly cares for not more than 12 children in the family living quarters of the provider's residence.

Farm Machinery Sales and Repair: A specialized retail facility located in a rural area that is limited to the sale and repair of farm machinery including tractors, farm implements, combines, loaders, applicators, and their accessories. Automobile and truck sales shall not be considered farm machinery in terms of this definition.

Farmstead: One or more residential and/or nonresidential structures located on a primary agricultural parcel, the residents or users of which devote their time almost exclusively to the production of food/or fiber or derive at least ½ their income from agricultural pursuits.

FCC: The Federal Communications Commission.

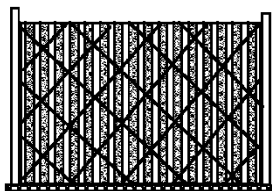
Feed Lot: A confined area or structure used for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and ground water, but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods.

Feed Mill: A structure or building used to store or grind grain for animal or human consumption.

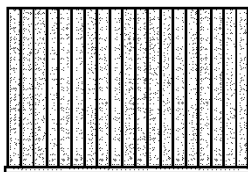
Fence: A wall or a barrier composed of stone, brick or posts connected by lumber, rails, panels, or wire for the purpose of enclosing space marking boundaries, serving as an obstruction or barrier or separating parcels of land.

Fencing, partially sight-obscuring: A fence which provides partial visual separation.

Fencing, fully sight-obscuring: A fence which provides complete visual separation, and is used where complete screening is needed.



Partially Sight Obscuring Fence



Fully Sight Obscuring Fence

Flashing Sign: An electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

Floor Area, Livable: The square footage of covered area used, or planned to be used, for living purposes, not including garages, carports, crawl spaces and other generally not lived in spaces.

Floor Area Ratio: The total gross floor area of all buildings or structures on a lot divided by the total lot area. (FAR = total gross building floor area ÷ total lot area).

Freestanding Sign: A sign not attached to or forming part of a building.



Freeway Oriented Sign: A sign that is directionally oriented to Interstate-90.

Golf Course: An area with at least 9 holes for playing golf, including improved tees, greens, fairways, hazards, and a driving range. Facility may include a clubhouse with related retail sales including a proshop, restaurant/food, and alcohol service.

Governmental Agency Training Facility: A government facility for government employees and support staff that provides training related to protecting public health and safety. The facility may include but is not limited to classrooms, offices and uses associated with training.

Governmental Buildings and Uses: Federal, state, county, and municipal buildings of all types and facilities used by public or quasi-public agencies that serve or assist the public.

Grade: The average elevation of the finished ground level at the center of all exterior walls of a building as measured five feet from the exterior wall. In case of any wall that is parallel to and within 5 feet of a lot line, elevation at the lot line adjacent to the center of the wall shall be considered the finished ground level. In the case of any sign, grade shall be measured or determined at the sign support structure(s).

**Greenhouse:** A structure or a thermally isolated area of a building that maintains a specialized sunlit environment that is used exclusively for, and essential to, the cultivation, protection or maintenance of plants. Greenhouses may consist of rigid, or synthetic construction materials, and are subject to permitting. Compliance with the provisions of the International Codes as adopted by Washington State under RCW 19.27, and Spokane County Code shall be demonstrated. Greenhouses are those that are erected for a period of 180 days or more within a twelve-month period.

**Greenhouse, Commercial:** An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building for sale on a retail or wholesale basis.

**Gun and Archery Range:** A facility or area used for archery and/or the discharging of firearms including rifles, pistols, or shotguns, for the purpose of target practice.

**Halfway House:** Any dwelling or place licensed, certified or authorized by state, federal or local authorities for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to transition residents back into society, enabling them to live independently.

**Hardscape:** Landscape features/structures such as trellises, decks, patios, benches, brick/stone pavers, natural rock out-croppings and colored landscape gravel.

**Hard Surface:** A hard surface shall consist of asphalt, Portland cement concrete, crushed rock, grass pavers, or other technologies laid to the specifications set forth by the Spokane County Engineer and this Code.

**Hazardous Waste:** All dangerous and extremely hazardous waste as defined in RCW 70.105.010 (15) as amended, except for moderate risk waste as set forth in RCW 70.105.010 (17) as amended.

**Hazardous Waste Storage:** The holding of hazardous waste for a temporary period, as regulated by State Dangerous Waste Regulations, chapter 173-303 WAC.

**Hazardous Waste Treatment:** The physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

**Hazardous Waste Treatment and Storage Facility, Off-Site:** Treatment and storage facilities which treat and store hazardous wastes generated on properties other than those on which the off-site facilities may be located. This use is always the primary use of a property.

**Hazardous Waste Treatment and Storage Facility, On-Site:** Treatment and storage facilities that treat and store hazardous wastes generated on the same property. This activity is always an accessory use to a primary activity on the property.

**Hearing Body:** The individual, committee, or agency designated by the Board to conduct public hearing and render decisions on amendments, special permits, conditional uses, appeals, and other matters as set forth in this Code.

**High Impact Uses:** A business or use considered dangerous and/or noxious due to potential public health, safety, and environmental impacts. This includes uses that generate or cause nuisance, odors, noise, vibration, contamination, chemical exposure/release, and or explosions, including but not limited to the following uses:

1. Battery manufacture and reprocessing.
2. Crude petroleum refinery and storage.
3. Manufacture and processing of wood, coal, mineral, or animal by-products.

4. Gas manufacture or storage.
5. Smelting of ore.
6. Stockyards, hog farms, and slaughterhouses.
7. Tanneries.
8. Wood pulp manufacture.
9. Manufacture and storage of explosives.

High Intensity Illumination: Illumination exceeding 500 candela (cd) per square meter, measured at a distance of one meter, as measured with a Photo Research Spectra Spotmeter or equivalent device.

High Occupancy Vehicle (HOV): A motorized vehicle carrying 2 or more passengers.

Hive: A manufactured receptacle or container prepared for the use of bees that includes movable frames, combs, and substances deposited into the hive by bees per RCW 15.60.005.

Home Industry: An occupation, profession, bed and breakfast facility, or craft, excluding an adult retail use establishment or adult entertainment establishment, in association with a primary residence, which is of such intensity or broad scope of operation that public hearing review, as a Conditional Use Permit, is necessary. By character and definition a home industry is different than a home profession or general commercial, industrial, and business uses.

Home Profession: A profession or craft, excluding an adult retail use establishment or adult entertainment establishment, carried on within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term.

Horse Boarding: A barn, stable, or other facility where owners or users of the property commercially bathe, train, house and/or feed more than 3 horses or other riding animals any of which are not owned by the users or owners of the property for more than 24 consecutive hours.

Hospital: An institution licensed by the state agencies under provisions of law to offer facilities and temporary or emergency services in surgery, obstetrics, and general medical practice for human patients who are ill or injured.

Hotel: A building or buildings in which there are a total of 6 or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

Household Pet: Any animal or bird, other than inherently dangerous mammals/reptiles, livestock, large or small animals and animals or birds considered to be predatory or wild, which normally lives in or is kept in a residence. Household pets shall be considered a normal accessory use in residential zones provided there are no more than 4 animals allowed in a residence.

Incidental Sign: A small nonelectric information sign 4 square feet or less in area which pertains to goods, products, services, or facilities which are available on the premises where the sign occurs and intended primarily for the convenience of the public while on the premises.

Incinerator: A vessel, device, apparatus, or structure designed to burn solid waste under controlled, nuisance-free conditions, and at a relatively high temperature, for the purpose of reducing the combustible components to a nonputrescible residue capable of ready disposal.

Individual Business: One business on one parcel, provided the parcel is not part of a multiple business complex, and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

Industrial Zones: Those zones outright permitting various industrial and manufacturing uses including the Light Industrial and Heavy Industrial zones.

Inert Material: Waste that meets the criteria for inert waste in WAC 173-350-990 (e.g., cured concrete, brick, and masonry)

Inert Waste Disposal Facility: A facility licensed to accept inert material.

Inherently Dangerous Mammal: Any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their nature, may be considered dangerous to humans, and which includes the following.

1. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, but not including domestic dogs (*Canis lupus familiaris*) or wolf hybrids which are a cross between a wolf and a domestic dog.
2. Felidae, including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
3. Ursidae, including any member of the bear family, or any hybrids thereof.

Inherently Dangerous Reptile: Inherently dangerous reptile means any live member of the class reptilia which:

1. Is venomous, including, but not necessarily limited to all members of the following families: Helodermidae; Viperidae; Crotalidae; Altractaspidae; Hydrophilidae; and Elapidae; or
2. Is a "rear fanged" snake of the family Colubridae that are known to be dangerous to humans, including but not necessarily limited to, all members of the following families: *Dispholidus typus*; *Thebtonis Kirtland*; and *Rhabdophis* spp.; or
3. Is a member of the order Crocodilia (crocodiles, alligators and caiman).

Inoperable: When a machine or vehicle does not function as it was originally designed because an essential component(s) has stopped functioning properly, is missing or absent.

Junk: Including but not limited to: old or scrap metal, rope, rags, batteries, paper, rubber, machinery, scrap wood, debris, trash, or junked, dismantled, wrecked or inoperable motor vehicles or parts thereof.

Junked vehicle: Any vehicle substantially meeting at least two of the following conditions.

1. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission.
2. Is or appears to be inoperable.
3. Is without a current, valid registration plate/license tab.

Junkyard: A property or place of business maintained, operated, or used for storing, keeping, buying, selling, or salvaging junk.

Kennel: A place where 5 or more cats or dogs are boarded, bred, bought, sold, exhibited or trained for compensation, but not including a pet shop, animal shelter or veterinary clinic/hospital where boarding is incidental to treatment.

Kennel, Private: A place other than an animal shelter where 5 to 8 dogs or 5 to 10 cats (over 6 months old) are kept for personal or noncommercial purposes. If more than 8 dogs or 10 cats (over 6 months old) are kept at a private kennel, then such establishment shall be deemed a "commercial kennel," regardless of whether the owner or keeper receives compensation.

Lane: A private road allowing ingress and egress to a parcel of land which may or may not have minimum lot frontage on a public street, road, or right-of-way.

Landfill: A method of final disposal of solid waste by utilizing land in a manner that allows the disposal of solid waste without creating hazards to public health, significant impacts to the environment, or nuisances.

Landfill – Inert Waste Disposal Facility: A facility licensed to accept inert material. Inert Material: Waste that meets the criteria for inert waste in WAC 173-350-990 (e.g., cured concrete, brick and masonry).

Landscape Material Sales Lot: The sale of organic and inorganic materials, including but not limited to, soil and soil amendment, bark, sod, gravel, pea gravel, hardscape products, crushed rock, river rock and landscape boulders primarily used for landscaping and site preparation purposes. The exclusive sale of horticultural or floricultural stock that is permitted in a commercial greenhouse or nursery-wholesale shall not be considered “landscape materials.”

Law enforcement facility: A public safety facility staffed by law enforcement officers and support staff that respond to hazards to the public health and safety.

Library: An establishment for the sole purpose of loaning and circulating books or providing a reading room and reference service to the public whether conducted by a public or private agency or whether the service is with or without direct cost to the user.

Limited Restaurant: A food service establishment that handles only commercially pre-cooked, pre-heated foods and/or espresso.

Livestock: Animals, including but not limited to, horses, cattle, llamas, sheep, goats, swine, reindeer, donkeys and mules.

Loading Berth: An off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts on a street, alley or easement.

Lot: A platted or unplatted parcel of land defined by the Spokane County Assessor as being segregated and/or separated from other parcels of land and being in compliance with state and local platting laws.

Lot Area: The total horizontal space within the lot lines of a lot, except that within Rural or Resource Lands zones the calculation of the lot area shall include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.

Lot, Buildable: A division of land created in compliance with state and local platting laws of at least sufficient size and lot frontage to meet any minimum local or State Code requirements for use as a building site.

Lot Depth: The horizontal length of a straight line drawn from the midpoint of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the midpoint of the lot rear line. In the case of a lot having a curved front line, the lot front line for purposes of this section shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot side lines with the curved lot front line.

Lot Frontage (Frontage): The length of that portion of a lot abutting the public (private) street providing principal access to the lot.

Lot Lines:

1. Lot Front Line - A line separating the lot from the street, or public right-of-way other than an alley if a street does not exist. In the case of a corner lot, the shortest continuous line separating the lot from the street or public right-of-way shall be the lot front line. In case of corner lots having equal lines abutting a street or public right-of-way, that property line which when extended creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner lot. Where a lot does not abut a public right-of-way or street the lot front line shall be the lot line nearest to a street or public right-of-way.

2. **Lot Rear Line** - A lot line that is opposite and most distant from the lot front line. For the purposes of establishing the lot rear line the following shall apply:
  - a. In the case of a lot with a rear boundary formed by a single line that is parallel to the lot front line, such rear boundary is the lot rear line.
  - b. In the case of a lot, the rear boundary of which is formed by 2 or more lines, the lot rear line shall be a line 10 feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such a lot.
  - c. In the case of a trapezoidal lot, the rear line of which is not parallel to the lot front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line.
  - d. In no case shall the application of the above be interpreted as permitting a main building to locate closer than 5 feet to any property line unless such building portion is below grade with no visible portion above grade.
3. **Lot Side Line** - Any lot boundary line not a lot front line or a lot rear line.

**Lot of Record:** An area of land designated as a residential lot on the plat or subdivision recorded or registered, pursuant to statute, with the Auditor for Spokane County.

**Lot Types:**

1. **Corner Lot** - A lot situated at the intersection of 2 or more streets, the street frontage of which lot form an angle not greater than 128 degrees, and not less than 45 degrees.
2. **Interior Lot** - A lot other than a corner lot.

**Lot Width:** The horizontal distance between the lot sidelines measured at right angles to the line comprising the depth of the lot. Minimum lot width shall be the same for the entire depth of the parcel.

**Low-income Housing:** Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the U. S. Department of Housing and Urban Development (HUD).

**Low Intensity Lighting:** Lighting not exceeding the equivalent of 800 milliamperes fluorescent tubing space on 9 inch centers, or of exposed neon not exceeding 30 milliamperes.

**Manufactured Home:** A single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, and identified as such by appropriate labeling. For the purposes of this chapter references to manufactured homes include mobile homes. Manufactured homes shall be considered as single-family dwellings. A manufactured home also:

1. Includes plumbing, heating, air conditioning, and electrical systems.
2. Is built on a permanent chassis.
3. Can be transported in one or more sections with each section at least 8 feet wide and 40 feet long when transported, or when installed on the site is 320 square feet or greater.

**Manufactured Home Park:** A site having as its principal use the rental of space for occupancy by 2 or more manufactured homes, and the accessory buildings, structures, and uses customarily incidental to such homes.

**Marijuana:** Means all parts of the plant Cannabis, as defined in Title 69.50 RCW as it now exists or may be amended. Marijuana is a controlled substance which requires greater regulatory controls than production and processing of agricultural products that are not controlled substances. Spokane County allows but regulates the production, processing and sale of marijuana and requires marijuana operations not only to be validly licensed by the State but also to comply with local development regulations.

**Massage Parlor:** A building or structure where persons obtain massage treatment and/or advice or where persons use facilities for nonsexual relaxation purposes.

**Medical Services:** An outpatient facility providing examination and treatment by physicians, dentists and other health care professionals.

**Mixed-Use:** A land use pattern where a variety of complementary land uses occupy buildings in close proximity to each other, generally including residential, retail sales and services, offices, recreation, schools, churches and government. Mixed-use areas are intended to enhance opportunities to live, work and meet daily needs with less dependence on auto transportation.

**Mobile Home:** A factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

**Monument Sign:** A sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken, mass.



**Motel:** One or more attached or detached buildings providing separate sleeping or living quarters primarily to temporarily accommodate transient individuals or families traveling by motor vehicle, with attached garages or parking spaces conveniently located to each unit and may include kitchen facilities. Also commonly referred to as a tourist court, tourist home, motor lodge, motor inn, and similar designation.

**Multiple Building Complex:** A group of structures, or a single structure, with dividing walls and separate entrances for each business, housing at least 2 retail businesses, offices, commercial ventures or independent or separate parts of a business which share the same lot, access and/or parking facilities.

**Multiple Businesses:** Includes businesses that may be located in a single building or in multiple buildings on a single site as shown in figures A and B below.

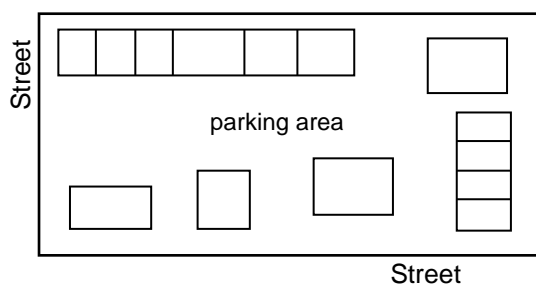


Figure A

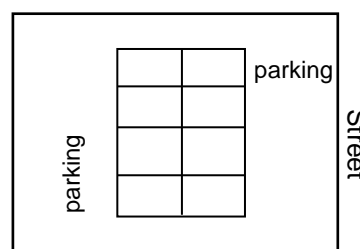


Figure B

**Native Vegetation:** Plants that have evolved and occur naturally in the Inland Northwest.

**Neighborhood:** A neighborhood generally ranges in size from 1/2 to 1 square mile, with populations ranging from approximately 3,500 to 8,000 people. Neighborhoods often contain a civic green or park, a transit stop, neighborhood businesses and services, a day care center and perhaps a church or school. They are often defined by elementary school attendance area boundaries.

**Noise (Sound) Level Measures:**



1. Decibel (dB): the measure of sound pressure or intensity.
2. Interior noise level: the average sound level of sound is expressed in decibels (dB) measurement in any habitable room with exterior windows and doors closed.
3. Ldn: a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a 24-hour time period, with a 10-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.
4. Noise level reduction (NLR): the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.
5. Noise reduction coefficient (NRC): the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.
6. Sound contours: a geographic interpolation of Aviation Noise Contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.
7. Sound transmission class (STC): a single-number rating for describing sound transmission loss of a wall, partition, window or door.

Nonconforming: A lot, use, building, or structure, which was legal when commenced or built, but which does not conform to subsequently enacted or amended regulations.

Nonprecision Instrument Runway: A runway having existing or planned "straight-in" instrument approach procedures, as defined by the Federal Aviation Administration, utilizing air navigation facilities with only horizontal guidance, and for which no precision instrument runways are planned or indicated on a document approved by the Department.

Nuc or Nucleus: A queen mating box or receptacle for expansion or split of a new hive or colony.

Nursery School: A private agency, school, or institution engaged in educational work with preschool children and in which no child is enrolled on a regular basis for 4 or more hours per day. Enrollment for 4 or more hours per day shall classify the facility as a "Day Care Facility" or "Kindergarten."

Nursing Home: A place licensed by the State Department of Social and Health Services as a "nursing home" or institution which operates or maintains facilities providing convalescence and/or chronic care for a period in excess of 24 consecutive hours for 3 or more patients who are not related to the operator by blood or marriage and who by reason of illness or infirmity are unable to properly care for themselves.

Office, business/professional/medical: Uses that are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services, but shall not include retail commercial use or industrial use except for accessory retail use provided it is clearly incidental and subordinate to the office use.

On-Premises Sign: A sign which carries advertisements incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted at, services rendered, goods sold or produced on the premises, name of the business and/or name of the person, firm or corporation occupying the premises.

One Hundred (100)-Year Flood Plain: An area determined by the Federal Emergency Management Agency (FEMA) or by Spokane County to have a 1% chance of flooding in any given year.

Open Space: The area of a lot or building site that is free and clear of buildings and structures.

Orchard: A planting of trees producing fruit and/or nuts for the purpose of sale.

Owners: Any person, partnership, corporation, association, unincorporated organization, trust or any other legal commercial entity having sufficient proprietary interest to seek development of land. This includes an agent or representative with written owner authorization.

Overlay Zone: Requirements described in the Code text which exist in conjunction with another zone and which relate to the official zoning map. Developments within such an area must conform to the requirements of both zones unless otherwise specified. In the event of inconsistencies, the most restrictive requirements shall control.

Park, Public: Land owned by a public agency and intended for public use and enjoyment that includes any or all of the following:

1. Walkways or trails for motorized or non-motorized use, including winter activities.
2. Drives/roads and vehicular parking areas.
3. Formal and informal picnic areas, including shelters and cooking facilities.
4. Camping areas, including sites for tents, recreational vehicles with hookups, and small cabins or temporary/seasonal camping structures.
5. Restrooms/showers facilities.
6. Athletic playing fields, including baseball, football, basketball, and/or soccer.
7. Playground structures/equipment.
8. Informal play areas.
9. Environmental education/interpretation facilities.
10. Swimming facilities, including beaches and pools.
11. Boat launches, moorage docks and parking areas.
12. Bank fishing areas and fishing piers/docks.
13. Utility infrastructure facilities, including sewage treatment facilities, domestic water wells, pump stations, electrical power panels and all distribution lines.
14. Food concession or snack vending machine facilities.
15. Merchandise sales areas.
16. Natural and/or cultural resource preservation areas.
17. Fish and wildlife habitat management areas.
18. Support facilities directly related to the operation and maintenance of a park including staff offices, maintenance work, storage areas, and staff/public meeting space.
19. Winter recreation areas, including downhill, Nordic and cross-country skiing, snowmobiling and ice-skating.

Parking Facility: A parking area, building, or structure used for the specific purpose of parking or storage of motor vehicles for compensation and/or to accommodate the patrons of the establishment providing said parking facility; establishments providing such facilities include industrial, manufacturing, commercial, recreational, office, institutional and residential uses, but exclude single family dwellings.

Parking Lot Travel Lane: Privately owned lanes for vehicles to travel through parking lots to parking stalls, loading areas, public roadways, and other adjacent public or private parking lots.

Participant sports and recreation (indoor only): Participant sports and recreation use in which the sport or recreation is conducted within an enclosed structure. Examples include but are not limited to bowling alleys, roller and ice-skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

Participant sports and recreation (outdoor only): Participant sports and recreation use in which the sport or recreation is conducted outside of an enclosed structure. Examples include tennis courts, water slides, and driving ranges.

Party of Record: A person who testified at the public hearing on a land use application or submitted substantive written comments on the application before the hearing record was closed.

**Performance Standards:** A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed. The standards usually cover noise, vibration, glare, heat, air or water contaminants, and traffic. It is a more precise way of defining land use compatibility. The performance-standard approach to land use is based on the ability to quantify activities and to measure them to see whether they meet the standards.

**Permitted Use:** An activity or use so designated in any given zone, and which may occur without special action by the Board or Hearing Body, subject to provisions of the zone in which it is located.

**Person:** A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

**Person or Party Having Standing:** Any person party of record who has standing to appeal a land use decision under county ordinance or state law.

**Personal Care Services:** Barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, tanning and fingernail salons.

**Planned Unit Development (PUD):** A land development project planned comprehensively as an entity through a design process prescribed by ordinance that permits some flexibility in the regulations of the underlying zone.

**Planning Agency:** The Spokane County Division of Building and Planning together with its Planning Commission.

**Planning Commission:** See "Commission."

**Portable Sign:** Any sign that is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their person.

**Precision Instrument Runway:** An existing runway having an existing instrument approach procedure utilizing an Instrument Landing System, or Precision Approach Radar as defined by the Federal Aviation Administration, or an existing or planned runway for which a precision instrument approach system is planned and so indicated on an approved document from the Division of Building and Planning.

**Primary Agricultural Parcel:** An area of land devoted almost exclusively to agricultural pursuits.

**Primary Surface Civil Airport:** All that land which lies directly under an imaginary surface longitudinally centered on a runway and extending 200 feet beyond each end of all runways that have a specifically prepared surface or planned hard surface and coinciding with each end of other runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. One thousand feet for existing or planned precision instrument runways and nonprecision instrument runways having visibility minimums as low as  $\frac{3}{4}$  of a statute mile.
2. Five hundred feet for all other existing, or planned, nonprecision instrument runways, or visual nonutility runways.
3. Two hundred fifty feet for all other existing or planned visual utility runways.

**Primary Surface Military Airport:** A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet.

**Primary Use, Principal Use:** The predominant use to which the lot or property is or may be devoted and to which other uses are accessory.

**Professional Offices:** An office maintained and used as a place of business by individuals in licensed professions and other generally recognized professions which utilize training or knowledge in the mental

disciplines as distinguished from occupations primarily oriented to manual skills or the handling of commodities.

**Prohibited Use:** A use not specifically enumerated as a permitted use, limited use, conditional use, or nonconforming use. Prohibited uses include, but are not limited to, the enumerated “not permitted uses” within each zone of this Code.

**Public Assembly:** Places where public or private groups assemble for civic, educational, political, religious, or social purposes including, but not limited to, arenas, religious institutions, lecture halls, theaters, schools, auditoriums, and stadiums.

**Public Utility:** A closely regulated public or private enterprise with an exclusive franchise for providing a public service paid for directly by the recipient of that service.

**Public Utility Local Distribution Facility:** Any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric (less than 60 feet in height), gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public utility.

**Public Utility Transmission Facility:** Any building, structure, or device which does not directly transfer to the public the service or supply provided by a public utility, including telephone, electric (greater than 55,000 volts or 55 KV), gas, cable television, water and sewer, and all other facilities, equipment, and structures, including substations, switching stations, and reservoirs.

**Readerboard:** A sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.

**Record:** The official file, exhibits, maps, and slides including the tape-recorded or video proceedings or transcription thereof.

**Recreational Area, Commercial:** An indoor and/or outdoor area or structure(s) operated for profit and devoted to facilities and equipment for recreational purposes, including, but not limited to, swimming pools, tennis courts, racquetball courts, dance and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

**Recreational Vehicle (RV):** A vehicular type portable structure without permanent foundation primarily designed as temporary living quarters for recreational, camping, or travel use, with or without motor power, and occupied in any one place for a period not exceeding 30 days. This includes, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational Vehicle Park/Campground:** An area where facilities are provided for camping units as defined herein, utilized by the public for camping for recreation on a temporary basis and not designed for long term occupancy. The recreational vehicle park/campground may include recreational services, facilities, and activities for utilization by the public that are typical and ordinary to the recreational vehicle park/campground industry. Recreational vehicle park/campgrounds shall comply with all applicable State and County codes.

**Residence:** A building or structure, or portion thereof, which is designed and used to provide a place of abode for human beings, but not including hotels or motel units, or places of abode having no kitchen within each unit. A residence must include one or more dwelling units.

**Retail:** Sales of goods or commodities directly to public consumers.

**Retail Area:** Indoor space where products are displayed and the public is allowed to purchase items or participate in recreational activities. Indoor eating areas are included; not included are office, production, and storage areas not accessible to the public.

Retaining Wall: Any wall not an integral part of a building that is used to resist the lateral displacement of earth material.

Retirement/Elderly Apartments (Low Income Subsidized): A retirement/elderly apartment developed and owned by a nonprofit sponsor who receives a direct funding loan from HUD-FHA or some other agency and where rents are subsidized by HUD-FHA or some other agency based upon low-income status.

Roof: A structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure.

Roof Sign: A sign supported by and erected on and/or above a roof, wall, or parapet of a building or structure.

Runway: Any existing or planned paved surface or turf-covered area of an airport which is specifically designed and used, or planned to be used, for the landing and/or taking off of aircraft.

Schools; Kindergarten, Elementary, Middle, Junior High and High: Public and private institutions of learning offering instruction from kindergarten to grade 12 required by the Education Code of the State of Washington.

Seasonal Harvest Festivities: Those temporary and accessory activities associated with the sale of annual harvest crops. These accessory activities may include live music, temporary food service establishments, vendors other than the owners or operators of the farm, commercial farm rides on the premises and recreational activities (e.g. corn mazes, craft booths, etc.).

Secure Community Transition Facility: A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A Secure Community Transition Facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure Community Transition Facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under chapter 71.09 RCW and operated by the secretary of the Washington Department of Social and Health Services or under contract with the secretary.

Secure Residential Treatment Facility: Any dwelling or place licensed, certified, or authorized by state, federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment. May include: secure community housing unit operated by the Department of Social and Health Services and secure community housing unit operated by a contractor on behalf of the Department of Social and Health Services.

Self-Service Storage Facility (mini-storage): A facility including buildings and/or structures containing spaces of varying sizes leased or rented on an individual basis and used exclusively for the storage of excess property and outdoor storage of vehicles and boats.

Service Station, Automobile/Truck: A retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products and automobile accessories, and for the lubrication and minor repairs of automotive vehicles, but not including tire recapping, engine overhaul, or body and fender work.

Sewage Sludge: The concentrated deposit, sediment, or mass resulting from the treatment of sewage, including materials pumped from cesspools, septic tanks, sewage holding tanks and drywells.

Shopping centers: Two or more individual stores, in the same building or attached buildings, with an area greater than 25,000 gross sq. ft.

Sign: Any visual communication device, structure or fixture which is visible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building using graphics, letters, figures, symbols, trademarks or written copies. Painted wall designs or patterns, which do not represent a product, service or registered trademark or which do not identify the user, shall not be considered signs. If a design or pattern is combined with a sign, only that part of the design

or pattern which cannot be distinguished from the sign will be considered as part of the sign. This definition does not include billboards or video boards.

Site Development Plan: A plan drawn to scale for 1 or more lots, parcels or tracts on which is shown the existing and proposed conditions of the lot, tract or parcel. Such plan(s) shall be drawn per specifications identified in this Code or by administrative policy.

Solid Waste: All putrescible and nonputrescible solid and semisolid material, including, but not limited to, garbage, refuse, bulky wastes, inert waste, agricultural solid waste, sewage sludge, and demolition and construction wastes.

Small Cell Facility: Small Cell Facilities are defined and regulated under the Wireless Facilities Chapter 14.822.

Small Tract Agricultural Weddings/Social Events: Those uses, other than the primary residence on actively farmed property, that are accessory to the sale of agricultural products produced on the premises. Including, but not limited to, weddings, receptions, graduations, corporate gatherings and private personal celebrations. These accessory event activities/uses typically include music, event catering, off-street parking and appropriate ingress/egress. This definition does not include retail sales, concerts and amphitheaters, rodeos, circuses or other similar public events.

Solid Waste Recycling/Transfer Site: A municipally or privately owned and/or operated area with a structure or vehicle, the main purpose of which is to hold solid waste or recyclable materials, prior to transport to a central disposal or collection location. Recycling sites are allowed only in conjunction with solid waste transfer and disposal sites and shall limit recyclables only to ferrous metals, aluminum, glass, plastics, paper, and other reusable items. The solid waste recycling/transfer site is not a sanitary landfill, garbage, and refuse dump, or recycling plant.

Specified Anatomical Areas: Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered. This definition shall also include human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Spectator Sports Facility: Use in which athletic or other events are provided for spectators either in or out of doors. Examples include but are not limited to baseball stadiums, football stadiums, racetracks, and arenas.

Stormwater Drainage Facility: Constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, evaporate, divert, treat or filter stormwater. Stormwater facilities include, but are not limited to, pipes, ditches, culverts, street gutters, detention ponds, retention ponds, evaporation ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and swales.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of a topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Stealth: Any Wireless Communication Antenna Array or Wireless Communication Support Tower, which is designed to blend into the surrounding environment. Examples of stealth may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas

integrated into architectural elements, and wireless communication support towers designed to look like trees, clock towers, bell steeples, light poles or flag poles.

Street, Public (Private): A public or private thoroughfare which affords primary means of access to abutting property and whose legal description of is recorded with the County Auditor. A recorded private thoroughfare may be a recorded easement for ingress or egress or a platted street designed as a private thoroughfare for access of abutting property but for which the County assumes no responsibility or ownership and is available for use to the abutting property owners only. The private road easements and road maintenance agreements shall meet the requirements of the adopted public or private road standards for Spokane County, as amended. The private road easements and associated maintenance agreement shall be recorded with the County Auditor prior to final subdivision or segregation by Certificate of Exemption.

Street, Flanking: One of the two streets abutting a corner lot that is not parallel with the lot front line.

Street, Local Access: Street classification per the Spokane County Road Standards.

Structure: Any object constructed or erected which requires location on or in the ground or is attached to something having a location on the ground (including towers, smokestacks, overhead transmission lines, captive balloons, etc.) but not including fences, retaining walls, signs or walls used as fences less than 6 feet in height. Excluded from this definition are accessory storage structures for the sole purpose of the owner or occupant less than 120 square feet in area not specifically permitted or prohibited by this Title or written interpretation thereto. Also excluded are docks and piers, but which may still be governed by the County's Shoreline Program. (See also Wireless Communication Antenna Array and Wireless Communication Support Tower.)

Subarea: A designated geographical area of the County such as a neighborhood or larger area with common economic, social, physical or natural characteristics that has a distinct boundary defined by service area, road, topographic features, water courses or other political boundary or physical feature.

Subarea Plan: A plan for land use, transportation, and other issues as identified by participants in the planning process to guide the development and/or preservation of the subarea. A subarea plan may be more detailed and address issues not addressed in the Comprehensive Plan but should be consistent with the Comprehensive Plan per chapter 36.70A RCW.

Subdivision: Within this Code, includes both short subdivisions and long subdivisions defined within the Spokane County Subdivision Ordinance.

Support Structure(s): Posts or columns and their anchors and bolts that structurally support the sign attached to it.

Temporary Food Services Establishment: A food service establishment operating at a fixed location for not more than 21 consecutive days in conjunction with a single event. Event is defined as a celebration, fair, festival, or other special event generally recognized by the community and advertised as such. Examples are the Interstate Fair, Pig Out in the Park, or harvest festivals that are recognized and advertised in the community.

Temporary Growing Structures: Means a temporary growing structure with sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and used to provide plants with either frost protection or increased heat retention. Installation of other than listed portable mechanical equipment or listed, portable lighting fixtures is not allowed. Temporary structures are those that are erected for a period of less than 180 days within any twelve-month period.

Temporary Use: A use approved for location on a lot by the Division for a period not to exceed 6 months with the intent to discontinue such use after the time period expires.

Three-Sided Sign: A sign with 3 faces.



**Tire Salvage Yard:** Any area, lot, land, parcel, building, structure or part thereof where waste, discarded or salvaged tires are exchanged, handled, bought, sold, stored, chipped, shredded or dumped. Outdoor storage of up to 800 tires and the storage of up to 1800 tires inside an enclosed building or semi trailer, as an accessory use to a permitted business use, shall not be considered a tire salvage yard.

**Title Notice:** A document recorded with the County Auditor for the purpose of disclosure of important information, special conditions, restrictions, and/or circumstances that affect the property to a purchaser, lender, and others.

**Tower:** A structure not enclosed with exterior walls and which extends more than 75 feet above grade or which exceeds the maximum building height for the zone in which it is located. Public utility structures used for the distribution or transmission of electricity are excluded from this definition, but structures used for production of energy are included (e.g. wind tower). Structures less than the above-stated height standard shall be considered accessory structures. Does not include: Wireless Communication Antenna Array or Wireless Communication Support Tower.

**Tower, Private:** A structure less than 75 feet in height above grade used for two-way communication for hobby or emergency service purposes by private individuals. Does not include: Wireless Communication Antenna Array or Wireless Communication Support Tower.

**Two-Sided Sign:** A sign with 2 faces.



**Ultralight vehicle:** A vehicle that meets the following specifications:

1. Is used or intended to be used for manned operation in the air by a single occupant.
2. Is used or intended to be used for recreation or sport purposes only.
3. Does not have any U.S. or foreign airworthiness certificate.
4. If unpowered, weighs less than 155 pounds.
5. If powered:
  - a. Weighs less than 254 pounds empty weight, excluding floats and safety devices, which are intended for deployment in a potentially catastrophic situation.
  - b. Has a fuel capacity not exceeding 5 U.S. gallons.
  - c. Is not capable of more than 55 knots calibrated airspeed at full power in level flight.
  - d. Has a power-off stall speed that does not exceed 24 knots calibrated airspeed. (*Federal Aviation Administration, Title 14, Code of Federal Regulations, part 103.1*)

**Urban Growth Areas:** Areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature as defined in RCW 36.70A.030(18).

**Use:** The purpose for which land or building is arranged, designed, or intended, or for which either is or may be occupied or maintained.



**Utility Runway:** A runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds, maximum gross weight, and less.

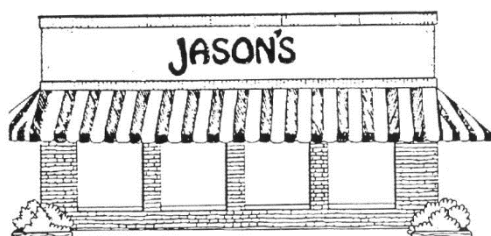
**Variance:** The means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located.

**Vehicle:** An item which is designed to transport objects, merchandise, other articles, or persons from one point to another whether the item (vehicle) is operable or inoperable. Does not include manufactured or mobile homes.

**Video Board:** A large format display showing active or moving or animated images over most or all of the display surface and which has advertising images that are discernible from a moving vehicle on a public right of way.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures, with no "straight-in" instrument approach procedure as defined by the Federal Aviation Administration and no instrument designation indicated on an approved planning document.

**Wall Sign:** A non-paper sign attached or erected parallel to and extending not more than 15 inches from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.



**Wireless Communication Antenna Array:** Consists of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish). A wireless communication antenna array shall be considered an accessory use, provided they are located upon an existing structure (does not include tower or tower, private).

**Wireless Communication Support Tower:** A structure designed specifically to support a wireless communication antenna array, and may include a guyed tower, self-supporting tower, a single pole structure (or monopole), lattice tower, and other similar structures (does not include tower or tower, private).

**Xeriscaping:** A patented name for water conservation through creative landscaping, which includes appropriate planting and design, soil improvement, efficient irrigation, drought resistant turf, appropriate plant selection, use of mulches, and maintenance.

**Yard:** An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Code.

Yards, Types and Measurements:

1. Front Yard - An area extending across the full width of a lot and lying between the lot front line and that portion of a proposed or existing building or structure on the lot closest to the lot front line, or between the lot front line and the required front yard depth in each classification when no building or structure exists or is proposed. The front yard is generally recognized by location of the main entrance to the building and/or orientation to the primary street. "Front yards" shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line. Any lot extending between 2 nonintersecting streets shall be deemed to have front yards on both streets regardless of building orientation.
2. Rear Yard - An area extending across the full width of the lot and lying between the lot rear line and that portion of a proposed or existing building or structure closest to the lot rear line, or between the lot rear line and the required rear yard depth in each classification when no building or structure exists or is proposed. "Rear yards" shall be measured by a line at right angles to the lot rear line, or by the radial line or radial line extended in the case of a curved lot area line.
3. Side Yard - That area of a lot, unoccupied, which is neither a front yard, a rear yard or a flanking street yard.
4. Flanking Street Yard - Unoccupied area of a lot which is conterminous with a flanking street, bounded by the front yard and rear yard and the flanking street yard depth.

Youth Camp: The use of a site for indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

Zone: A portion of Spokane County designated on the official zoning map and established for the purpose of promoting orderly and efficient development of land compatible with surrounding areas and the Comprehensive Plan.

Zoning Code: Zoning Code of the County of Spokane, Washington.

Zoological Park: Any facility other than a pet shop, circus, or kennel displaying, exhibiting or keeping (one or more) species of animals. Domestic pet shows or farm displays of domestic animals are excluded from this definition.

**Spokane County Zoning Code**

**Chapter 14.400  
General Procedures**

## Chapter 14.402 Amendments

### **14.402.000 Purpose and Intent**

The purpose and intent of this chapter is to provide procedures whereby the Zoning Code (Title 14), including the official text and maps, may be amended consistent with the Comprehensive Plan.

### **14.402.040 Criteria for Amendment**

The County may amend the Zoning Code when one of the following is found to apply:

1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to the public welfare.
2. A change in economic, technological, or land use conditions has occurred to warrant modification of the Zoning Code.
3. An amendment is necessary to correct an error in the Zoning Code.
4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.
5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.
6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

### **14.402.060 Amendment Procedures – Zoning Map, Site-Specific Zone Reclassification**

1. Applicability:  
The procedures in this section shall apply to zoning map amendments consisting of a site-specific zone reclassification involving a specific parcel(s), and to change of conditions to a site specific zone reclassification. This section does not apply to zoning map amendments that implement a subarea or neighborhood plan.
2. Initiation:  
Site-specific zone reclassifications may be initiated by the owner(s) of the subject parcel(s), subject to such application fees as set by the Board.
3. Procedures:  
A site-specific zone reclassification is subject to the procedural requirements for a Type II project permit application as set forth in Title 13 (Application Review Procedures) of the Spokane County Code. A Type II permit requires a public hearing before the Hearing Examiner.
4. Limitations:  
No application for a site-specific zone reclassification or change of conditions that has been acted upon by the Hearing Examiner or Board shall be accepted for a similar reclassification or change of conditions for a period of 12 months from the final decision "Similar reclassification" for the purpose of this section is a site-specific zone reclassification for substantially the same land area, zone, land use and intensity of development as previously applied for. "Similar change of conditions" for the purpose of this section is a change of conditions for substantially the same alteration or addition to a condition of approval or site plan approved for a site-specific zone reclassification. The Director shall make the determination of similar reclassification or change of conditions as an administrative determination.
5. Criteria for approval  
A site-specific zone reclassification may be approved when all of the following criteria are met.
  - a. The zone reclassification bears a substantial relationship to the public health, safety, or welfare.
  - b. The zone reclassification implements the Comprehensive Plan, or a substantial change in circumstances has occurred since the subject parcel was last zoned.

**14.402.080      Amendment Procedures – Zoning Text****1. Initiation of the Amendment:**

- a. The Board or Department of Building and Planning may initiate an amendment to the text of the Zoning Code.
- b. An interested party may request that the Board initiate a zoning text amendment by submitting a request to the Department which will then be forwarded to the Board for consideration. A request to initiate an amendment is subject to a nonrefundable review fee. If initiated by the Board the request will be processed by the Department subject to formal application and applicable fees.

**2. Building and Planning Department Review:**

Upon receipt of an amendment proposal, the Department shall process the proposal as follows.

- a. Notice shall be provided to the Washington State Department of Commerce of its intent to adopt development regulations. The notice shall be provided at least 60 days prior to final adoption and shall include a copy of the proposed regulation (RCW 36.70A.106).
- b. The text amendments shall be reviewed for consistency with the criteria in section 14.402.040. Once the review is complete, the proposed amendment shall be placed on the earliest available meeting agenda of the Commission. The Department shall forward a staff report to the Commission. The staff report may include alternatives other than those proposed by the applicant.

**3. Planning Commission Review and Recommendation:**

- a. Upon receipt of the proposed amendment, the Commission may choose to hold public workshops with the initiator to discuss, refine, or modify the original proposal.
- b. The Commission shall schedule and conduct a public hearing to consider the amendment and any appropriate alternatives.
- c. Subsequent to completion of the hearing and deliberations, the Commission shall make a recommendation on the proposal that may include approval, denial, or modification of the proposed amendment. The Department shall subsequently submit to the Board a copy of the proposed amendment, a staff report, and the recommendation of the Commission.

**4. Board of County Commissioners Review and Decision:**

- a. Upon receipt of the Planning Commission's recommendation, the Board shall, at its next available regular meeting, set the date for a public meeting to consider the proposed amendment.
- b. At the established public meeting the Board may do one of the following.
  - i. Adopt, make minor modifications, remand or deny the proposed recommendation.
  - ii Establish a date for a public hearing by the Board to consider the proposed amendment
- c. Should the Board hold a public hearing on the amendment, they may then subsequently adopt, make minor modifications, remand or deny the proposed recommendation. Written findings of fact shall accompany the Board's decision.
- d. Should the Board change a recommendation from the Commission, the Board shall hold a public hearing on the change.
- e. When it initiates a zoning text amendment, the Board shall first refer the proposed amendment to the Department and Commission for report.
- f. The Department and the Commission shall provide a report on their analysis of the proposed amendment, including whether the change appears to be consistent with the Comprehensive Plan.
- g. Any report or recommendation by the Department or Commission shall be advisory only and the final determination shall rest with the Board.
- h. A notice of adoption and time frame for appeal shall be published by the Board after adoption of a proposed amendment pursuant to RCW 36.70A.290. The decision shall be forwarded to the Washington State Department of Commerce pursuant to RCW 36.70A.106.

5. Public Notice for Zoning Text Amendments:

Notice of the date, time, place, and purpose of a public hearing on an amendment to the zoning text shall be given by one publication in Spokane County's official newspaper at least 15 days before the hearing and shall include other forms of notification consistent with Spokane County's Public Participation Guidelines.

6. Appeal of a Zoning Text Amendment:

- a. The action of the Board on a zoning text amendment shall be final and conclusive, unless appealed to the Growth Management Hearing Board pursuant to chapter 36.70A RCW. A person with standing pursuant to RCW 36.70A.280 may file a petition within 60 days after publication of the notice of adoption.
- b. Growth Management Hearing Board actions may be appealed to Superior Court as provided by law.

**14.402.100 Amendment Procedures – Comprehensive Plan/Zoning Map and Comprehensive Plan Text Amendments**

1. Applicability:

This section shall apply to Comprehensive Plan and concurrent zoning map, and/or Comprehensive Plan text amendments. Comprehensive Plan amendments may only be considered once a year (annual amendments) except amendments under the circumstances listed in 4 below may be considered outside of the annual amendment process. Any changes to land use designations made in the Comprehensive Plan will be reflected in concurrent changes to the zoning map so that the zoning implements the Comprehensive Plan. Such zoning map changes will generally become effective upon adoption by the Board of the Comprehensive Plan changes except that reclassification to the Mineral Lands Zone will not become effective upon adoption of Comprehensive Plan changes and shall require subsequent amendment to the zoning map pursuant to Section 14.402.060.

2. Initiation of Annual Comprehensive Plan Amendment by the Board, Department or Commission.

The Board, at its discretion, may initiate annual Comprehensive Plan amendments by resolution, including consideration of requests from the Director or Commission. Requests from individuals shall be subject to requirements under 14.402.100(3) below.

3. Individual Requests for Initiation of Annual Comprehensive Plan Amendment

Individuals may request initiation of an annual Comprehensive Plan Amendment as follows:

- a. The individual shall submit a "Request for Initiation of a Comprehensive Plan Amendment" subject to a nonrefundable review fee as determined by the Board. The request shall be submitted between November 1<sup>st</sup> and December 20<sup>th</sup> or the end of the last business day prior to December 20<sup>th</sup>, for amendments to be considered in the following year.
- b. Upon receipt of the initiation requests, the Department shall conduct a preliminary review of the proposal(s). The preliminary review shall then be forwarded to the Board for consideration in January or as soon as possible thereafter. After consideration by the Board, they may either deny the request or approve the request for consideration in the annual amendment cycle. If the request is denied there will no further consideration of the request during the amendment cycle. Requests that are approved for further consideration may proceed to the application phase of the process. The Board shall provide their decision by resolution which shall be forwarded to the Department.
- c. The Board shall have full sole authority in the determination of initiation and further review of Comprehensive Plan amendment requests.

4. The Board may initiate Comprehensive Plan amendments outside the annual amendment cycle under the following circumstances:
  - a. The initial adoption of a subarea plan.
  - b. The adoption or amendment of a shoreline program.
  - c. The amendment of a capital facilities element of the Comprehensive Plan that occurs concurrently with the adoption or amendment of a county budget.
  - d. To resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.
  - e. Whenever an emergency exists (RCW36.70A.130). Emergencies must be based on findings that show that the amendment was needed to deal with an emergency affecting a neighborhood, community or the County and not a personal emergency of an applicant or property owner. Before it considers whether to allow an emergency amendment, the Board must approve written findings that document the nature of the emergency.
5. Building and Planning Department Review:  
 Upon receipt of the Board's resolution to initiate annual Comprehensive Plan amendments, the Department shall proceed as follows.
  - a. For annual amendments the Department shall notify the individuals that their request has been approved for further review and that they will have one month from the notification date to submit a formal application with the required fees. Applications submitted after that date shall be moved to the following year for consideration.
  - b. Upon receipt of an application for an annual amendment the Department shall consider the need for additional studies based on scoping with other agencies of jurisdiction. Additional studies may be required for the application to be considered complete. Any additional required studies shall be completed by May 31<sup>st</sup> for the application to be considered in that calendar year. Applications which are not considered complete by May 31<sup>st</sup> shall be moved to the following year for consideration.
  - c. The Department shall analyze proposed amendments for cumulative impacts to services and facilities and for consistency with Comprehensive Plan policies and the criteria in section 14.402.040 of the Zoning Code. The Department additionally will evaluate amendments for consistency internally, with the plans of other jurisdictions and with development regulations.
  - d. The Department shall prepare a staff report for the Commission and place consideration of the proposed amendment on the earliest available meeting agenda of the Commission. The staff report may include alternatives other than those proposed by the applicant.
  - e. The Department shall provide a notice to the Washington State Department of Commerce of its intent to adopt amendments to the Comprehensive Plan and/or development regulations. The notice shall be provided at least 60 days prior to final adoption and shall include a copy of the proposal(s) (RCW 36.70A.106).
6. Planning Commission Review and Recommendation:
  - a. Upon receipt of a proposed amendment, the Commission may choose to hold public meetings or workshops to discuss, clarify, modify, or revise the submittal and include any of their changes as alternatives in the public hearing.
  - b. The Commission shall schedule and conduct a public hearing to consider the amendment(s) and any appropriate alternatives. The public hearing for annual amendments should be held no later than September to allow adequate time for the Board to consider the amendment(s) within the calendar year.
  - c. After completion of the hearing and deliberations, the Commission shall make a recommendation that may include approval, denial, or modification of the proposed amendment. The Department shall subsequently submit to the Board a copy of the proposed amendment, a staff report, and the recommendation of the Commission.

7. Board of County Commissioners Review and Decision:

- a. Upon receipt of the Planning Commission's recommendation, the Board shall, at its next available regular meeting, set the date for a public meeting to consider the proposed amendment and the Planning Commission's recommendation.
- b. At the established public meeting, the Board may do one of the following.
  - i. Adopt, make minor modifications, remand or deny the proposed recommendation.
  - ii. Establish a date for a public hearing by the Board to consider the proposed amendment.
- c. Should the Board hold a public hearing on the amendment, it may then subsequently adopt, make minor modification, remand or deny the proposed recommendation. Written findings of fact shall accompany the Board's decision.
- d. Should the Board change a recommendation from the Commission, the Board shall hold a public hearing on the change.
- e. A notice of adoption and time frame for appeal shall be published by the Board after the decision, pursuant to RCW 36.70A.290. The decision shall be forwarded to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.

8. Public Notice:

Notice of the date, time, place and purpose of public hearings on an amendment to the zoning map initiated pursuant to this section (sub-area plan, neighborhood plan, or the Comprehensive Plan and its amendments) shall be given by the following.

- a. One publication in Spokane County's official newspaper at least 15 days prior to the hearing.
- b. Notice shall also be provided by at least one or more of the following.
  - i. A notice shall be sent by bulk mail at least 15 days prior to the public hearing to those property owners of parcels within the zone reclassification area. Property owner's complete mailing addresses shall be those obtained from the Assessor's/Treasurer's current record no more than 60 days prior to the public hearing.
  - ii. Notice methods consistent with the Public Participation Program Guidelines as determined by the Board.
- c. Notice under this section shall be deemed adequate when Spokane County has endeavored in good faith to identify and mail a notice to each property owner having a complete mailing address shown on the records described above. The failure of any person to actually receive a mailed notice shall not invalidate any zone reclassification action.

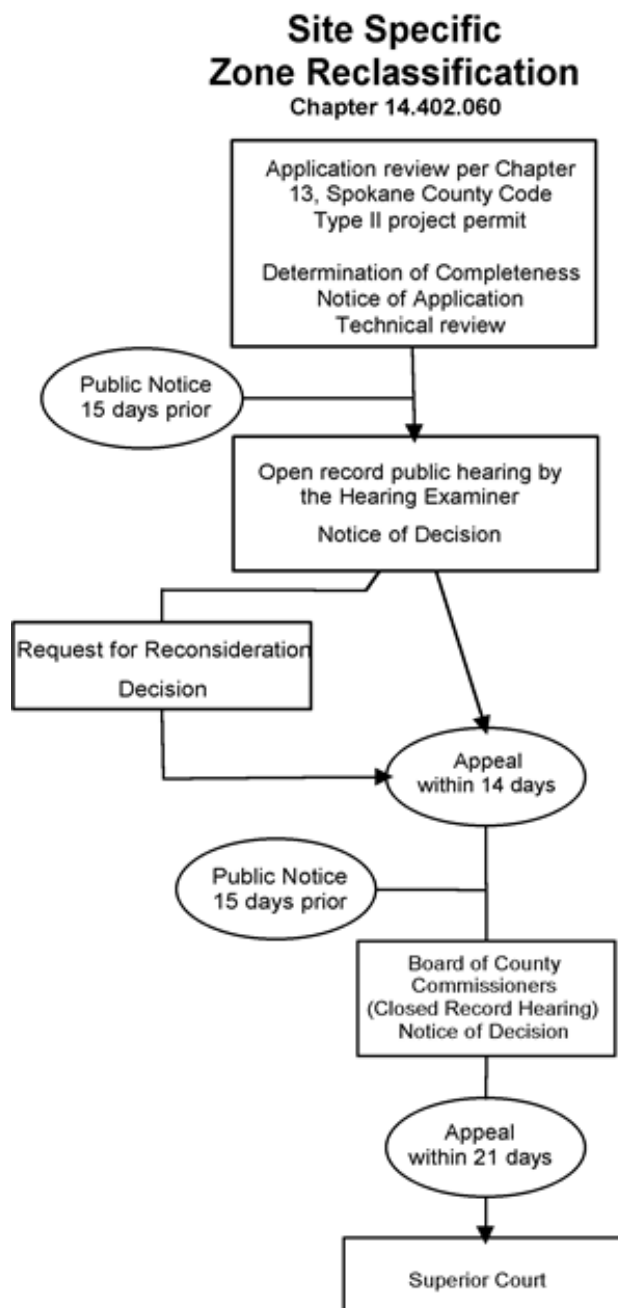
9. Appeal of an Amendment:

- a. The action of the Board on an amendment under this section shall be final and conclusive unless appealed to the Growth Management Hearing Board, pursuant to chapter 36.70A RCW. A person with standing pursuant to 36.70A.280 may file a petition within 60 calendar days after publication of the notice of adoption.
- b. Growth Management Hearing Board actions may be appealed to Superior Court as provided by law.

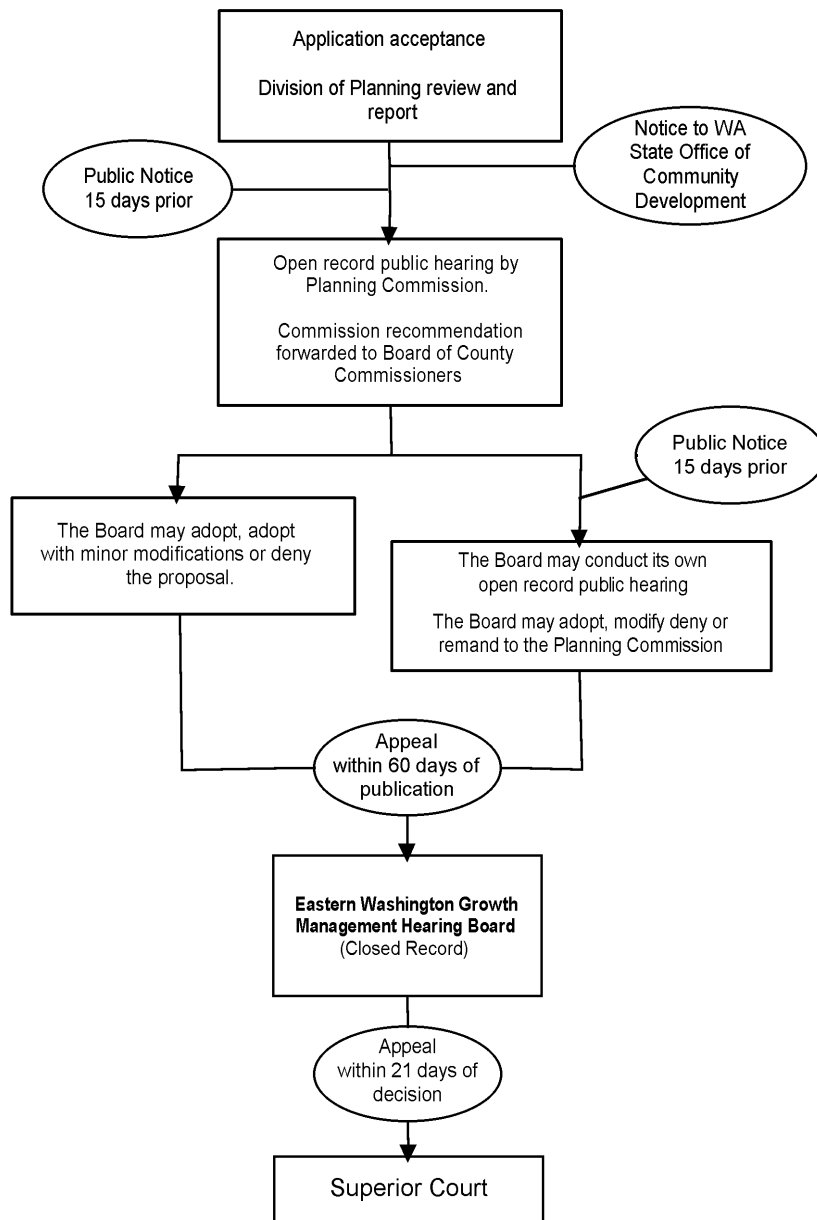


**14.402.140 Flow Charts for Project Approvals**

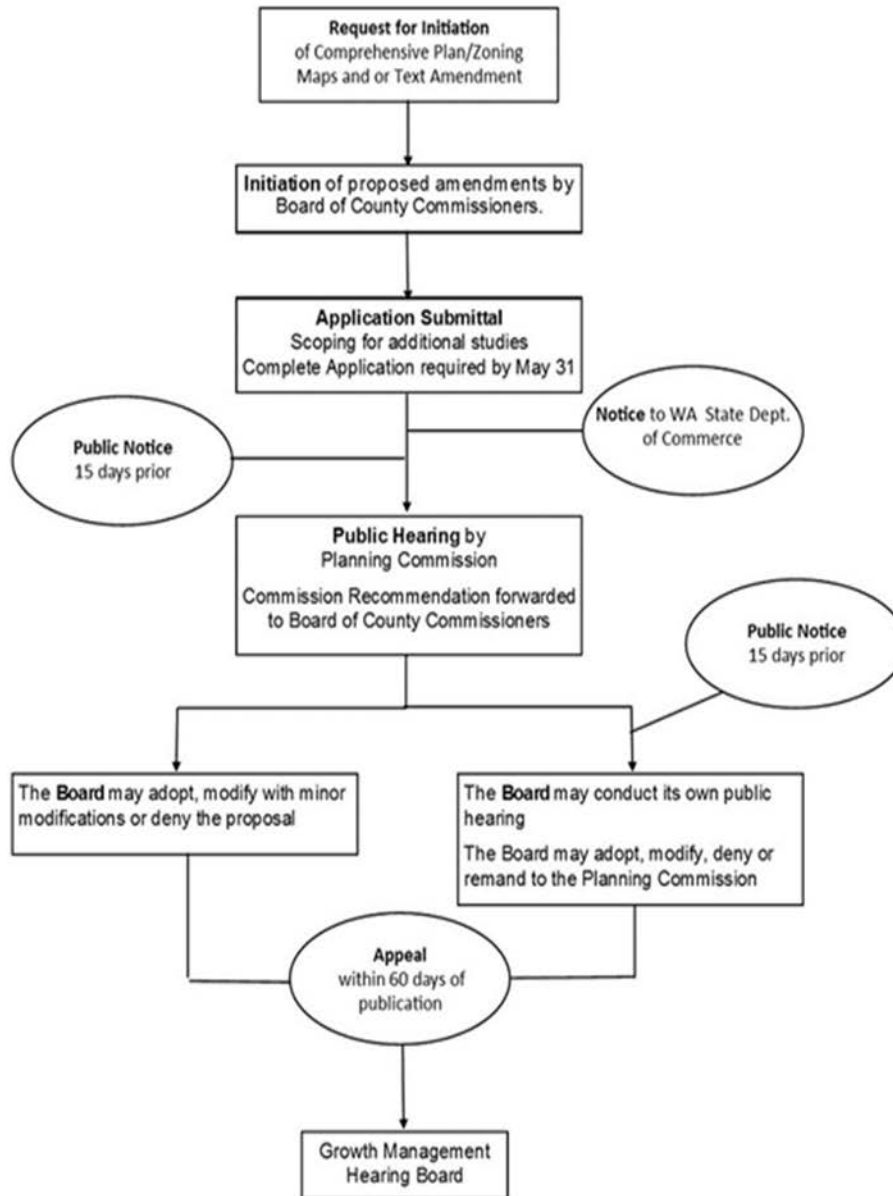
The following illustrations provide generalized flow charts of the 3 types of Zoning Code amendments. They are intended to show the various elements of an amendment in a visual format and are for illustrative purposes only. The flow chart may be modified administratively to reflect changes in official regulations without being subject to the procedures of 14.402.080. Please consult the Zoning Code text or other regulations as may apply for detailed procedural requirements.



## Zoning Text Amendment Chapter 14.402.080



**Comprehensive Plan/Zoning Map Amendments**  
**Comprehensive Plan Text Amendments**  
 Chapter 14.402.100



## **Chapter 14.404**

### **Conditional Use Permits**

#### **14.404.000 Purpose and Intent**

The intent of a conditional use permit is to establish criteria for determining the conditions under which a conditional use(s) may be permitted in the zone. A conditional use is subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses in the area and the public welfare. A request for a conditional use may be denied if the use is not compatible with other permitted uses in the area or will be materially detrimental to the public welfare.

#### **14.404.020 Application**

An application for a conditional use permit may be filed by the owner(s) of the subject property subject to such application fees as may be set by the Board.

#### **14.404.040 Procedures**

Conditional use permits are subject to the requirements for a Type II project permit application as set forth in Title 13 (Application Review Procedures) of the Spokane County Code. A Type II permit requires a public hearing before the Hearing Examiner.

#### **14.404.100 Conditions and Requirements**

1. The Hearing Examiner may approve an application for a conditional use permit if all the following criteria are met.
  - a. The special standards set forth for the conditional use in the underlying zone of the Zoning Code are met.
  - b. Adequate conditions and restrictions on the conditional use are adopted to ensure that the conditional use will be compatible with other permitted uses in the area, and will not be materially detrimental to the public health, safety or general welfare.
2. In approving a conditional use permit, the Hearing Examiner may stipulate restrictions and conditions, including but not limited to any of the following provisions.
  - a. Control of use.
  - b. Provision for front, side, or rear setbacks greater than the minimum standards of the zone in which the property is located.
  - c. Special landscaping, screening, fencing, signing, off-street parking, public transit and/or high occupancy vehicle facilities or any other general development standards.
  - d. Requirements for street dedications and/or roadway and drainage improvements necessary as a result of the proposed use.
  - e. Control of points of vehicular ingress and egress.
  - f. Control of noise, vibration, odor, glare, and other environmental contaminants.
  - g. Control of operating hours.
  - h. Duration or time limitations for certain activities.
  - i. Any other reasonable restrictions, conditions, or safeguards that will uphold the purpose and intent of the Zoning Code and the Comprehensive Plan and mitigate any adverse impact upon the adjacent properties by reason of the use, extension, construction, or alteration allowed.

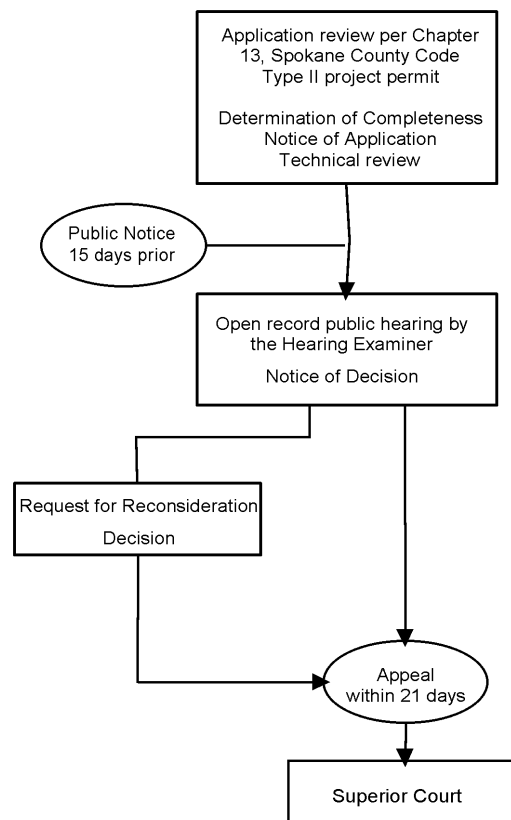
#### **14.404.120 Revocation of a Conditional Use Permit**

A conditional use permit may be suspended or revoked if, after a public hearing with notice as provided for a Type II project permit under Title 13 of the Spokane County Code, the Hearing Examiner finds that a grantee or their successors in interest failed to comply with conditions or restrictions included in the permit.

**14.404.140 Flow Chart for Project Approvals**

The following illustration provides a generalized flow chart of the conditional use permit process. It is intended to show the various elements of a conditional use permit in a visual format and is for illustrative purposes only. The flow chart may be modified administratively to reflect changes in official regulations without being subject to the procedures of 14.402.080. Please consult the Zoning Code text or other regulations as may apply for detailed procedural requirements.

### Conditional Use Permit Chapter 14.404



## **Chapter 14.406**

### **Variance**

#### **14.406.000 Purpose and Intent**

In some cases, strict application of the provisions of the Zoning Code may cause practical difficulties regarding the use of a property. Following demonstration by the property owner of the criteria for approval below, the Hearing Examiner may grant a variance from the provisions of the Zoning Code.

#### **14.406.020 Application**

An application for a variance may be filed by the owner(s) of the subject property subject to application fees as may be set by the Board.

#### **14.406.040 Procedures**

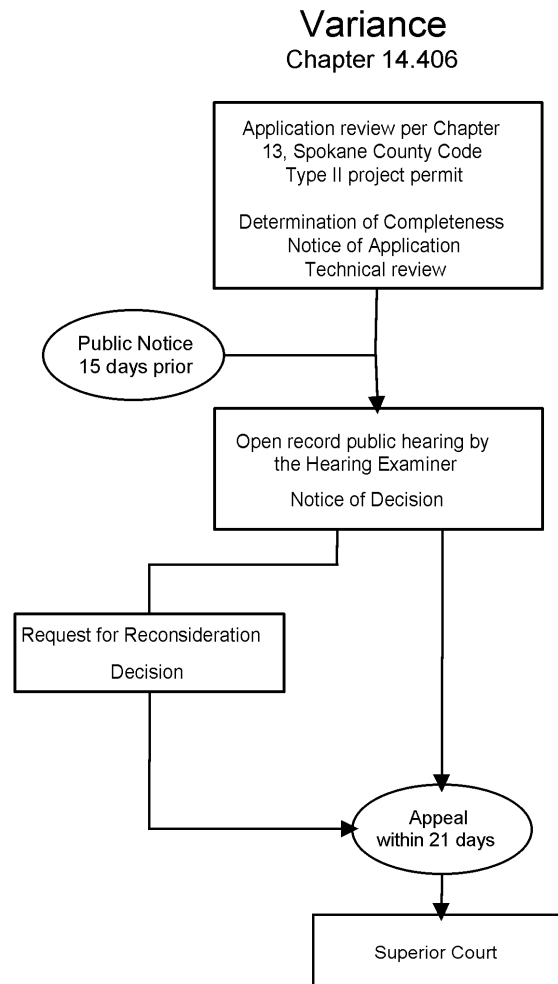
A variance is subject to the requirements for a Type II project permit application as set forth in Title 13 (Application Review Procedures) of the Spokane County Code. A Type II permit requires a public hearing before the Hearing Examiner.

#### **14.406.100 Conditions and Requirements**

1. The Hearing Examiner may approve an application for a variance if all the following criteria are met.
  - a. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code deprives the property of rights and privileges enjoyed by other properties in the vicinity and under the same zone classification.
  - b. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
  - c. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
  - d. The granting of the variance is consistent with the Comprehensive Plan.
2. The approval of a variance should not:
  - a. Be based upon the precedent established by illegal or nonconforming circumstances.
  - b. Establish a precedent that will adversely affect the zoning concept for the land in the area or the County as a whole.
  - c. Be based upon a lack of reasonable economic return or a claim that the existing structure is too small.
  - d. Result in a de facto zone reclassification.
  - e. Permit the establishment of a use otherwise prohibited in the zone in which the property is located.
3. The Hearing Examiner may attach conditions to the variance necessary to carry out the intent and purpose of the Zoning Code and Comprehensive Plan, and to ensure that the variance will be compatible with other permitted uses in the area, and will not be materially detrimental to the public health, safety or welfare.

**14.406.140 Flow Chart for Project Approvals**

The following illustration provides a generalized flow chart of the variance process including appeal. It is intended to show the various elements of a variance permit in a visual format and is for illustrative purposes only. The flow chart may be modified administratively to reflect changes in official regulations without being subject to the procedures of 14.402.080. Please consult the Zoning Code text or other regulations as may apply for detailed procedural requirements.



## **Chapter 14.408 Enforcement**

### **14.408.000 Purpose and Intent**

It is the intent of this chapter to provide authority for, and the procedures to be used in, enforcing the provisions of the Zoning Code to the end of furthering the purposes and objectives thereof.

### **14.408.020 Enforcement**

1. It shall be the duty of the Planning Director, except as otherwise provided herein, to interpret and enforce the provisions of the Zoning Code and conditions of approval imposed by actions of the Board of County Commissioners, Hearing Body and/or Department of Building and Planning.
2. It shall be the duty of the Building Official to enforce the provisions of the Zoning Code or conditions of approval imposed by actions of the Board or the Hearing Body as they only pertain to the licenses or permits issued or required by the Department of Building and Code Enforcement.
3. The procedures set forth in this chapter are not exclusive. These procedures shall not in any manner limit or restrict the County from remedying violations or abating violations in any manner authorized by law.

### **14.408.040 Violation, A Misdemeanor/Civil Violation**

1. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of the Zoning Code or conditions of approval imposed by actions of the Board, Hearing Body or the Enforcement Authority shall be guilty of a misdemeanor and shall be punished by imprisonment in the County Jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. Each day that a violation is permitted to exist shall constitute a separate offense.
2. As an alternative to the above, as determined by the Enforcement Authority, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of the Zoning Code or conditions of approval imposed by actions of the Board, Hearing Body or the Enforcement Authority shall be deemed to have committed a civil violation subject to the monetary penalties set forth in section 14.408.140. Each day that a violation is permitted to exist shall constitute a separate civil violation.

### **14.408.060 Civil Investigation Procedures**

1. The Enforcement Authority may initiate an investigation of a zoning code violation in response to a signed written complaint, field observations by a public agency employee in the course of his/her official duties, or other reliable information. Written complaints may be subject to disclosure pursuant to the State Public Disclosure Law.
2. The following procedures shall apply to an investigation of a zoning code violation:
  - a. A physical inspection of the property and/or circumstances identified in the complaint or referral shall be conducted. The physical inspection must comply with legal right of entry requirements, as established by state and constitutional law.
  - b. The Enforcement Authority shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and applicable County codes, whether a violation has occurred.
  - c. When a violation has been confirmed, a Notice of Investigation shall be mailed to the property owner of record and/or those person(s) who are creating or contributing to the violation. The notice shall contain those items specified in section 14.408.070.



**14.408.070 Notice of Investigation - Determination of a Civil Violation**

A Notice of Investigation represents a determination by the Enforcement Authority that a civil violation has been committed. The Notice of Investigation shall include the following:

1. A statement that the Notice of Investigation represents a determination by the Enforcement Authority that the person named in the notice has committed a civil violation.
2. A statement of the options provided in this chapter for responding to the Notice of Investigation and the procedures necessary to exercise these options.
  - a. A statement that the person must respond to the Notice of Investigation and show proof of compliance as provided for in this chapter within 14 days.
  - b. A statement that failure to respond to a Notice of Investigation and show proof of compliance may result in a civil violation.
  - c. A statement that a civil violation is a non-criminal offense and a violation thereof is not subject to imprisonment.
  - d. A statement of the specific civil violation for which the Notice of Investigation is being issued.
  - e. A statement of the monetary penalty established for the civil violation.

**14.408.080 Civil Notice of Violation Procedures**

1. The person(s) to whom a Notice of Investigation is sent, as set forth in section 14.408.060, shall have 14 days to respond or show proof of compliance. Proof of compliance includes, but is not limited to, entry into a Voluntary Compliance Agreement under section 14.408.100.
2. If proof of compliance is not received within the 14 day period, the Enforcement Authority may issue a Level I Notice of Violation and assess monetary penalties based on the schedule contained in section 14.408.140.
3. The Enforcement Authority may issue a Level II Notice of Violation and assess monetary penalties based on the schedule contained in section 14.408.140 if:
  - a. Neither a response nor proof of compliance was received within the 14 day period from the date of service of a Level I Notice of Violation; or
  - b. The terms of a Voluntary Compliance Agreement have been violated or have not been met; or
  - c. Repeat violations have occurred on the same property within an 18-month period of time.
4. For each day the violation continues to exist, after the date of service of a Level II Notice of Violation, cumulative civil penalties may be assessed under section 14.408.140.
5. The Notice of Violation shall contain:
  - a. The name and address of the owner of record and/or taxpayer or other person to whom the Notice of Violation is directed.
  - b. The street address, when available, or a legal description sufficient for identification of the building, structure, lot or land upon which the violation is occurring.
  - c. A statement that the Enforcement Authority has found that the building, structure, lot or land is being used or maintained in violation of the Zoning Code or any conditions of approval imposed by actions of the Board, Hearing Body or the Enforcement Authority and a concise description of the nature of such violation(s), including applicable Code sections.
  - d. The action required to be taken, as determined by the Enforcement Authority, and a date for correction, which shall be not less than 14 days from the date of service of the Notice of Violation, unless the Enforcement Authority has determined a violation to be immediately hazardous to the general public health or safety in which instance a time frame for correction less than 14 days may be imposed.
  - e. A statement of the civil monetary penalties imposed for failure to correct the violation(s) within the specified time frame.
  - f. A statement that the Enforcement Authority's determination of violation may be appealed to the County Hearing Examiner by filing a Notice of Appeal with the Enforcement Authority within 14 days after service of the Notice of Violation.

6. A copy of the Notice of Violation shall be served upon the person(s) to whom it is directed, either personally or in the manner provided for personal service of notices or complaints in District Court, or by mailing a copy of the Notice of Violation by certified mail, postage prepaid, return receipt requested, to such person at the person's last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person affecting service, declaring time, date and manner by which service was made.
7. The Enforcement Authority for good cause shown may extend the date for correction in the Notice of Violation, provided that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.
8. A copy of all Notices of Violation may be sent to other agencies if the violation may also be a violation of other agencies' regulations.
9. The Enforcement Authority may withdraw or modify a Notice of Violation issued under this chapter if the original Notice of Violation was issued in error. Such withdrawal or modification shall identify the reasons and underlying facts.
10. A Notice of Violation shall carry a monetary penalty determined with reference to the schedule contained in section 14.408.140. The payment of monetary penalty does not relieve a person(s) responsibility for correcting a violation.
11. The Enforcement Authority may dispense with some or all of the Civil Investigative Procedures and Notice of Investigation procedures and immediately issue a Level II Notice of Violation as set forth in 14.408.080(3), or a Level I or II Notice of Violation for those violations determined to be immediately hazardous to the general public health or safety.
12. The procedures set forth in this section are not jurisdictional and failure to meet them in any particular case shall not affect the County's enforcement authority.
13. Complainants who provide a mailing address may request information regarding enforcement of a civil violation. The Enforcement Authority shall mail copies of all public records pertaining to the enforcement effort to the complainants that are subject to disclosure under the State Public Disclosure Law.

#### **14.408.100 Voluntary Compliance Agreement**

Whenever the Enforcement Authority determines that a code violation has occurred or is occurring, the Enforcement Authority shall make reasonable efforts to secure voluntary compliance from the person responsible for the violation. A Voluntary Compliance Agreement may be entered into any time after a Notice of Investigation has been sent to the violator.

The agreement shall include as a minimum the following:

1. The name and address of the person responsible for correction of the code violation.
2. The address or other identification of the location of the violation.
3. A description of the violation and a reference to the codes, ordinances, and regulations that have been violated.
4. A description of the necessary corrective action to be taken and the date or time by which compliance must be completed.
5. The amount of monetary penalties that will be imposed if the Voluntary Compliance Agreement is not satisfied.
6. An acknowledgement that if the Enforcement Authority determines that the terms of the Voluntary Compliance Agreement have not been met, it may impose any remedy, retroactive to the date the agreement was signed, as authorized by this chapter.

**14.408.120 Collection of Civil Violation Monetary Penalty**

1. The Enforcement Authority, on behalf of Spokane County, and/or the Prosecuting Attorney, is authorized to collect the monetary penalties by any and all appropriate legal means including, but not limited to, commencing appropriate legal proceedings in the Spokane County District Court Small Claims Department. No further action in an open meeting by the Board is necessary to authorize initiation of any legal action.
2. The monetary penalty is due and payable on the later of:
  - a. Fourteen days after the service of the Notice of Violation; or
  - b. Fourteen days after the service of the Notice of Decision on any appeals.
3. The assessment or payment of monetary penalties does not relieve a person(s) responsible for code compliance of his or her duty to correct the violation, nor does it prevent the assessment of additional monetary penalties so long as the violation continues to exist.

**14.408.140 Monetary Penalties**

1. Monetary penalties shall be assessed for each violation identified in a Notice of Violation pursuant to the following schedule:

Level I Notice of Violation	\$200
Level II Notice of Violation	\$500
<b>Additional penalties may be added in the following amounts for violations where there is:</b>	
Cumulative Monetary Penalties	+\$50 per day violation exists
Public health risk	+\$100 to \$500
Environmental damage	+\$100 to \$500
Damage to property	+\$100 to \$500
History of similar violations (less than three)	+\$200
History of similar violations (three or more)	+\$500

2. The Enforcement Authority may suspend monetary penalties if the person responsible for correcting the code violation has entered into a Voluntary Compliance Agreement. Penalties shall begin to accrue again pursuant to the terms of the Voluntary Compliance Agreement if any necessary permits applied for are denied, canceled or not pursued, or if corrective action identified in the Voluntary Compliance Agreement is not completed as specified.
3. Person(s) responsible for correcting a code violation(s) have a duty to notify the Enforcement Authority of any actions taken to achieve compliance with the Zoning Code. For purposes of assessing monetary penalties, a violation shall be considered ongoing until the person responsible for code compliance has come into compliance with County codes, regulations and ordinances.
4. Person(s) responsible for correcting code violation(s) that occur in critical areas, shoreline areas or other sensitive areas identified by the Spokane County's Critical Area Ordinance, Shoreline Master Program, other ordinances, or state law shall be required to restore damaged areas, insofar as that is possible and beneficial.

**14.408.150 Appeals**

The following apply to an appeal of a Civil Notice of Violation.

1. The issuance of a Notice of Violation shall be considered a final determination by the Enforcement Authority that the person(s) cited has committed a civil violation and is subject to the monetary penalties stated in the notice. The person cited may appeal such determination to the County Hearing Examiner by filing a notice of appeal with the Enforcement Authority within fourteen (14) days of service of one of the following:

- a. A Level I Notice of Violation; or
  - b. A Level II Notice of Violation, when issued as the first citation under section 14.408.080(3).
2. The notice of appeal shall be accompanied by a fee, as determined by the Board, to cover normal processing and legal advertising costs. The notice of appeal must contain all of the following information:
  - a. The appellant's name and address.
  - b. A daytime telephone number.
  - c. A copy of the Level I Notice of Violation, or Level II Notice of Violation being appealed.
  - d. A brief statement why the determination is being appealed.
  - e. A clear, separate, and concise statement of each error alleged to have been committed.
  - f. A clear and concise statement of the facts upon which the appellant relies to sustain the statement(s) of error.
  - g. A statement, signed by the appellant, attesting that the content of the appeal is true.
3. The Hearing Examiner shall hold a public hearing on any timely appeal. The appellant must appear and present his/her case at the public hearing. The burden of proof shall be borne by Spokane County in such proceeding. Notice of the public hearing shall be provided by the Enforcement Authority at least 15 days prior to the date of the public hearing, by the following means:
  - a. Sent by certified mail to the appellant.
  - b. Sent by regular mail to any interested person(s) who requested in writing notice of the appeal from the Enforcement Authority.
4. The Hearing Examiner shall enter a written decision supported by findings of fact and conclusions of law. The Hearing Examiner's decision on the appeal, or regarding any request for reconsideration, shall be mailed by certified mail to the applicant, and by first class mail to other parties of record.
5. The Hearing Examiner's decision on any appeal shall be final and conclusive, and given the effect of a final decision by the Board of County Commissioners on the violation, unless a party with standing files a land use petition in superior court within 21 days from the issuance of the Hearing Examiner's decision pursuant to chapter 36.70C RCW.
6. The appellant may request reconsideration of the Hearing Examiner's decision by filing a written request with the Hearing Examiner's Office no more than 10 days from the date of the Hearing Examiner's decision pursuant to chapter 36.70C RCW.
  - a. Filing a request for reconsideration modifies the time for filing an appeal as follows:
    - i. If the request is denied, the time from the date it is filed to the date the written denial is signed is not counted in the 21 days given to file an appeal.
    - ii. If the request is granted and upon reconsideration the operative portion of the decision is unchanged, the time from the date the request is filed to the date the written decision following the reconsideration is signed is not counted in the 21 days given to file an appeal.
    - iii. If the request is granted and upon reconsideration the operative portion of the decision is changed, the appeal period shall start anew from the date of the new written decision on the reconsideration is signed.
7. The Hearing Examiner's authority to reconsider a decision shall be limited to exceptional circumstances, such as correcting clerical errors, fraud, obvious ambiguity, or clear error of law or fact.

#### **14.408.160      Judicial Enforcement**

In addition to any other remedy provided for herein, the Prosecuting Attorney, on behalf of Spokane County, may seek enforcement of any provisions of the Zoning Code by filing an appropriate legal action.

## **Chapter 14.410 Building Permit Review**

### **14.410.000 Purpose and Intent**

The purpose of building permit review is to document compliance of the design of a project with all aspects of the Zoning Code and any conditions imposed by approving a zone change, variance, conditional use, division of land, binding site plan, or site development plan.

### **14.410.020 Criteria**

Before issuing a building permit, it must be demonstrated by the applicant that the proposal complies with the following:

1. The proposal conforms in all respects to the provisions of this Code, including the use provisions and development standards.
2. The proposal conforms in all respects to the provisions of any special conditions required by the Board, Hearing Body, and/or Department.

**Spokane County Zoning Code**

**Chapter 14.500  
Administrative Procedures**

## **Chapter 14.502 Administrative Procedures**

### **14.502.000 Purpose and Intent**

The intent of this chapter is to provide procedures for Administrative Determinations made by the Division of Building and Planning. These decisions include interpretation of the Zoning Code and various administrative permits or decisions as may be authorized.

### **14.502.020 Applicability**

Administrative determinations include decisions related to the following administrative actions:

- |   |                                       |
|---|---------------------------------------|
| a. Administrative Interpretation (14.504) | d. Administrative Exceptions (14.510) |
| b. Administrative Permits (14.506)        | e. Alternative Methods (14.512)       |
| c. Nonconforming Provisions (14.508)      | f. Urban Design (14.900)              |

### **14.502.040 Application Procedures**

1. Application Requirement:  
Requests for administrative determinations pursuant to this chapter shall be made on forms provided by the Division. Applications shall be subject to application fees as may be set by the Board.
2. Decision:  
Decisions by the Division should be made within 30 days of a receipt of a complete application and may include provisions to mitigate project impacts.
3. Notice of an Administrative Determination:
  - a. Notification of the Division of Building and Planning's administrative determination shall be provided by first class mail to adjacent property owners for actions under sections 14.504.200, and 14.504.300 (Administrative Interpretation), 14.506 (Administrative Permits), and 14.508 (Nonconforming Provisions). If the administrative determination is not related to a site-specific property, then a notice of decision shall be published in Spokane County's official newspaper. The notification shall include statements explaining the action taken and any aggrieved party's appeal process.
  - b. Notification of the Division of Building and Planning's administrative determination shall be provided by first class mail to property owners within 400 feet of the proposal for actions under section 14.504.400(2) (Administrative Interpretation). The notification shall include statements explaining the action taken and any aggrieved party's appeal process.
  - c. Determinations under section 14.504.400(1) (Administrative Interpretation), section 14.510 (Administrative Exceptions), and section 14.512 (Alternative Means of Compliance) and Chapter 14.900 (Urban Design) shall not require notification but shall be subject to appeal consistent with this chapter.

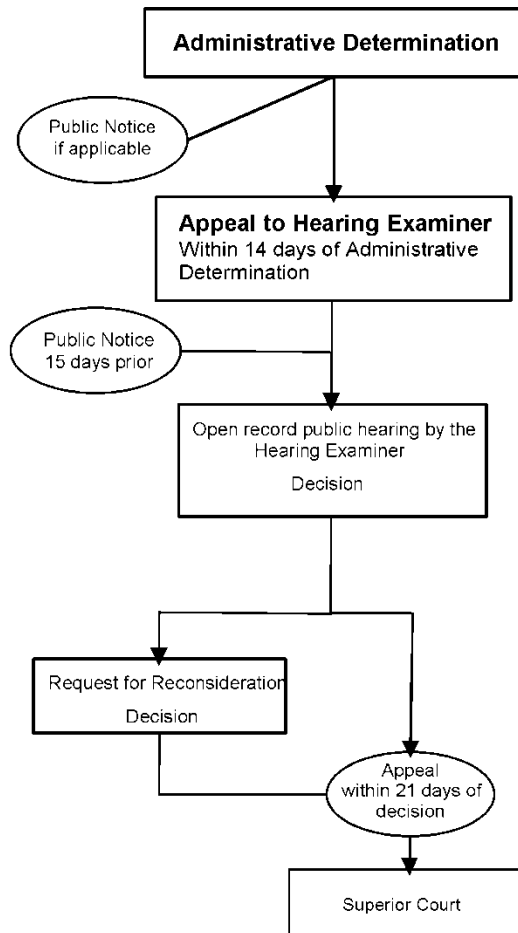
### **14.502.060 Appeal of an Administrative Determination**

Any appeal of an administrative determination must be filed with the Hearing Examiner within the limited timeframe consistent with the procedures required in Title 13.

**14.502.080 Flow Chart of Administrative Determination Process**

The following illustration provides a generalized flow chart for administrative determinations. The illustration is intended to show the process in an easy to follow visual format and is for illustrative purposes only. The flow chart may be modified administratively to reflect changes in official regulations without being subject to the procedures of 14.402.080. Please consult the Zoning Code text or other regulations as may apply for detailed procedural requirements. .

## Administrative Determinations Chapter 14.502





## **Chapter 14.504**

### **Administrative Interpretations**

#### **14.504.100      Applicability**

Requests for ruling and/or interpretation of the zoning text or zoning map shall be made to the Division of Building and Planning consistent with the procedures of Chapter 14.502.

#### **14.504.200      Interpretation of the Zoning Text**

1. Rulings and/or interpretations as to the meaning, intent, or proper general applications of the Zoning Code, and its impact to development and use of land or structures shall be made by the Director.
2. In interpreting and applying the provisions of this Chapter, the provisions of the Zoning Code shall be held as the minimum requirements necessary for the promotion of public health, safety, and general welfare.
3. The Division of Building and Planning shall maintain a public file of all written rulings and interpretations.

#### **14.504.300      Interpretation of the Zoning Map**

1. Rulings and/or interpretations of a zoning map with respect to the location of any boundary line or zoning classifications shall be made by the Director.
2. If applicable, the following guidelines shall be used in the interpretation of the zoning map.
  - a. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way.
  - b. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries.
  - c. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them.

#### **14.504.400      Interpretation of Zoning or Conditional Use Site Development Plans and/or Conditions**

1. The following alterations or additions to the approved site development plans for zone reclassifications or conditional use permits are deemed to be minor in nature and may be approved administratively by the Division. Changes may only be approved administratively if they do not have significant impacts to the surrounding area and do not significantly modify the adopted conditions of approval.
  - a. Additions to buildings, provided that the increase in floor area is less than ten percent (10%) of the total floor area of all buildings on the approved site development plan and the addition(s) does not exceed allowable densities of the underlying zone or requirements governing building coverage.
  - b. Minor adjustments to building or structure locations, provided that the density or intensity of use is not increased and does not significantly affect adjacent uses.
  - c. Changes in parking areas, provided that adopted regulations and conditions are met.
  - d. Modifications in landscape plans, provided that required percentages of landscaping or open space are not reduced below those prescribed in this Code or as approved by the Hearing Body.

2. The following alterations to conditions of approval for an approved site development plan are deemed minor in nature and may be approved administratively by the Division.
  - a. Alteration to a condition that is inconsistent with current practices and standards.
  - b. Alteration to a condition that is inconsistent with the current zoning designation.
  - c. Alteration to a condition that is no longer appropriate based on changed circumstances of the site or surrounding area.

In allowing an alteration of a condition of approval, the Director must find that the change does not have significant impacts to the surrounding area. If a condition of approval is altered to be consistent with an adopted standard, then it must be demonstrated that the adopted standard is at least equivalent to the condition of approval in terms of implementing the general purpose of the Zoning Code.

3. Changes to approved site development plans or conditions of approval other than those listed above will require a public hearing before the Hearing Examiner in accordance with the requirements of Title 13 (Application Review Procedures) of the Spokane County Code.

## Chapter 14.506 Administrative Permits

### **14.506.100      Applicability**

Administrative permits are required for certain uses allowed within this Code. Administrative permits shall be processed consistent with the application procedures of chapter 14.502, Administrative Procedures. Administrative permits include permits for temporary uses and/or other actions as may be specified within the Zoning Code.

### **14.506.200      Temporary Uses**

1. Any owner of any property may submit an application for the temporary use of a structure or premises for a purpose or use that does not conform to the regulations prescribed elsewhere in this Code for the zone classification in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A nonrenewable zoning certificate for such use may be granted by the Division in the form of a temporary and revocable permit, for not more than a 6-month period, subject to such conditions as will safeguard the public health, safety, and general welfare. Said permit may be extended one additional period of no longer than 6 months upon written request and demonstration to the Division that said extension is still necessary. A temporary use may also require issuance of a building permit.
  
2. Dependent Relative Manufactured Home - Temporary Use  
Any owner of any property may submit an application for the temporary use of a manufactured home for the purpose of accommodating a dependent relative, provided that such structure is of a temporary nature and the applicant meets the specific criteria for said use in the underlying zone classification. A renewable zoning certification for such use may be granted by the Division in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, and general welfare. Said permit may be renewable for periods of up to 12 months upon demonstration to the Division that said permit is still necessary and that the property remains in compliance with the conditions of approval.
  
3. Small Tract Agricultural Wedding/Social Events - Temporary Use  
Any owner of any property located in the Small Tract Agricultural zone may submit an application for a temporary use provided that such use is of a temporary nature and that the specific criteria for said use in the underlying zone classification are met. A renewable zoning certificate for such use may be granted by the Division in the form of a temporary and revocable permit for not more than a 6-month period in any given year and may be renewed on an annual bases subject to such conditions as will safeguard the public health, safety, and general welfare. The temporary use permit may be revoked for failure to meet any condition of the temporary permit approval. The following performance standards shall be met:
  - a. The property shall retain its agricultural identity and its capacity as agricultural land.
  - b. The temporary use shall meet the definition of Small Tract Agricultural Weddings/Social Events in the Spokane County Zoning Code, Section 14.300 as follows:  
     "Those uses, other than the primary residence on actively farmed property, that are accessory to the sale of agricultural products produced on the premises, including but not limited to, weddings, receptions, graduations, corporate gatherings and private personal celebrations. These accessory event activities/uses typically include music, event catering, off-street parking and appropriate ingress/egress. This definition does not include retail sales, concerts and amphitheaters, rodeos, circuses or other similar public events".
  - c. The temporary use must be an accessory use to the parcel or lot and cannot be the primary use on the parcel or lot.
  - d. The temporary use may only be located in the Small Tract Agricultural zone.
  - e. The temporary use shall support, promote, or sustain agricultural operations and production as provided in RCW 36.70A.177(3).

- f. The temporary use shall be located, designed and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties.
- g. Any enclosed structure on the property being utilized for the temporary use shall meet the requirements for fire, life and safety as outlined in the International Building and Fire Codes as adopted by Spokane County and Spokane County Code.
- h. All requirements established for the proposed temporary use by the Fire District and/or Fire Code Official, in addition to the International Fire Code, as addressed in "g" above, shall be met by the temporary use facilities. Temporary Use Permit facilities, include but are not limited to, all structures and facilities on the property used for or part of the temporary use.
- i. All required parking shall be provided on the property for which the temporary use permit is issued.
- j. Adequate ingress and egress shall be provided to the site from a public right-of-way in accordance with Spokane County Code.
- k. Hours of operation shall occur between 10:00 a.m. and 9:00 p.m. Weddings and/or events shall be limited to Friday, Saturday and Sunday the 1<sup>st</sup> weekend of May to the last weekend of October.
- l. The temporary use shall be consistent with the size, scale and intensity of the existing agricultural use of the property and existing buildings on the site. The area devoted to the temporary use shall not be located outside the general area already developed for buildings and residential uses, and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses.
- m. The temporary use permit may grant up to a maximum of twenty-five (25) events per season. No more than a maximum of two-hundred (200) guests/invitees shall be allowed to attend any individual wedding/event allowed under the temporary use permit. A detailed list of all weddings/events scheduled for the season during which the temporary use permit shall be in effect shall be provided with and as part of the temporary use permit application.
- n. One permanent attached or detached sign identifying the temporary use facility shall be allowed on the property. The sign shall be unlighted and shall not exceed 16 square feet in size.
- o. Noise standards identified in WAC 173-60 and Spokane County Code, as now written or as may be amended from time to time, shall be met.
- p. All laws of the Washington State Liquor Control Board shall be complied with.
- q. All food service shall comply with catering and/or on-site food service regulations as required by the Spokane Regional Health District.
- r. All lighting shall be positioned and shielded so that the direction of the light is downward and within the property lines.
- s. The operator shall notify the appropriate Fire District at least seven (7) calendar days prior to holding any wedding/event under the Temporary Use Permit, and the operator shall comply with any additional conditions required by the Fire District in conjunction with the wedding/event.

## **Chapter 14.508**

### **Nonconforming Provisions**

#### **14.508.100      Applicability**

The provisions of this chapter shall apply to buildings, structures, land, and uses that were legal when commenced or built, but which do not conform because of implementation or amendment of the Zoning Code.

#### **14.508.200      Determination of Nonconforming Status**

Determination of the nonconforming status of a lot, use, building, or structure is an administrative determination of the Division of Building and Planning subject to the procedural requirements of chapter 14.502.

#### **14.508.220      Nonconforming Lot**

1. A single-family dwelling and customary accessory buildings may be erected or located on a nonconforming lot in any zone in which single-family dwellings are permitted.
2. A single-family dwelling located on a nonconforming lot shall comply with all provisions of this Code or amendments thereto except provisions for frontage, lot width, density, building coverage and/or lot area that are generally applicable in the zone in which such nonconforming lot is located.
3. This section shall not apply to those lots, tracts, or parcels that have a frontage along a public street of less than 30 feet.

#### **14.508.240      Nonconforming Uses**

1. The expansion or extension of a use, which was lawfully established and in existence, and which became or becomes nonconforming by amendment to Zoning Code is discouraged. The term "nonconforming use" refers only to a single existing use and does not include all uses to which the property could have been put under a prior zoning ordinance or zoning classification.
2. A nonconforming use which remains unoccupied or unused for a continuous period of 1 year, and which is abandoned, shall not thereafter be occupied or used except by a use that conforms to the regulations of the zone in which the use is located. A nonconforming use that remains unoccupied or unused for a continuous period of less than 1 year may be reoccupied only by the same use.
3. Nonconforming use status for the keeping of inherently dangerous mammals and/or inherently dangerous reptiles is prohibited, except as previously allowed by official determination.
4. Any adult retail use establishment located within the unincorporated areas of Spokane County on September 7, 1999, which is made a nonconforming use by amendments to this code pursuant to Resolution Number 99-0762 shall be terminated within 5 years; provided, however, that such termination date may be extended upon the approval of a written application filed with the Director no later than September 7, 2003. The administrative decision on whether or not to approve any extension period and the length of such extension period shall be based upon the applicant clearly demonstrating extreme economic hardship based upon an irreversible financial investment or commitment made prior to April 27, 1999, which precludes reasonable alternative uses of the subject property. The administrative decision of the Director shall be appealable consistent with the procedural requirements of this chapter.

#### **14.508.250      Expansion of a Nonconforming Use**

Requests for expansion or extension of a nonconforming use shall only be by approval of a conditional use permit pursuant to chapter 14.404, except for the following.

1. The expansion of existing schools or colleges, including the expansion to adjacent property, is a permitted use that does not require a conditional use permit for the expansion of a nonconforming use.
2. The expansion of an existing, nonconforming single-family residence or the addition of an accessory structure for the residence is a permitted use that does not require the expansion of a nonconforming use.
3. No expansion or extension of the nonconforming keeping of a dangerous mammal or dangerous reptile is permitted.

**14.508.260 Nonconforming Buildings and Structures**

Restoration of a nonconforming building or structure which is damaged by fire, flood, or act of nature shall be initiated, as evidenced by the issuance of a valid building permit within 1 year of the date of such damage or destruction, and diligently pursued to completion. Upkeep, repair, and maintenance of nonconforming buildings is permitted. A building or structure conforming with respect to use, but not conforming with respect to height, yard requirements, coverage or density, may be restored in the event of damage, or altered or extended provided that the alteration or extension does not result in further violation of this Code.

**14.508.280 Nonconforming Lots Acquisition by Governmental Entity**

1. Lots that have their required frontage or lot area reduced by 20% or less through acquisition of property by a municipal corporation or political subdivision of the State of Washington shall retain the full rights and privileges of the underlying zone. Modifications to the standards of the underlying zone shall be allowed as necessary for the property to be fully developed under the allowed uses of the zone.
2. Lots that have their required frontage or lot area reduced by more than 20% through acquisition of property by a municipal corporation or political subdivision of the State of Washington may be allowed modifications to the standards of the underlying zone, as approved by the Director, provided:
  - a. The modification(s) are the minimum necessary to allow development or use of the lot in a similar manner to what would have been allowed prior to the acquisition.
  - b. The Director finds that the modification(s) are consistent with ensuring the public health, safety and welfare.
3. A nonconforming use status granted under the provisions of this section shall run with the land, and the status of the nonconforming use shall be perpetual and continuous, absent a subsequent amendment of the Zoning Code, regardless of whether the nonconforming use is actually being exercised or not.

## **Chapter 14.510 Administrative Exceptions**

### **14.510.000 Purpose and Intent**

Administrative exceptions may be granted to certain standards, provided that they are consistent with the criteria of this chapter and the procedural requirements of chapter 14.502.

### **14.510.100 General Criteria**

Administrative exceptions may be granted as set forth in Section 14.510.200 provided the exception is consistent with the requirements of section 14.510.200 and with the following general criteria.

1. The exception shall be a minor action only necessary to adjust or rectify an unusual situation or hardship specific to the subject property.
2. The exception shall not apply to a series of parcels; for example, it should not be used to reduce size or frontage of a series of lots to create another lot.
3. The exception shall not be contrary to conditions of approval imposed by a Hearing Body's decision.
4. The exception shall not be used to reduce dimensional or area standards for parking or landscaping.
5. The exception shall not be used to increase sign height or sign area.
6. The exception shall not create an unreasonable burden on adjacent properties/owners.
7. The exception shall not conflict with other ordinances, policies, regulations, and requirements.
8. The exception shall not be contrary to the public interest or the intent and purpose of the Zoning Code.

### **14.510.200 Allowed Exceptions**

The following exceptions may be approved by the Division consistent with the requirements for the individual exception and the general criteria listed above in section 14.510.100.

1. Any dimensional requirement that does not exceed 1 foot. This exception does not apply to landscape standards, parking standards, signs, or nonresidential fences.
2. Yard setback requirements where the deviation is for 10% or less of the required yard.
3. Building height or area requirements where the deviation is for 10% or less of the maximum building height or area. Additional building height may be granted to the equivalent height of adjacent buildings, in areas where the maximum building height is generally exceeded.
4. Minimum lot area requirements where the deviation is for 5% or less of the required lot area. The 5% deviation shall not be used to increase a density bonus.
5. Lot frontage and/or width, under the following circumstances:
  - a. Lot frontage and/or width requirements where the deviation is for 10% or less than the required lot frontage.
  - b. Lot frontage and/or width requirements in the RT, R-5, RCV, and UR zones where the deviation is for 30% or less of the required lot frontage.
  - c. Lot frontage and/or width requirements where the deviation is greater than 5a and 5b above, provided that the Division finds that the exception is clearly related to an unusual situation or hardship specific to the subject property. The deviation shall only be granted for the least reduction in frontage that will remedy the hardship. The Division's review may include circulation to affected agencies and may result in conditions of approval.

6. A residential development may be allowed up to a 25% deviation from required minimum lot area, frontage, and maximum building coverage standards if any of the following apply.
  - a. The deviation(s) is necessary to achieve the maximum density allowed under the zone.
  - b. The deviation is for lots where the buildable area is limited because land in the development is designated for common open space and associated recreational facilities, stormwater drainage facilities, or tax-exempt open space.
7. Setbacks for a legal nonconforming lot may be modified to allow reasonable use of the lot. The extent of the modification shall be limited to the setback requirements within a zone that allows the lot size of the nonconforming lot and the uses permitted for the nonconforming lot.
8. Public utility local distribution facilities and public utility transmission facilities (non EPF) shall be exempt from strict compliance with the dimensional standards of the underlying zone. Provided that the deviation requested is deemed by the Director of Planning to be the least amount necessary to accommodate the proposed facility.



## **Chapter 14.512**

### **Alternative Methods of Compliance**

The Director may accept alternate methods of complying with the development standards of the Zoning Code, provided it could be demonstrated that the alternate method is at least equivalent to such standards in terms of implementing the general purpose of the Zoning Code. The Director shall not accept alternate methods of compliance that are inconsistent with conditions of approval imposed through a land use action.

**Spokane County Zoning Code**

**Chapter 14.600  
Zone Classifications**

## Chapter 14.604 Zone Classifications

### **14.604.100 Purpose and Intent**

The intent of zone classifications is to establish a framework whereby development will be carried out in a manner consistent with the use and density characteristics expressed for different areas in the Comprehensive Plan. Zone classifications are provided in sufficient number and diversity to permit an even greater breakdown of land uses and densities than depicted in the more generalized Comprehensive Plan. The purpose to be accomplished by the various zones is set forth in an intent statement in the regulations for each zone.

### **14.604.210 Residential Zones**

Low Density Residential Plus .....	LDR-P
Low Density Residential.....	LDR
Medium Density Residential .....	MDR
High Density Residential.....	HDR

### **14.604.220 Commercial Zones**

Neighborhood Commercial .....	NC
Community Commercial.....	CC
Regional Commercial.....	RC
Limited Development Area Commercial .....	LDAC

### **14.604.230 Industrial Zones**

Light Industrial.....	LI
Heavy Industrial .....	HI

### **14.604.240 Resource Lands Zones**

Large Tract Agricultural.....	LTA
Small Tract Agricultural.....	STA
Forest Land.....	F

### **14.604.250 Rural Zones**

Rural Traditional.....	RT
Rural-5 .....	R-5
Rural Activity Center .....	RAC
Rural Conservation .....	RCV
Urban Reserve.....	UR

### **14.604.260 Mineral Lands Zone**

Mineral Lands .....	M
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### **14.604.270 Centers and Mixed Use Areas**

Mixed Use Zone.....	MU
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### **14.604.280 Overlay Zones**

Airport Overlay.....	AO
Planned Unit Development .....	PUD
Aesthetic Corridor Overlay.....	ACO

**14.604.300 Zoning Matrix-General**

1. Uses are permitted within the various zones as depicted by the matrices in Chapters 14.606, 14.608, 14.610, 14.612, 14.614, 14.616, 14.618, and 14.620, and as otherwise provided for in the individual zone classifications.
2. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the matrices. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zones classification it shall be considered as a permitted/nonpermitted use within a general zone classification, matrix or zone, subject to the development standards for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a matrix, it may be permitted as determined by an amendment to this code pursuant to chapter 14.402.

**14.604.400 Incorporation of Zoning Maps**

The location and boundaries of the zones established by this code are shown upon the zoning maps, which are hereby incorporated into the provisions of this Code. The said zoning maps in their entirety, including all amendments thereto, shall be as much a part of this Code as if fully set forth and described herein.

**14.604.500. Zone Reclassification Applications.**

Applications for amendments to the Spokane County zoning map for site-specific zone reclassifications shall be limited to reclassifications that are consistent with the comprehensive plan category and associated implementing zone as provided in the table below.

**Table 604-1, Zone Reclassification Applications**

<b>Comprehensive Plan Category</b>	<b>Implementing Zone Spokane County Zoning Code</b>
Low Density Residential Plus	Low Density Residential Plus (LDR-P)
Low Density Residential	Low Density Residential (LDR)
Medium Density Residential	Medium Density Residential (MDR)
High Density Residential	High Density Residential (HDR)
Mixed Use, Community Center, Neighborhood Center	Neighborhood Commercial Low Density Residential Mixed Use
Urban Activity Center	Mixed Use Zone (MU)
Regional Commercial	Regional Commercial (RC)
Community Commercial	Community Commercial (CC)
Neighborhood Commercial	Neighborhood Commercial (NC)
Light Industrial	Light Industrial (LI)
Heavy Industrial	Heavy Industrial (HI)
Rural Traditional	Rural Traditional (RT)
Rural-5	Rural-5 (R-5)
Rural Conservation	Rural Conservation (RCV)
Small Tract Agriculture	Small Tract Agricultural (STA) Mineral Land (M)
Large Tract Agriculture	Large Tract Agricultural (LTA) Small Tract Agricultural (STA)* Mineral Land (M)
Forest Land	Forest Land (F) Mineral Land (M)
Mineral Land	Mineral Land (M)
Limited Development Area (Commercial)	Limited Development Area Commercial (LDAC)
Limited Development Area (Residential)	Low Density Residential (LDR)
Rural Activity Centers	Rural Activity Centers (RAC)
Urban Reserve	Urban Reserve (UR)

\*The reclassification shall be subject to the criteria under Section 14.616.410

## Chapter 14.606 Urban Residential Zones

### **14.606.100 Purpose and Intent**

The purpose of the Urban Residential Chapter is to implement Comprehensive Plan goals and policies related to urban residential use. Residential zone classifications provide for a range of residential uses within the Urban Growth Area.

The **Low Density Residential (LDR)** zone is primarily for single-family, duplex and row housing residential development that allows a density of 1 to and including 8 dwelling units per acre and up to 10 units per acre for qualifying infill projects. Small scale, multifamily development may be permitted, consistent with standards to provide compatibility with adjacent single-family residences. Zero lot-line housing, bonus density and other incentives are permitted to promote infill, preservation of open space, and a variety of housing types and densities.

The **Low Density Residential Plus (LDR-P)** zone is primarily for single-family residential development that allows a maximum density of 1 unit per acre for single-family dwellings. This zoning classification shall be applied only to areas established prior to the effective date of this provision with an existing development density of approximately 1 unit per acre.

The **Medium Density Residential (MDR)** zone is primarily for a combination of single-family through multi-family uses at a density range of greater than 6 to and including 15 dwelling units per acre. Cluster development, zero lot-line housing and other incentives are permitted to promote infill and preservation of open space. Business and professional offices are permitted in this zone.

The **High Density Residential (HDR)** zone is primarily for multi-family development at densities of greater than 15 dwelling units per acre. High-density residential zones are usually located near transit services, shopping and major transportation routes. Cluster development, zero lot-line housing and other incentives are permitted to promote infill and preservation of open space. Offices are permitted in the HDR zone in order to provide some of the service needs generated by high-intensity land uses.

### **14.606.210 Types of Uses**

The uses for the residential zones shall be as permitted in table 606-1, Residential Zones Matrix. Accessory uses and structures ordinarily associated with a permitted use shall be allowed. Multiple uses are allowed per lot, except that only one residential use is allowed per lot unless otherwise specified. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 606-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 606-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.606.230.
3. **Conditional Uses:** Conditional uses are designated in table 606-1 with the letters "CU". These uses require approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses are also subject to standards and criteria as may be required under section 14.606.240. Conditional use permits require a public hearing before the Hearing Examiner.
4. **Not Permitted:** Uses designated in table 606-1 with the letter "N" are not permitted. All uses not specifically authorized by this Code are prohibited.

5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 606-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process”, as amended. The Essential Public Facility Siting Process shall not be required for projects that would otherwise be allowed by the development regulations as specified herein in Table 606-1. WAC 365-196-550(1)(e).
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.

**14.606.220 Residential Lands Matrix****Table 606-1, Residential Zones Matrix**

<b>Residential Uses</b>	<b>LDR</b>	<b>LDR-P</b>	<b>MDR</b>	<b>HDR</b>
Accessory dwelling unit, attached	L	L	L	L
Accessory dwelling unit, detached	CU	CU	CU	CU
Animal raising and/or keeping	N	L	N	N
Beekeeping	L	L	L	L
Chicken Keeping and Raising	L	L	N	N
Community residential facility (8 or fewer residents) (EPF)	P	P	N	N
Community residential facility (greater than 8 residents, no more than 25 residents) (EPF, LDR/LDR-P Zones)	N	N	P	P
Community treatment facility (8 or fewer residents) (EPF)	CU	CU	N	N
Community treatment facility (greater than 8 residents, no more than 20 residents) (EPF, LDR/LDR-P Zones)	N	N	CU	CU
Crisis residential center (8 or fewer residents) (EPF, MDR/HDR Zones)	CU	CU	N	N
Crisis residential center (greater than 8 residents, no more than 20 residents) (EPF)	N	N	CU	CU
Dangerous animal keeping	N	N	N	N
Dependent relative manufactured home	L	L	L	L
Dwelling, multi-family, small scale infill development	L	N	N	N
Dwelling, multi-family	N	N	P	L
Dwelling, multi-family, greater than 30 units per acre	N	N	N	CU
Dwelling, single-family	P	P	P	P
Dwelling, row housing	L	N	P	P
Dwelling, two-family duplex	P	N	P	P
Dwelling, two-family duplex – corner lot bonus density	L	N	N	N
Family day-care provider	P	P	P	P
Halfway house (8 or fewer residents) (EPF, MDR/HDR Zones)	CU	CU	N	N
Halfway house (greater than 8 residents, no more than 20 residents) (EPF, LDR/LDR-P Zones)	N	N	CU	CU
Manufactured home park	L	L	L	L
Nursing home, convalescent home	N	N	P	P
Planned unit development	L	L	L	L
<b>Commercial Uses</b>	<b>LDR</b>	<b>LDR-P</b>	<b>MDR</b>	<b>HDR</b>
Adult entertainment establishment	N	N	N	N
Adult retail use establishment	N	N	N	N
Agricultural product sales stand/area	N	N	N	N
Animal health services – small animals	N	N	N	L
Auto wrecking/recycling, junk and salvage yards	N	N	N	N
Billboard/videoboard	N	N	N	N
Child day-care center	CU	CU	P	P
Child day-care center (in a church or school)	L	L	L	L
Garden sales	L	L	L	L
Golf course	P	P	N	N
General commercial uses, not elsewhere classified	N	N	N	N
High impact use	N	N	N	N
Home industry	CU	CU	CU	CU
Home profession	L	L	L	L



**Table 606-1, Residential Zones Matrix - continued**

Kennel, public/private	N	N	N	N
Office, business/professional/medical	N	N	CU	P
Participant sports and recreation (indoor only)	N	N	N	L
Participant sports and recreation (outdoor only)	CU	CU	CU	CU
Self service storage facility (mini storage)	N	N	N	CU
Top soil removal	CU	CU	CU	CU
<b>Utilities/Facilities</b>	<b>LDR</b>	<b>LDR-P</b>	<b>MDR</b>	<b>HDR</b>
Fire station	P	P	P	P
Incinerator (EPF)	N	N	N	N
Landfill (EPF)	N	N	N	N
Law enforcement facility (EPF, LDR/LDR-P Zones)	N	N	L	L
Power plant (EPF)	N	N	N	N
Public utility local distribution facility	P	P	P	P
Public utility transmission facility	L	L	L	L
Recycle collection center	N	N	N	N
Sewage treatment plant (EPF)	N	N	N	N
Small Cell Facility	L	L	L	L
Solid waste transfer site (EPF)	N	N	N	N
Stormwater treatment/disposal	P	P	P	P
Tower	N	N	N	N
Tower, private	L	L	L	L
Transit facilities (EPF)	CU	CU	P	P
Wireless communication antenna array	L	L	L	L
Wireless communication support tower	CU	CU	CU	CU
<b>Institutional Uses</b>	<b>LDR</b>	<b>LDR-P</b>	<b>MDR</b>	<b>HDR</b>
Church	P	P	P	P
Community hall, club, or lodge	P	P	P	P
Community recreational facility	P	P	P	P
Cultural center/museum	N	N	P	P
Detention facility (EPF)	N	N	N	N
Hospital	N	N	P	P
Library	L	L	P	P
Park, public (including caretaker residence)	P	P	P	P
Post office	N	N	P	P
Secure community transition facility (3 or fewer residents)	CU	CU	CU	CU
Schools, public/private				
Nursery through junior high school	P	P	P	P
High school	CU	CU	CU	CU
College or university	CU	CU	CU	CU

**14.606.230 Limited Uses with Specific Standards**

Uses that are categorized with an “L” in table 606-1, Residential Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.606.220 (Residential Zones Matrix) and section 14.606.230, section 14.606.230 shall govern.

1. *Accessory dwelling unit, attached (LDR, LDR-P, MDR, HDR zones)*
  - a. The accessory unit shall not be considered as a dwelling unit when calculating density.
  - b. One off-street parking space shall be required for the dwelling unit, in addition to the off-street parking required for the main residence.
  - c. The accessory unit shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s).
  - d. Only 1 accessory unit shall be created within or attached to the principal unit.
  - e. An attached accessory dwelling unit shall not be allowed on lots containing a detached accessory dwelling unit, duplex or multi-family dwelling.
  - f. The accessory unit shall be designed in a manner so that the appearance of the building remains that of a single-family residence. Separate entrances shall be located on the side or in the rear of the building or in such a manner as to be unobtrusive in appearance when viewed from the front of the building.
  - g. The total livable floor area of the principal and accessory units combined shall not be less than 1,200 square feet.
  - h. The accessory unit shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the building's total livable floor area, nor more than 900 square feet, whichever is less.
  - i. The accessory dwelling unit shall not have more than 2 bedrooms.
2. *Animal health services – small animal (HDR zone)*
  - a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.
  - b. The facility shall be designed with an exterior appearance compatible with adjacent surroundings.
  - c. Boarding of animals not under treatment shall not be permitted, either inside or outside the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.
3. *Animal raising and keeping (LDR-P)*
  - a. Any building and/or structure housing large and/or small animals and any yard, runway, pen or manure pile shall be no closer than 50 feet from any occupied structure other than the dwelling unit of the occupant of the premises. Manure piles shall not be located within 100 feet of a water well.
  - b. Structures, pens, yards, and grazing areas of large and small animals shall be kept in a clean and sanitary condition as determined and enforced by the Spokane Regional Health District.
  - c. Equivalency Units:  
A livestock unit equals one horse, mule, donkey, burro, llama or bovine. A goat or sheep equals ½ of a livestock unit.
  - d. Density Requirements:
    - i. Large animals: Three livestock units per gross acre.
    - ii. Small animals: One small animal or fowl per 2,000 square feet.

Note: Swine raising or keeping is not permitted.

4. *Beekeeping (LDR, LDR-P, MDR, HDR zones)*
  - a. Beekeeping is allowed as an accessory use on any lot or parcel occupied by a single-family residence.
  - b. The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.
  - c. The number of colonies allowed is limited to two (2) for the first 4,356 square feet of lot area, and one (1) for every 4,356 square feet of lot area thereafter. There is no limit on the number of Nucs/Nuclei.
  - d. Beehives shall be setback a minimum of twenty-five (25) feet from any abutting side or rear property line or public right-of-way, except that beehives may be setback up to five (5) feet from any abutting side or rear property line when the beekeeper establishes and maintains a flyway barrier as provided in section (e) below.
  - e. A flyway barrier shall be at least six (6) feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to such side and/or rear property line(s) and extends beyond the beehive(s) in each direction so that bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.
5. *Chicken Keeping and Raising (LDR)*
  - a) Allowed as an accessory use on lots containing dwellings.
  - b) One chicken per 1,000 square feet of lot area.
  - c) Roosters keeping is prohibited.
  - d) Pens, hutches, and enclosures shall be setback a minimum of 25 feet from dwellings on adjacent properties.
  - e) Pens, yards and, grazing areas shall be kept in a clean and sanitary condition, as determined and enforced by the Spokane County Regional Health District.
6. *Chicken Keeping and Raising (LDR-P)*
  - a) See "Animal raising and/or keeping" standards in Table 606-1.
7. *Child day-care center (in or on a church or a public or private school site) (LDR, LDR-P, MDR, HDR zones)*
  - a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
  - b. The facility shall meet Washington State childcare licensing requirements.
8. *Dependent relative manufactured home (LDR, LDR-P, MDR and HDR zones)*
  - a. The property owner shall obtain an administrative permit from the Division pursuant to chapter 14.506 of the Zoning Code.
  - b. The manufactured home shall be as defined in chapter 14.300.100.
  - c. The manufactured home shall not be considered as a dwelling unit when calculating density.
  - d. Only 1 dependent relative manufactured home is allowed on the property.
  - e. The manufactured home shall be occupied by either a dependent relative(s) and family, or the person providing care to the dependent relative(s) and family.
  - f. On forms provided by the Division, a statement by both a licensed physician and the care-provider stating that the person(s) in question is physically or mentally incapable of caring for themselves and/or their property is submitted with the application.
  - g. A statement shall be recorded in the County Auditor's office by the Division stating that the manufactured (mobile) home is temporary and is for use by the named dependent relative(s) or that person(s)' care provider for whom the temporary use permit is approved and that it is neither to be considered a permanent residential structure nor to be transferred with the property if it should be sold or leased.

- h. The care provider may be administratively changed upon written application to and approval by the Division. A dependent relative manufactured home shall not be granted nonconforming status and any change in dependent relative(s) requires processing of a new permit, consistent with current standards. This provision does not apply to adding a spouse as a new dependent relative, as provided in this chapter.
  - i. A spouse of the dependent relative may administratively become qualified as 'dependent' upon written request and submission of the forms to qualify him/her as dependent. This request must be submitted during the period in which the temporary manufactured (mobile) home is legitimately located on-site.
  - j. Upon termination of the need for care of the dependent relative(s), the manufactured home shall be removed within 180 days. The Division may exercise discretion on the removal date depending on whether and/or if the dependent relative is temporarily absent to receive intermediate or skilled nursing care.
  - k. The permit shall be granted for a period of 1 year and may be administratively renewed yearly by the Division upon submission of the required renewal fee and the re-certification by a licensed physician and the care-provider that a dependency situation continues which meets the threshold criteria set forth above. The Division may exercise some discretion regarding the continuing dependency, even if circumstances change. There shall be an annual renewal, with the date for renewal being the first day of the month 1 year following the effective date of the original permit. Additional renewals shall be annual, based upon the effective date.
9. *Dwelling, Two-family Duplex with corner lot bonus density (LDR zone)*
- a. A two-family duplex dwelling located on a corner lot shall be considered as a single-family dwelling for the purposes of calculating density provided the front door and driveway for each unit face opposite streets to give the appearance of a single-family residence from the street view, as illustrated below.



10. *Dwelling, Multi-family, small scale infill development (LDR zone)*
- a. Multifamily development shall be limited to triplex or fourplex dwellings located on a single parcel/lot not smaller than 13, 000 sq. ft.
  - b. A bonus density of 2 dwelling units per acre is provided allowing a maximum density of 10 units per acre.
  - c. Rear or side lot lines abutting an existing single-family development shall require installation of a 6-foot sight obscuring fence along the rear/side property lines.
  - d. Landscaping shall be required consistent with Chapter 14.806, Landscaping and Screening Standards. Landscaping type and width of plantings shall be consistent with Section 14.806.130.
  - e. Parking shall be required consistent with Chapter 14.802, Off-Street Parking and Loading Standards, and shall comply with the standards for a multi-family dwelling.
  - f. Permit applications shall require a technical review meeting following submittal of a detailed site plan, consistent with Chapter 14.410, Building Permit Review.

11. *Garden sales (LDR, LDR-P, MDR, HDR zones)*

- a. Gardening may include incidental neighborhood sales, provided the goods are grown and sold on-site.

12. *Home profession (LDR, LDR-P, MDR, HDR zones)*

- a. The home profession shall be incidental to the use of the residence and not change the residential character of the dwelling or neighborhood, and shall be conducted in such a manner as to not give any outward appearance of a business.
- b. The use, including all storage space, shall not occupy more than 49 percent of the livable floor area of the residence.
- c. A home profession shall not occupy a detached accessory building.
- d. All storage shall be enclosed within the residence.
- e. Only members of the family who reside on the premises may be engaged in the home profession.
- f. One sign identifying a home profession may be allowed. The sign shall be limited in size to a maximum of 5 square feet. The sign shall be unlighted and be placed flat against the residence. Window displays are not permitted.
- g. Sample commodities shall not be displayed outside except for fruit, vegetables or flowers that are grown on the premises.
- h. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise.
- i. Traffic generated that exceeds any of the following standards shall be *prima facie* evidence that the activity is a primary business and not a home profession.
  - i. The parking of more than 2 customer vehicles at any one time.
  - ii. The use of loading docks or other mechanical loading devices.
  - iii. Deliveries of materials or products at such intervals so as to create a nuisance to the neighborhood.
- j. The hours of operation for a home profession shall occur between 7 a.m. and 10 p.m. The applicant shall specify the hours of operation on the home profession permit.
- k. A home profession permit must be obtained from the Division of Building and Planning.
- l. Adult retail use establishments and adult entertainment establishments are prohibited.

13. *Law enforcement facility (EPF) (MDR, HDR zones)*

- a. The facility shall be limited to a neighborhood policing station.
- b. Detention facilities are prohibited.

14. *Library (LDR LDR-P, zones)*

- a. The facility shall have frontage on a minor or higher classification arterial.

15. *Manufactured home park (LDR, LDR-P, MDR, HDR zones)*

- a. The manufactured home park shall meet the density standards of the underlying zone and the standards of chapter 14.808, Manufactured Home Standards.

16. *Multi-family dwelling (HDR zone)*

- a. Multi-family dwelling densities greater than 30 dwelling units per acre shall require approval of a conditional use permit.

17. *Participant sports and recreation (indoor only) (HDR zone)*

- a. Gun and archery ranges are prohibited.

18. *Planned unit development (LDR, LDR-P, MDR, HDR zones)*

- a. Shall be consistent with Chapter 14.704, Planned Unit Development.

*19. Public utility transmission facility (EPF) (LDR, LDR-P, MDR, HDR zones)*

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
- c. The height of the structure above ground shall not exceed 125 feet.

*20. Row housing (LDR zone)*

- a. Row housing shall comply with the requirements for Zero Lot Line Development under Section 14.606.300(4).
- b. Preliminary plats in which 25% or more of dwellings are row houses shall be allowed a bonus density of 2 units per acre within the Low Density Residential zone for a maximum density of 10 units per acre. If the preliminary plat is completed in phases, each phase of the development must include at least 25% of the units as row housing units until the total number of row housing units required to receive the bonus density has been reached. This requirement shall be included in the plat dedicatory wording.
- c. Row housing lots with rear/side lot lines abutting an existing single-family neighborhood shall require installation of a 6-foot sight obscuring fence and 5 feet of Type 1 landscaping along the rear/side property line. Street frontage shall require five feet of Type 3 landscaping which includes installation of street trees. The fencing and landscaping improvements shall be installed prior to final plat approval. In the case of delays caused by weather conditions, appropriate arrangements with the Department shall be made to ensure construction.

*21. Small Cell Facility (LDR, LDR-P, MDR, HDR zones)*

- a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.

*22. Tower, private (LDR, LDR-P, MDR, HDR zones)*

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- b. The tower must be accessory to a residence on the same site.

*23. Wireless communication antenna array (LDR, LDR-P, MDR, HDR zones)*

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

**14.606.240 Conditional Uses: Standards and Criteria**

Conditional uses are illustrated in table 606-1 with the letters "CU". Conditional uses shall require approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses identified in table 606-1 are subject to the corresponding specific standards as follows. In the case of inconsistencies between section 14.606.220 (Residential Zones Matrix) and section 14.606.240, section 14.606.240 shall govern.

*1. Accessory dwelling unit, detached (LDR, LDR-P, MDR, HDR zones)*

- a. The accessory unit shall not be considered as a dwelling unit when calculating density.
- b. One off-street parking space shall be required for the dwelling unit, in addition to the off-street parking required for the main residence.

- c. The accessory dwelling unit shall contain no more than 2 bedrooms and shall measure no more than 800 square feet on the main (ground) floor.
  - d. Only 1 accessory dwelling unit shall be allowed per lot with an existing single-family residence. A detached accessory dwelling unit shall not be allowed on lots containing a duplex, multi-family dwelling unit, or an attached accessory dwelling unit.
  - e. Home professions shall be allowed only within the principal dwelling unit.
  - f. The accessory unit shall have a pitched roof with a minimum slope of 4 and 12.
  - g. The ridge of the pitched roof shall not exceed 24 feet.
  - h. Accessory dwelling units shall not be allowed on lots that are less than 10,000 square feet in size.
  - i. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
2. *Child day-care center (LDR LDR-P, zones)*
- a. Any outdoor play area shall be completely enclosed to a minimum height of 6 feet with a solid wall or fence.
  - b. The facility shall meet Washington State childcare licensing requirements.
  - c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
3. *College or University (LDR, LDR-P, MDR, HDR zones)*
- a. The campus shall be at least 150 acres in size.
  - b. All entrances to the campus shall be from a minor arterial classification or higher.
  - c. Facilities normally associated with a college, such as residence halls, administrative buildings, auditoriums, gymnasiums, classrooms and sports facilities shall be permitted as normal accessory uses.
  - d. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
4. *Community treatment facility (EPF) (LDR, LDR-P, MDR, HDR zones)*
- a. In the Low Density Residential zone the facility shall be limited to 8 or fewer residents.
  - b. In the Medium Density Residential and the High Density Residential zones the facility shall be limited to greater than 8 residents but no more than 20 residents.
  - c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
5. *Crisis residential center (EPF) (LDR, LDR-P, MDR, HDR zones)*
- a. In the Low Density Residential zone the facility shall be limited to 8 or fewer residents.
  - b. In the Medium Density Residential and the High Density Residential zones the facility shall be limited to greater than 8 residents but no more than 20 residents.
  - c. The crisis residential center shall meet any applicable state, federal and local licensing for a facility housing children under the age of 18.
  - d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates.
  - e. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
6. *Halfway house (EPF) (LDR, LDR-P, MDR, HDR zones)*
- a. In the Low Density Residential zone the facility shall be limited to 8 or fewer residents.
  - b. In the Medium Density Residential and the High Density Residential zones the facility shall be limited to greater than 8 residents but no more than 20 residents.
  - c. The applicant shall provide additional public notice to the following uses located within 1/4 of a mile from the proposed halfway house, as measured from the nearest property line between the two uses:

- i. Public library.
    - ii. Public playground or park.
    - iii. Public or private school and its grounds of kindergarten to 12<sup>th</sup> grade.
    - iv. Child day-care center.
    - v. Place of worship such as a church, mosque, synagogue or temple.
    - vi. Another halfway house.
  - d. The applicant shall demonstrate that the halfway house does not constitute a significant adverse impact to the health, safety and welfare of the uses identified in 5(a) above.
  - e. The halfway house shall meet any applicable state, federal and local licensing requirements for a facility housing inmates in transition from a correctional facility to the community.
  - f. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates.
  - g. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
7. *High School (LDR, LDR-P, MDR, HDR zones)*
- a. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
8. *Home industry (LDR, LDR-P, MDR, HDR zones)*
- a. The property shall retain its residential appearance and character.
  - b. The use shall be carried on in a primary residence or may be allowed in accessory detached structures which are not, in total, larger than 2 times the gross floor area of the primary residence.
  - c. Only members of the family residing on the premises, and no more than 2 employees outside of the family, may be engaged in the home industry.
  - d. One attached or detached sign identifying the home industry shall be allowed. The sign shall be unlighted and shall not exceed 16 square feet in size.
  - e. Window or outside displays may be allowed as approved by the Hearing Examiner.
  - f. Storage or sale of items not directly related to the home industry is prohibited.
  - g. All material or mechanical equipment shall be used in such a manner as to be in compliance with WAC-173-60 regarding noise.
  - h. Parking, traffic, and storage requirements shall be as approved by the Hearing Examiner.
  - i. All storage areas shall be enclosed or completely screened from view by a maximum 6-foot-high, sight-obscuring fence.
  - j. A home industry shall not be allowed on a parcel that contains an accessory dwelling unit.
  - k. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
9. *Multi-family dwelling (HDR zone)*
- a. Multi-family dwelling densities greater than 30 dwelling units per acre shall require approval of a conditional use permit.
  - b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
10. *Office, business/professional/medical (MDR zone)*
- a. The maximum building floor area shall be 30,000 square feet.
  - b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
11. *Participant sports and recreation (outdoor only) (LDR, LDR-P, MDR, HDR zones)*
- a. Racetracks and gun/archery ranges are prohibited.



- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

12. *Secure community transition facility (EPF) (3 or fewer residents) (LDR, LDR-P, MDR, HDR zones)*

- a. The use shall not be allowed outside the Urban Growth Area boundary except for zones within the Limited Development Area designation of the Comprehensive Plan.
- b. The use is located or maintained at a distance so that it is not across the street from, across the parking lot from, adjacent to, or within the line of sight of the following pre-existing uses, as measured from the nearest property line of the secure community transition facility to the nearest property line of the pre-existing use. For Spokane County, the definition of “within line of sight” means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be “within line of sight.” Through the conditional use process, “line of sight” may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet.
  - i. Public library.
  - ii. Public playground, sports field, recreational center, community center, park, publicly-dedicated trail, as designated in the Spokane County Geographic Information System (GIS) Parks Map Layer, as amended.
  - iii. Public or private school and its grounds of pre-school to 12<sup>th</sup> grade.
  - iv. School bus stop.
  - v. Child day-care center.
  - vi. Place of worship such as a church, mosque, synagogue, or temple.
  - vii. Another secure community transition facility subject to the provisions of this section.
  - viii. Any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services, with respect to siting a secure community transition facility.
- c. The secure community transition facility shall meet all applicable state, federal, and local licensing for a facility authorized by state, federal, or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court-ordered civil commitment.
- d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates, including the *Spokane County Regional Siting Process for Essential Public Facilities*.
- e. The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility.
- f. Properties that fail to meet any of these criteria must be removed from further consideration. The properties that do meet the minimum standards must be further evaluated to determine which one, among the available properties, is the most suitable. When a site is selected, preference must be given to properties that are the farthest removed from risk potential activities or facilities.
- g. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

13. *Self service storage facility (mini storage) (HDR zone)*

- a. The design shall be consistent with neighborhood character.
- b. The size and scale of the facility shall be compatible with the residential zone.
- c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

**14 Top soil removal and land leveling (LDR, LDR-P, MDR, HDR zones)**

- a. The use shall comply with the requirements of chapter 14.824, Top Soil Removal and Land Leveling.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

**15. Wireless communication support tower (LDR, LDR-P, MDR, HDR zones)**

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

**14.606.300 Development Standards**

Permitted uses in the Urban Residential zones shall comply with the following development standards. Prior to the issuance of a building permit, evidence of compliance with provisions of this section shall be provided.

**1. Density Standards:****Table 606-2, Density Standards for Residential Zones**

	<b><i>Low Density Residential</i></b>	<b><i>Low Density Residential Plus</i></b>	<b><i>Medium Density Residential</i></b>	<b><i>High Density Residential</i></b>
<b>Density:</b>	1 to 8 units/acre *	1 unit/acre	Over 6 to 15 units/acre	Over 15 units/acre
*Bonus densities may be allowed for planned unit developments and other infill developments as identified herein.				

**2. Lot Standards:****Table 606-3, Lot Standards for Residential Zones**

	<b><i>Low Density Residential</i></b>	<b><i>Low Density Residential Plus</i></b>	<b><i>Medium Density Residential</i></b>	<b><i>High Density Residential</i></b>
<b>Max. Building Coverage</b>	55% of lot area	55% of lot area	65% of lot area	70% of lot area
<b>Max. Height</b>	35 feet 65 feet for a college/university	35 feet 65 feet for a college/university	40 feet 65 feet for a college/university	50 feet 65 feet for a college/university
<b>Permitted uses:</b>				
Minimum lot area	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
Minimum frontage	50 feet	60 feet	60 feet	60 feet
<b>Single family:</b>				
Minimum lot area	4,000 sq. ft.	43,560 sq. ft.	2,500 sq. ft.	1,600 sq. ft.
Minimum frontage	40 feet	90 feet	36 feet	20 feet
<b>Duplex:</b>				
Minimum lot area	4,000 sq. ft.	Not applicable.	2,500 sq. ft.	1,300 sq. ft.
Minimum frontage	40 feet	Not applicable	40 feet	30 feet

Row Housing:				
Minimum lot area	2,500 sq. ft.	Not applicable	1,300 sq. ft.	1300 sq. ft.
Minimum frontage	36 feet	Not applicable	36 feet	36 feet
Minimum frontage with vehicle access from alley	20 feet	Not applicable	16 feet	16 feet
Minimum Yard Setback:				
Front/flanking street	15 feet – residence 20 feet – garage	15 feet – residence 20 feet – garage	15 feet – residence 20 feet – garage	15 feet – residence 20 feet – garage
Side	5 feet	5 feet	Five feet plus 1 additional foot for each additional foot of structure height over 25 feet to a maximum of 15 feet.	
Rear (all residential zones)	Five feet plus 1 additional foot for each additional foot of structure height over 25 feet to a maximum of 15 feet.			
Notes: 1. Setbacks are measured from the property line unless there is a border easement, in which case, the setback shall be measured from the back of the sidewalk. 2. Zero foot setbacks for side lot lines may be allowed consistent with number 4 below. 3. Front/flanking street setbacks for garages include both attached and detached structures				

### 3. Accessory Structure Standards:

**Table 606-4, Size Standards for Accessory Structures**

<i>Lot Size</i>	<i>Total Combined Square Footage of Accessory Structure(s) Allowed</i>
Less than 30,000 sq. ft.	1,000 sq. ft. or 10% of lot size, whichever is greater
30,000 sq. ft. to 1 acre	3,000 sq.ft.
Greater than 1 acre to 2 acres	4,000 sq.ft.
Greater than 2 acres	10% of lot size
One accessory structure shall be permitted prior to the construction of a primary use. This structure is not for residential occupancy, business use, or outside vehicle repair.	

- 4. Zero Lot-Line Development:** Zero-foot setbacks for side lot lines may be allowed for row housing or duplex divisions in which single-family dwellings share a common wall, consistent with the following standards:
- Each dwelling shall have individual utility systems as would be required of any single-family dwelling.
  - Prior to issuance of a building permit, a perpetual construction/maintenance easement shall be recorded in the Spokane County Auditor's office. The easement shall allow, at a minimum, a 5-foot easement measuring horizontally and perpendicularly from all zero setback walls and extending 5 feet additionally beyond both ends of the dwelling.

- c. A record of survey or surveyor's certified site plan, that lot corners are existing and marked, shall be required for zero lot-line configuration prior to issuance of a building permit.
  - d. The development shall comply with the Spokane County Subdivision Ordinance, if applicable.
- 5. **Parking, Signage, and Landscaping Standards:** Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off-Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.
- 6. **Storage:**
  - a. All storage, except as provided below, shall be entirely within a building and shall be accessory to the permitted use on the site.
  - b. On lots where the primary use is a duplex or multi-family dwelling use, the private, noncommercial storage of junked vehicles or remnants thereof shall only be allowed within a completely enclosed building.
  - c. On lots where the primary use is a single-family dwelling, the private, noncommercial storage of up to 2 junked vehicles or remnants thereof shall be completely sight-screened year-round with a fence, maintained Type I landscaped area or maintained landscaped berm. There is no number limit within a completely enclosed building. Vehicle remnants or parts must be stored inside a vehicle or completely enclosed building. Tarps shall not be used to store or screen junked vehicles. Fences over 6 feet in height require a building permit and/or a zoning variance.
- 7. **Lighting:** All lighting shall be positioned and shielded so that the direction of the light is downward and within the property lines.
- 8. **Refuse Storage:** All outdoor trash, garbage and refuse containers serving multifamily dwelling projects and/or offices shall be screened on all sides from public view and at a minimum be enclosed on 3 sides with a 5-1/2 foot-high concrete block, masonry wall or sight-obscuring fence with a sight-obscuring gate for access.
- 9. **Utilities:** All utility hardware for multi-family and office uses shall be placed underground or screened from view with a decorative block wall or landscaping. Said screening shall be as high as the highest portion of the equipment and shall be permanently maintained.



## Chapter 14.608 Mixed-Use Zone

### **14.608.100 Purpose and Intent**

The intent of the mixed-use zone classification is to implement the Mixed-use Area, Community Center and Urban Activity Center categories of the Comprehensive Plan. These mixed-use categories encourage development that fosters pedestrian activity, supports transit, and provides for a mix of diverse land uses. The Mixed-use zone supports many activities of daily life that can occur within easy walking distance, giving independence to those who do not drive. Mixed-use areas support higher intensity development, but compatibility of uses is ensured through special design standards. Mixed-use areas often provide a central focus point with transportation linkages to the broader community.

### **14.608.210 Types of Uses**

Uses for the mixed-use zone shall be as permitted under table 608-1, Mixed-Use Zones Matrix. Accessory uses and structures ordinarily associated with a permitted use shall be allowed. Multiple uses are allowed per lot, except that only one residential use is allowed per lot unless otherwise specified. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are illustrated in table 608-1 with the letter “P”. These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are illustrated in table 608-1 with the letter “L”. These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.608.230.
3. **Conditional Uses:** Conditional uses are illustrated in table 608-1 with the letters “CU”. These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses are also subject to specific standards and criteria as may be required in this chapter under section 14.608.240.
4. **Not Permitted:** Uses designated in table 608-1 with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 608-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process,” as amended. The Essential Public Facility Siting Process shall not be required for projects that would otherwise be allowed by the development regulations as specified herein in Table 608-1. WAC 365-196-550(1)(e).
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.

**14.608.220 Mixed-Use Zone Matrix****Table 608-1, Mixed-Use Zone Matrix**

<b>Mixed-Use Zone</b>	<b>Mixed-Use</b>
Adult entertainment establishment	N
Adult retail use establishment	N
Billboard/Videoboard	N
Child day-care center	P
Eating and drinking establishments	P
Education and research facilities	P
Electric Vehicle Infrastructure	P
Entertainment, recreation, and cultural facilities	P
Halfway house	CU
Convenience store with gas pumps	P
Government and social services	P
High impact uses	N
Hotel/motel, including bed and breakfast	P
Kennel	L
Manufacturing and production	L
Manufactured home/recreational vehicle/boat sales	N
Motor vehicle sales	N
Motor vehicle rental	P
Parking lot/structure	P
Parks and open space	P
Prison, correctional facility (EPF)	N
Professional and medical offices, including hospital	P
Public utilities	P
Religious institutions	P
Residential, single-family through multiple-family	P
Retail, financial and personal services	P
Secure community transition facility (EPF)	N
Self-service storage facility	P
Small Cell Facility	L
Stormwater treatment/disposal	P
Top soil removal	CU
Tower	N
Transit Facilities (EPF)	P

**Table 608-1, Mixed-Use Zone Matrix - continued**

<b>Mixed-Use Zone</b>	<b>Mixed-Use</b>
Warehouse	N
Wireless communication antenna array	L
Wireless communication support tower	L

**14.608.230 Uses with Specific Standards**

Uses that are categorized with an “L” in table 608-1, Mixed-Use Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.608.220 (Mixed Use Zone Matrix) and section 14.608.230, section 14.608.230 shall govern.

1. *Kennel*
  - a. Outside runs or areas are prohibited.
  - b. The structure(s) housing animals shall be adequately soundproofed to meet WAC 173-60.
2. *Manufacturing and production*
  - a. The use shall be within a totally enclosed building.
  - b. Outside storage of materials or equipment is prohibited.
  - c. Permitted uses within the Light Industrial zone may be allowed except that high impact uses are prohibited.
  - d. The maximum building floor area shall not exceed 50,000 square feet.
3. *Small Cell Facility*
  - a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.
4. *Wireless communication antenna array*
  - a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.
5. *Wireless communication support tower*
  - a. The tower shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

**14.608.240 Conditional Uses – Specific Standards**

Conditional uses are illustrated in table 608-1 with the letters “CU”. Conditional uses shall require approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses identified in table 608-1 are subject to the corresponding specific standards as follows. In the case of inconsistencies between section 14.608.220 (Mixed Use Zone Matrix) and section 14.608.240, section 14.608.240 shall govern.

1. *Halfway house*
  - a. There shall be no more than 20 residents.
  - b. The applicant shall provide additional public notice to the following uses located within 1/4 of a mile from the proposed halfway house, as measured from the nearest property line between the two uses.
    - i. Public library.
    - ii. Public playground or park.
    - iii. Public or private school and its grounds of kindergarten to 12<sup>th</sup> grade.
    - iv. Child day-care center.
    - v. Place of worship such as a church, mosque, synagogue or temple.



- vi. Another halfway house.
  - c. The applicant shall demonstrate that the halfway house does not constitute a significant adverse impact to the health, safety and welfare of the uses identified in 1b above.
  - d. The halfway house shall meet any applicable state, federal and local licensing for a facility housing inmates in transition from a correctional facility to the community.
  - e. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates.
  - f. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
2. *Top soil removal and land leveling*
- a. The use shall comply with the requirements of chapter 14.824, Top Soil Removal and Land Leveling.
  - b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

#### **14.608.250 Floor Area Ratios**

Floor area ratios determine a building size relative to the total area of the lot. Floor area ratios shall be determined by the following standards.

1. Floor Area Ratio = Interior floor area (inside walls) divided by site area.

To determine the allowed gross floor area of all buildings or structures allowed on a site, the floor area ratio in table 608-2 is multiplied by the area of the lot.

**Table 608-2, Floor Area Ratio**

Basic Allowable Floor Area Ratio by Use			Maximum Floor Area Ratio by Use with Public Amenities*		
Non-Residential	Residential	Combined Residential and Non-residential	Non-Residential	Residential	Combined Residential and Non-residential
0.2	0.5	0.7	0.8	1.5	2.3

\* Note: Except as allowed by Super Bonus

- 2. Hotels and motels (including bed and breakfast inns) are considered residential uses for the purpose of floor area ratios.
- 3. The following areas are excluded from internal floor area calculations.
  - a. Floor area dedicated to parking.
  - b. Elevators, staircases, escalators and mechanical spaces.
  - c. Exterior decks, porches and arcades open to the air.
  - d. Floor area dedicated to public amenities.
- 4. The basic allowable floor area ratio is permitted providing the design of the proposed development is consistent with the development standards contained in this chapter, and the urban design standards contained in chapter 14.900.

5. If development projects incorporate public amenities, as defined in Section 14.608.260, the floor area ratio may be increased up to the maximum, provided the following criteria are met.
  - a. The public amenity satisfies its design criteria and serves a public purpose in the proposed location.
  - b. The public amenity is directly associated with the use for which the floor area ratio increase is sought.
  - c. The public amenity has a public benefit that is appropriate considering the floor area ratio increase being achieved.

#### **14.608.260 Public Amenities Allowing Bonus Floor Area Ratio**

##### **1. Minor Amenities**

Each public amenity from the following list may allow an increase in the floor area ratio of .2 above the basic allowable floor area ratio up to the maximum floor area ratio.

- a. **Additional Streetscape Features**  
Seating, trees, pedestrian-scaled lighting, and special paving, in addition to any that are required by the design standards and guidelines in chapter 14.900.
- b. **Canopy over the Public Sidewalk**  
A canopy structure erected along the entire building frontage that is adjacent to the sidewalk. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least 5 feet in horizontal width and be no less than 8 feet and no more than 12 feet above grade.
- c. **Materials on Building**  
The use of brick or stone on street facing building facades.
- d. An amenity specifically identified and described in an adopted subarea plan.

##### **2. Major Amenities**

Each public amenity from the following list may allow an increase in the floor area ratio of .5 above the basic allowable floor area ratio up to the maximum floor area ratio.

- a. **Exterior Public Spaces**  
A plaza or courtyard, with a minimum area of 400 square feet or 2% of the total interior floor space of the development, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least 10 feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within 30" of the grade of the sidewalk that provides access. At least 60% of the courtyard shall be planted with trees, ground cover, and other vegetation. For plazas, at least 15%, but no more than 60% of the space shall be planted with trees, ground cover, and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.
- b. **Public Art**  
Public art includes sculptures, murals, inlays, mosaics, and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g. fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington State Arts Commission or the Spokane Arts Commission. To receive the floor area ratio bonus, public art must be documented at a value that is at least 1% of the value of construction.
- c. **Through-Block Pedestrian Connection**  
A through-block pedestrian connection is a continuous walkway accessible to the public that provides access through a development to a street or other pedestrian facility that

- would not otherwise be connected. The walkway shall be at least 10 feet in width, paved with decorative paving, and lighted for nighttime use. It may be covered or open to the sky.
- d. Residential Units  
Residential units shall comprise at least 25% of the total floor area.
  - e. Structured Parking for 50% or more of the required spaces.
3. Super Bonuses  
Any development that receives super bonuses shall also provide at least two of the major or minor amenities listed above. In return for providing either of the following amenities, the maximum floor area ratios may be increased by 50%.
- a. Underground Parking  
All of the required parking is provided within a structure that is entirely below grade.
  - b. Affordable Housing  
At least 20% of the units are set aside for households making less than 80% of the median income for the County as defined by Housing and Urban Development (HUD).

#### **14.608.270 Design Review**

All new development within the Mixed Use, Community Center, or Urban Activity Center, except as exempted in chapter 14.900, shall comply with the Spokane County Urban Design Standards and Guidelines, and shall be approved according to the design review process contained in chapter 14.900.

#### **14.608.300 Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this section shall be provided. If any of the development standards contained in this section conflict with the design standards contained in chapter 14.900, the design standards shall apply.

1. Maximum Building Height:
  - a. The maximum building height is 50 feet. The maximum height may be increased by 10 feet, if structured parking is provided either underneath the building or within the first floor. Pitched roofs and accessible decks may extend above the height limit, provided that there is no enclosed, habitable space above the height limit.
  - b. Transition requirements for adjacent single-family residential zones are as follows:
    - i. Any building, or portion, thereof, located within 60 feet of a Low Density Residential zone shall be no higher than 35 feet above grade.
    - ii. Beyond the limit described in "i" above, additional building height may be added at a ratio of 1 foot of additional building height for every 3 feet of additional horizontal distance from the closest single-family residential zone, until the maximum building height for the zone is reached.
2. Setbacks from adjacent residential areas: Any multiple family, commercial or mixed use building adjacent to a single family residential zone or an existing single family residence shall be set back from the shared property line by 20 feet. No other setbacks are required, except as mandated by the building codes adopted by Spokane County.
3. Parking shall be provided in accordance with chapter 14.802, except that the following additional requirements shall apply.
  - a. Off street parking shall not exceed the following minimum and maximum ratios.
    - i. Minimum Ratio: 1 stall /1000 gross square feet of floor area

- ii. Maximum Ratio: 4 stalls /1000 gross square feet of floor area
  - b. The Director may approve ratios that are higher or lower than the maximum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by 30%.
- 4. Signage: Signage shall be as provided in chapter 14.804 Signage Standards.
  - 5. Landscaping: Landscaping shall be as provided in chapter 14.806, Landscaping/Screening Standards, except that frontage landscaping may be modified to allow the reduced setbacks provided in this chapter.
  - 6. Storage Standards: All storage shall be within an enclosed building, provided that retail products, which are for sale or rental, may be displayed outdoors during business hours only. Junked vehicles or remnants thereof shall not be stored or displayed out of doors. Tarps shall not be used to store or screen junked vehicles.
  - 7. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on three sides with a five and one-half (5-1/2)-foot-high concrete block or masonry wall with a sight-obscuring gate for access.
  - 8. Mechanical Equipment: All rooftop mechanical equipment shall be placed behind a permanent screen, restricted from view.

## Chapter 14.612 Commercial Zones

### **14.612.100 Purpose and Intent**

Four commercial zones are provided to meet the needs of neighborhoods, communities and the greater Spokane region. Commercial businesses are primarily those which provide goods and services directly to the general public. Most often, this implies regular and frequent access to the business by the general public.

The **Neighborhood Commercial (NC)** zone is intended for small-scale neighborhood-serving retail and office uses. Neighborhood businesses are ideally located as business clusters rather than arterial strip commercial development.

The **Community Commercial (CC)** zone designates areas for retail, service and office establishments intended to serve several neighborhoods. Community business areas are ideally located as business clusters rather than arterial strip commercial development. Residences in conjunction with business and/or multi-family developments may be allowed with standards that ensure compatibility.

The **Regional Commercial (RC)** zone designates intensive commercial uses including regional shopping centers and major commercial areas, intended to draw customers from the County at large and from other outlying areas. Residences in conjunction with business and/or multifamily developments may be allowed with standards that ensure compatibility. Small-scale industrial areas may be allowed in this zone, provided neighborhood concerns are addressed through a public hearing process.

The **Limited Development Area Commercial (LDAC)** zone designates rural commercial areas of more intense development. Infill commercial development within these areas can contribute to the economic diversity of unincorporated areas of the County and provide employment opportunities for the nearby rural population.

### **14.612.210 Types of Uses**

Uses for the commercial zones shall be as permitted under table 612-1, Commercial Zones Matrix. Multiple uses are allowed per lot, except that only 1 residential use is allowed per lot unless otherwise specified. Accessory uses and structures ordinarily associated with a permitted use shall be allowed.

1. **Permitted Uses:** Permitted uses are designated in table 612-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 612-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.612.230.
3. **Conditional Uses:** Conditional uses are designated in table 612-1 with the letters "CU". These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses illustrated in table 612-1 are also subject to specific standards and criteria as required in this chapter under section 14.612.240.
4. **Not Permitted:** Uses designated in table 612-1 with the letter "N" are not permitted. All uses not specifically authorized by this Code are prohibited.
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 612-1 with the letters "EPF". These uses shall be evaluated to determine applicability with the "Essential Public Facility Siting Process", as

amended. The Essential Public Facility Siting Process shall not be required for projects that would otherwise be allowed by the development regulations as specified herein in Table 612-1.

6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.

#### **14.612.220 Commercial Zone matrix**

**Table 612-1, Commercial Zones Matrix**

<b>Commercial Uses</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Adult entertainment establishment	N	L	L	N
Adult retail use establishment	N	L	L	N
Animal health services	N	L	L	L
Animal shelter	N	CU	P	CU
Animal, wildlife rehabilitation or scientific research facility	N	P	P	P
Auto wrecking/recycling, junk and salvage yards	N	N	N	N
Billboard/video board	N	N	N	N
Circus	N	P	P	P
Contractors yard	N	N	N	N
Convenience store/gas station	L	L	L	L
Financial institution	P	P	P	P
General retail sales and services, not elsewhere classified	L	L	P	L
High impact use	N	N	N	N
Hotel/motel	N	N	P	N
Kennel	N	L	L	L
Manufactured home/trailer/boat sales	N	N	P	N
Manufacturing and production	N	CU	CU	CU
Marijuana Processing Indoor	N	N	P	N
Marijuana Production Indoor	N	N	N	N
Marijuana Production Outdoor	N	N	N	N
Marijuana Retail Sales	N	N	P	N
Medical services	L	P	P	P
Mortuary services	N	P	P	P
Motor vehicle repair	L	L	P	P
Motor vehicle sales	N	N	P	N
Motor vehicle rental	N	CU	P	CU
Office, business/professional/medical	L	P	P	P
Participant sports and recreation (indoor only)	L	L	L	L
Participant sports and recreation (outdoor only)	N	CU	L	CU
Planned unit development	L	L	L	L

Table 612-1, Commercial Zones Matrix - continued

<b>Commercial Uses</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Recreational vehicle park/campground	N	CU	CU	CU
Research facility/laboratory	N	L	L	L
Restaurant including alcohol service	L	P	P	P
Self-service storage facility (mini-storage)	N	P	P	P
Spectator sports facility (EPF, NC, CC, LDA Zones)	N	N	L	N
Tavern/pub	CU	P	P	P
Theater, motion picture or performing arts	N	P	P	P
Top soil removal	CU	CU	CU	CU
Warehouse	N	N	P	N
<b>Residential</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Dwelling, multi-family	L	L	L	N
Dwelling, single-family	P	P	P	P
Dwelling, two-family duplex	P	P	P	P
Family day-care provider	P	P	P	P
<b>Utilities and Facilities</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Electric Vehicle Infrastructure	P	P	P	P
Fire station	P	P	P	P
Incinerator (EPF)	N	N	N	N
Landfill (EPF)	N	N	N	N
Power plant (EPF)	N	N	N	N
Public utility local distribution facility	P	P	P	P
Public utility transmission facility	L	L	L	L
Recycle collection center	N	P	P	P
Sewage treatment plant (EPF)	N	N	N	N
Small Cell Facility	L	L	L	L
Solid waste recycling/transfer site (EPF, NC, CC Zones)	N	N	CU	CU
Stormwater treatment/disposal	P	P	P	P
Tower	L	L	L	L
Tower, private	L	L	L	L
Transit facilities (EPF)	P	P	P	P
Wireless communication antenna array	L	L	L	L
Wireless communication support tower	CU	L	L	L
<b>Institutional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Beekeeping	L	L	L	L
Child day-care center	P	P	P	P
Church	P	P	P	P
Community hall, club or lodge	P	P	P	P
Cultural center/museum	L	P	P	P

**Table 612-1, Commercial Zones Matrix - continued**

<b><i>Institutional</i></b>	<b><i>Neighborhood Commercial</i></b>	<b><i>Community Commercial</i></b>	<b><i>Regional Commercial</i></b>	<b><i>LDA Commercial</i></b>
Detention facility (EPF)	N	N	N	N
Government Agency Training Facility	N	N	P	P
Government offices/maintenance facilities	P	P	P	P
Hospital	N	N	P	P
Law enforcement facility	L	L	L	L
Library	P	P	P	P
Park, public	P	P	P	P
Secure community transition facility (3 or fewer residents)	CU	CU	CU	CU
Schools, public/private				
Elementary or secondary	P	P	P	P
College or university (EPF, NC Zones)	N	P	P	P
Specialized school/studio	L	L	P	L
Vocational or fine arts school	L	L	P	L
Zoological park	N	N	P	N

**14.612.230      Uses with Specific Standards**

Uses that are categorized with an “L” in table 612-1, Commercial Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.612.220 (Commercial Zones Matrix) and section 14.612.230, section 14.612.230 shall govern.

1. *Adult entertainment establishment or adult retail use establishment (CC, RC zones)*
  - a. There shall be 5 existing acres of contiguous (includes across streets) zoning classified Community Commercial or Regional Commercial.
  - b. The use shall be located or maintained at least 1,000 feet from the nearest property line. Distance shall be measured from the nearest property line of the adult retail use establishment or adult entertainment establishment(s) to the nearest property line of the following pre-existing uses:
    - i. Public library.
    - ii. Public playground or park.
    - iii. Public or private school and its grounds of kindergarten to 12<sup>th</sup> grade.
    - iv. Nursery school, mini-day care center or day care center.
    - v. Church, convent, monastery, synagogue or other place of religious worship.
    - vi. Another adult use subject to the provisions of this section.
  - c. An adult retail use establishment or adult entertainment establishment(s) shall not be located within 1,000 feet of an urban growth area boundary or within 1,000 feet of any of the following zones:
    - i. Low Density Residential
    - ii. Medium Density Residential
    - iii. High Density Residential
2. *Animal health services (CC, RC, LDAC zones)*
  - a. There shall be no outside runs or areas.
  - b. The structure(s) housing animals is adequately soundproofed to meet WAC 173-60.



- c. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or other nuisance or health hazard.
  - d. Boarding of animals not under treatment shall be prohibited.
- 3. *Beekeeping (NC, CC, RC, LDAC zones)*
  - a. Beekeeping for educational or research purposes as an accessory use to an existing institution such as a college, high school or agricultural extension office shall be allowed.
- 4. *Convenience store/gas station (NC, CC, RC, LDAC zones)*
  - a. Pump islands shall be located at least 15 feet from the right-of-way line(s).
  - b. Convenience stores/gas stations within the Neighborhood Commercial zone shall not exceed 6 pump sites and the building floor area shall not exceed 5,000 square feet per lot.
- 5. *Cultural center/museum (NC zone)*
  - a. The maximum building floor area within the Neighborhood Commercial zone shall be 5,000 square feet per lot.
- 6. *General retail sales and services, not elsewhere classified (NC, CC, LDAC zones)*
  - a. The maximum building floor area in the Neighborhood Commercial zone shall be 15,000 square feet per lot.
  - b. The maximum building floor area in the Community Commercial and Limited Development Area Commercial zones shall be 35,000 square feet per lot. Any building proposed to be larger than 35,000 square feet, but not to exceed 55,000 square feet, shall require approval through a conditional use permit and may be subject to conditions and restrictions, as imposed by the Hearing Examiner under Chapter 14.404.
- 7. *Kennel (CC, RC, LDAC zones)*
  - a. There shall be no outside runs or areas.
  - b. The structure(s) housing animals shall be adequately soundproofed to meet WAC 173-60.
- 8. *Law enforcement facility (EPF) (NC, CC, RC, LDAC zones)*
  - a. Detention facilities are prohibited except for short-term holding facilities (not to exceed 24 hours).
- 9. *Medical services (NC zone)*
  - a. The maximum building floor area shall be 5,000 square feet per lot.
  - b. Ambulance services and hospitals are prohibited.
- 10. *Motor vehicle repair (NC, CC)*
  - a. The maximum building floor area in the Neighborhood Commercial zone shall be 5,000 square feet per lot. Any building proposed to be larger than 5,000 square feet shall require approval through a conditional use permit and may be subject to conditions and restrictions, as imposed by the hearing examiner under Chapter 14.404.
  - b. The maximum building floor area in the Community Commercial shall be 10,000 square feet per lot. Any building proposed to be larger than 10,000 square feet shall require approval through a conditional use permit and may be subject to conditions and restrictions, as imposed by the hearing examiner under Chapter 14.404.
- 11. *Multi-family dwelling (NC, CC, RC zones)*
  - a. Within the Neighborhood Commercial and Community Commercial zones, the multi-family development shall comply with the density and development standards of the Medium Density Residential zone.

- b. Within the Regional Commercial zone, the multi-family development shall comply with the density and development standards of the High Density Residential zone.
- c. Mixed-use, multifamily developments, in which residential and commercial uses are combined in the same building, shall comply with the development standards of the underlying commercial zone.

12. *Office, business/professional/medical (NC zone)*

- a. The maximum building floor area shall be 5,000 square feet per lot. Any building proposed to be larger than 5,000 square feet shall require a conditional use permit.

13. *Participant sports and recreation (indoor only) (NC, CC, RC, LDAC zones)*

- a. Gun and archery ranges are prohibited in the Neighborhood Commercial and Community Commercial zones.
- b. The maximum building floor area in the Neighborhood Commercial zone shall be 10,000 square feet per lot. Any building proposed to be larger than 10,000 square feet shall require approval through a conditional use permit and may be subject to conditions and restrictions, as imposed by the Hearing Examiner under Chapter 14.404.
- c. The maximum building floor area in the Community Commercial and Limited Development Area Commercial zones shall be 50,000 square feet per lot.

14. *Participant sports and recreation (outdoor only) (RC zone)*

- a. Gun and archery ranges are prohibited.
- b. Racetracks for motorized vehicles shall require approval through a conditional use permit.

15. *Planned unit development (NC, CC, RC, LDAC zones)*

- a. Shall be consistent with chapter 14.704, Planned Unit Development.

16. *Public utility transmission facility (NC, CC, RC, LDAC zones)*

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
- c. The height of the structure above ground shall not exceed 125 feet.

17. *Research facility/laboratory (CC, RC, LDAC zones)*

- a. The maximum building floor area in the Community Commercial and Limited Development Area Commercial zones shall be 50,000 square feet per lot.

18. *Restaurant (NC zone)*

- a. Alcohol service is permitted in the Neighborhood Commercial zone, except that separate bars or bar areas are prohibited.

19. *Spectator sports facility (RC zone)*

- a. Racetracks for motorized vehicles shall require approval through a conditional use permit.

20. *School, specialized school/studio (NC, CC, LDAC zones)*

- a. Specialized training and learning schools or studios including but not limited to: dance instruction, gymnastics, and martial arts training.

- b. The maximum building floor area in the Neighborhood Commercial, Community Commercial, and Limited Development Area Commercial zones shall be 10,000 square feet per lot.

**21. *Small Cell Facility (NC, CC, RC, LDAC zones)***

- a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.

**22. *Tower (NC, CC, RC, LDAC zones)***

- a. The tower shall be enclosed by a 6-foot fence with a locking gate.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. The tower collapse or blade impact area, as designed and certified by a registered engineer, shall lie completely within the applicant's property or within the adjacent property for which the applicant has secured and filed an easement. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- d. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

**23. *Tower, private (NC, CC, RC, LDAC zones)***

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- b. The tower must be accessory to a residence on the same site.

**24. *Vocational or fine arts school (NC, CC, LDAC zones)***

- a. The maximum building floor area in the Neighborhood Commercial zone shall be 10,000 square feet per lot.
- b. The maximum building floor area in the Community Commercial and Limited Development Area Commercial zones shall be 50,000 square feet per lot.

**25. *Wireless communication antenna array (NC, CC, RC, LDAC zones)***

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

**26. *Wireless communication support tower (CC, RC, LDAC zones)***

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

**14.612.240 Conditional Uses: Standards and Criteria**

Conditional uses are illustrated in table 612-1 with the letters "CU". Conditional uses require an approved conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses identified in table 612-1 are subject to the corresponding specific standards as follows. In the case of inconsistencies between section 14.612.220 (Commercial Zones Matrix) and section 14.612.240, section 14.612.240 shall govern.

**1. *Animal shelter (CC, LDAC zones)***

- a. There are no outside runs or areas.
- b. The structure(s) housing animals is adequately soundproofed to meet WAC 173-60.
- c. The operation shall be conducted in such a way as to produce no objectionable odors or other nuisance or health hazard.

- d. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
- 2. *Manufacturing and production (CC, RC, LDAC zones)*
    - a. The use shall be within a totally enclosed building.
    - b. Outside storage of materials or equipment is prohibited.
    - c. The Hearing Examiner shall consider aesthetic impacts and may condition the proposal to ensure that it is consistent with the surrounding commercial area.
    - d. The maximum building floor area in the Community Commercial and Limited Development Area zones shall be 50,000 square feet per lot.
    - e. High impact uses and uses permitted solely in the Heavy Industrial zone shall be prohibited. A high-impact use is a business considered dangerous and/or noxious due to potential public health, safety, and environmental impacts. This includes uses that generate or cause odors, noise, vibration, contamination, chemical exposure/release, and/or explosions, including but not limited to:
      - i. Battery manufacture and reprocessing
      - ii. Crude petroleum refinery and storage
      - iii. Manufacture and processing of wood, coal, mineral or animal by-products
      - iv. Gas manufacture or storage
      - v. Smelting of ore
      - vi. Stockyards, hog farms, and slaughterhouses
      - vii. Tanneries
      - viii. Wood pulp manufacture
      - ix. Manufacture and storage of explosives
    - f. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
- 3. *Motor vehicle rental (CC, LDAC zones)*
    - a. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
- 4. *Participant sports and recreation (outdoor only) (CC, LDAC zones)*
    - a. Gun and archery ranges are prohibited.
    - b. Racetracks for motorized vehicles are prohibited.
    - c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
- 5. *Recreational vehicle park/campground (CC, RC, LDAC zones)*
    - a. The maximum units per acre shall be 15.
    - b. The site shall have a minimum frontage of 125 feet on a major collector arterial or higher classification.
    - c. Traveled roadways on site shall be private and paved. The Hearing Examiner may waive this requirement, provided impacts can be adequately addressed.
    - d. Accessory uses including management headquarters, recreational facilities, restrooms, dumping stations, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:
      - i. Such establishments and their associated parking shall not occupy more than 5 percent of the gross area of the park.
      - ii. Such establishments shall be restricted in their use to occupants and their guests of the park.

- iii. Such establishments shall present no visible evidence from any street outside the park of their commercial character, which would attract customers other than occupants of the park and their guests.
    - iv. The structures housing such facilities shall not be located closer than 100 feet to any public street.
  - e. Recreational vehicle stalls (spaces) shall average 1,500 square feet.
  - f. A minimum of 8 percent of the gross site area for the recreational vehicle park shall be set aside and developed as common use areas for open or enclosed recreation facilities. Recreational vehicle stalls, private roadways, storage, utility sites, and off street parking areas or shall not be counted as meeting this requirement.
  - g. Entrances and exits to the recreational vehicle park shall be designed for safe and convenient movement of traffic.
  - h. Off-street parking, at 1 space per stall, shall be provided.
  - i. The application for a recreational vehicle park shall include a site plan that identifies vehicle stalls (spaces), motor vehicle parking spaces, the interior private road circulation, open and enclosed spaces for recreational opportunities, landscaping plans, and any other major features of the proposal.
  - j. Sight-obscuring fencing, landscaping or berming may be required to assure compatibility with adjacent uses.
  - k. The recreational vehicle park shall meet all Regional Health regulations regarding sewage and water.
  - l. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
6. *Secure community transition facility (NC, CC, RC, LDAC zones)*
- a. The use shall not be allowed outside the Urban Growth Area boundary except for zones within the Limited Development Area designation of the Comprehensive Plan.
  - b. The use is located or maintained at a distance so that it is not across the street from, across the parking lot from, adjacent to, or within the line of sight of the following pre-existing uses, as measured from the nearest property line of the secure community transition facility to the nearest property line of the pre-existing use. For Spokane County, the definition of "within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purpose of granting a conditional use permit, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet.
    - i. Public library.
    - ii. Public playground, sports field, recreational center, community center, park, publicly dedicated trail, as designated in the Spokane County Geographic Information (GIS) Parks Map Layer, as amended.
    - iii. Public or private school and its grounds of pre-school to 12<sup>th</sup> grade.
    - iv. School bus stop.
    - v. Child day-care center.
    - vi. Place of worship such as church, mosque, synagogue, and temple.
    - vii. Another secure community transitional facility subject to the provisions of this section.
    - viii. Any other risk potential activity or facility identified in citing criteria by the Department of Social and Health Services, with respect to citing a secure community transition facility.
  - c. The secure community transitional facility shall meet all applicable state, federal, and local licensing for a facility authorized by state, federal, or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court-ordered civil commitment.

- d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the citing of an essential public facility in accordance with state, regional, and local mandates, including the *Spokane County Regional Citing Process for Essential Public Facilities*.
  - e. The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility.
  - f. Properties that fail to meet any of these criteria must be removed from further consideration. The properties that do not meet the minimums must be further evaluated to determine which one, among the available properties, is the most suitable. When a site is selected, preference must be given to properties that are the farthest removed from risk potential activities or facilities.
  - g. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
6. *Solid waste recycling/transfer site (RC, LDAC zones)*
- a. Minimum lot area is 2 acres.
  - b. The site will either be landscaped, (bermed with landscaping to preclude viewing from adjacent properties) and/or fenced with a sight-obscuring fence as determined by the Hearing Examiner.
  - c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
7. *Tavern/pub (NC zone)*
- a. The maximum building floor area in the Neighborhood Commercial zone shall be 5,000 square feet per lot.
  - b. Design and compatibility with neighborhood character shall be considered in the approval process.
  - c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
8. *Top soil removal and land leveling (NC, CC, RC, LDAC zones)*
- a. The use shall comply with the requirements of chapter 14.824, Top Soil Removal and Land Leveling.
  - b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.
9. *Wireless communication support tower (NC zone)*
- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.
  - b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

**14.612.300 Commercial Zones Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this section shall be provided.

**1. Lot Standards:** Development shall be consistent with the lot standards in table 612-2.

**Table 612-2, Lot Standards for Commercial Zones**

	<i><b>Neighborhood Commercial</b></i>	<i><b>Community Commercial</b></i>	<i><b>Regional Commercial</b></i>	<i><b>Limited Development Area (Commercial)</b></i>
<b>Maximum building coverage</b>	50% of site	55% of site	No maximum	55% of site
<b>Minimum frontage</b>	50 feet on a collector arterial or higher class.	50 feet on a minor arterial or higher class.	50 feet on a principal arterial or higher class	50 feet on a minor arterial or higher class.
<b>Maximum building height</b> Abutting a commercial, institutional or industrial zone/use	35 feet	50 feet	60 feet	50 feet
<b>Maximum building height</b> Within 100 feet of a low density residential or rural zone	35 feet	35 feet	35 feet	35 feet
<b>Minimum front/flanking yard setback</b>	10 feet	10 feet	10 feet	10 feet
<b>Minimum side yard setback</b> Abutting a commercial, institutional or industrial zone/use	10 feet	10 feet	No minimum	10 feet
<b>Minimum side yard setback</b> Abutting a residential or rural zone	20 feet	15 feet	15 feet	15 feet
<b>Minimum rear yard setback</b>	15 feet	15 feet	15 feet	15 feet
Note: 1. Parking structures may be excluded from building coverage calculations. 2. Setbacks are measured from the property line.				

- 2. Parking, Signage, and Landscaping Standards:** Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off-Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.
- 3. Storage Standards:** All storage on the premises shall be maintained within a completely enclosed building or behind sight-obscuring fencing. Storage shall not be located within any required front or flanking street yard. Automobiles, recreational vehicles and other vehicles or machinery normally displayed for sales purposes on an open lot may so be displayed.

4. **Refuse Storage:** All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view and at a minimum be enclosed on 3 sides with a 5-1/2-foot-high concrete block, masonry wall or sight-obscuring fence with a sight-obscuring gate for access.
5. **Lighting:** All lighting shall be positioned and shielded so that the direction of the light is downward and within the property lines.
6. **Design Review.** All new development that is located within an Urban Activity Center as designated in the Comprehensive Plan shall comply with the Spokane County Urban Design Standards and Guidelines, and shall be approved according to the design review process contained in chapter 14.900.



## Chapter 14.614 Industrial Zones

### **14.614.100 Purpose and Intent**

The purpose of the Industrial Zones chapter is to implement Comprehensive Plan goals and policies related to industrial use. Industrial businesses are important to the local economy because they provide family wage jobs and create an economic multiplier effect throughout the region. The industrial zone classifications implement the Comprehensive Plan by allowing industrial uses in designated areas with available infrastructure and an adequate supply of land. Businesses within industrial zones are primarily focused on producing goods or services that are sold or used outside of the industrial zone. Although sales to the general public (i.e. retail sales) may occur on the premises of some of these business under certain conditions, such sales would not normally be the main focus of that business. An exception would be for limited numbers of commercial (retail) establishments providing goods or services primarily to the businesses and people working within the industrial zone.

Most often, industrial-zone businesses would not need to provide for regular and frequent access by the general public, but might need to provide for regular and frequent access for the transportation of materials by road, rail, air, or water. This access for industrial transportation is often incompatible with extensive access by the general public.

Industrial users often have special needs for locating their businesses. Such needs might include combinations of large, contiguous parcels; proximity to rail sidings, airports, trucking routes, water routes, or sources of large amounts of water, or power; large wastewater capacity; availability of telecommunications channels; etc. Industrial zones are usually chosen to protect land with combinations of these services for industrial businesses.

The **Light Industrial (LI)** zone is intended for industrial businesses that need industrial resources, but that do not have the potential impacts on surrounding areas that heavy industrial users do. Light industrial areas often have a special emphasis and attention given to aesthetics, landscaping and community compatibility. Light Industrial areas are comprised of predominantly industrial uses but may incorporate office and neighborhood-sized commercial uses that support and compliment the industrial area. Residential use is generally discouraged except for master planned industrial developments that provide residences intended to house employees of the planned industrial use.

The **Heavy Industrial (HI)** zone is characterized by intense industrial activities that may have impacts on surrounding areas, including, but not limited to noise, odor or aesthetic impacts. Commercial, residential and recreational uses are discouraged, except for small-scale secondary uses serving the industrial area.

### **14.614.210 Types of Uses**

The uses for the industrial zones shall be as permitted in table 614-1, Industrial Zones Matrix. Accessory uses and structures ordinarily associated with a permitted use shall be allowed. Multiple uses are allowed per lot, except that only one residential use is allowed per lot unless otherwise specified. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 614-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 614-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.614.230.
3. **Conditional Uses:** Conditional uses are designated in table 614-1 with the letters "CU". These uses require a public hearing and approval of a conditional use permit as set forth in

chapter 14.404, Conditional Use Permits. Conditional uses illustrated in table 614-1 are also subject to specific standards and criteria as required in this chapter under section 14.614.240.

4. **Not Permitted:** Uses designated in table 614-1 with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 614-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process”, as amended. The Essential Public Facility Siting Process shall not be required for projects that would otherwise be allowed by the development regulations as specified herein in Table 614-1.
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.

#### **14.614.220 Industrial Zones Matrix**

**Table 614-1, Industrial Zones Matrix**

<b><i>Industrial</i></b>	<b><i>Light Industrial</i></b>	<b><i>Heavy Industrial</i></b>
Animal processing facility	N	P
Auto wrecking/recycling, junk and/or salvage yards	N	L
Battery manufacture and reprocessing	N	CU
Boat building, repair and maintenance	P	P
Caretaker's residence	L	L
Chemical manufacturing	N	P
Commercial composting storage/processing (EPF, LI Zones)	N	CU
Commercial laundry, linen supply, and dry cleaning	P	P
Communications service systems	P	P
Concrete product manufacturing/ ready-mix concrete (excluding extraction/mining)	P	P
Contractors yard	P	P
Drop hammer or forge	N	P
Electrical component manufacturing/ assembly	P	P
Flammable liquid/gas storage	N	P
Lumbermill, sawmill, shingle mill, plywood mill	N	P
Lumberyard	P	P
Machine shop	P	P
Manufacture and processing of coal, mineral or animal by-products	N	CU
Manufacture and storage of explosives	N	CU
Manufacturing and production, not elsewhere classified	L	L
Marijuana Processing Indoor	P	N
Marijuana Production Indoor	P	N
Marijuana Production Outdoor	N	N
Marijuana Retail Sales	P	N
Medical equipment supply	P	P
Mining, rock crushing, asphalt plant	N	L

Table 614-1, Industrial Zones Matrix - continued

<b><i>Industrial</i></b>	<b><i>Light Industrial</i></b>	<b><i>Heavy Industrial</i></b>
Nursery/greenhouse/wholesale	P	P
Paper/pulp mills	N	CU
Petroleum manufacturing or refining	N	P
Planned unit development	L	L
Plastic injection molding, including tool and dye making	P	P
Railroad yard (EPF, LI zones)	N	P
Rendering plant	N	CU
Research facility/laboratory	P	P
Sandblasting/cutting	P	P
Smelter and ore reduction	N	CU
Stockyard, hog farm, slaughterhouse	N	N
Tanneries	N	CU
Tire salvage yard	N	L
Warehousing and freight movement	P	P
Welding, sheet metal shops	P	P
Wholesaling (retail sales prohibited)	P	P
Woodworking, cabinet shop	P	P
<b><i>Commercial Business</i></b>	<b><i>Light Industrial</i></b>	<b><i>Heavy Industrial</i></b>
Accessory retail sales	L	L
Adult entertainment establishment	N	N
Adult retail use establishment	N	N
Agriculture	P	P
Ambulance service	P	P
Auction yard (excluding livestock)	P	P
Auto/boat sales	P	N
Automobile/truck/taxi rental	P	P
Automotive impound yard	P	P
Billboard/video board	N	N
Building supply and hardware distribution and/or sales	P	P
Car wash, automatic or self service	P	P
Catalog and mail order houses	P	N
Child day-care center	P	P
Circus	P	P
Commercial uses, general, not elsewhere classified	L	N
Construction/industrial equipment sales or rental	P	P
Convenience store/gas station	P	P
Exercise facility/gym/ athletic club	P	P
Financial institution	P	P
Hotel/motel	P	N
Kennel	L	L

Table 614-1, Industrial Zones Matrix - continued

<b>Commercial Business</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Livestock auction yard	N	N
Neighborhood business uses, not elsewhere classified	L	N
Manufactured home sales	P	N
Motor vehicle parts sales	P	N
Office supply sales	P	P
Office, business/professional/medical	P	P
Participant sports and recreation (indoor only)	P	N
Participant sports and recreation (outdoor only)	L	N
Printing, reprographics, bookbinding and graphic services	P	P
Restaurant, including drive-through	P	P
Recreational vehicle/trailer sales	P	N
Self-service storage facility (mini-storage)	P	P
Service and repair of motorized vehicles/boats	P	P
Service station, automobile/truck	P	P
Spectator sports facility	P	P
Top soil removal	CU	CU
<b>Residential</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Family day-care provider	P	P
Residential use	N	N
<b>Institutional</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Animal shelter	P	P
Animal, wildlife rehabilitation or scientific research facility	P	P
Beekeeping	L	L
College or university (EPF, HI Zones)	P	N
Detention facility	CU	P
Fire station	P	P
Government Agency Training Facility	P	P
Government offices/maintenance facilities	P	P
Law enforcement facility	L	P
Park, public	P	P
Secure community transitional facility	CU	CU
Trade/technical school	P	N
Transit facilities (EPF)	P	P
<b>Utilities/Facilities</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Critical materials tank storage	L	L
Electric Vehicle Infrastructure	P	P
Hazardous waste treatment and storage facilities, off-site	N	L
Hazardous waste treatment and storage facilities, on-site	L	L

**Table 614-1, Industrial Zones Matrix - continued**

<b>Utilities/Facilities</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Incinerator	CU	CU
Landfill (EPF, LI Zones)	N	CU
Landfill, inert waste disposal facility	N	CU
Power plant (EPF, LI Zones)	N	CU
Public utility local distribution facility	P	P
Public utility transmission facility	L	L
Sewage treatment plant	CU	CU
Small Cell Facility	L	L
Solid waste hauler	CU	P
Solid waste recycling/transfer site	L	L
Stormwater treatment/disposal	P	P
Tower	L	L
Wireless communication antenna array	L	L
Wireless communication support tower	L	L

**14.614.230 Uses with Specific Standards**

Uses that are categorized with an "L" in table 614-1, Industrial Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.614.220 (Industrial Zones Matrix) and section 14.614.230, section 14.614.230 shall govern.

1. *Accessory retail sales (LI, HI zones)*
  - a. The retail sales shall be directly related to and accessory to an allowed use.
  - b. The product must be produced or processed on the site and the retail use must be clearly incidental to the primary industrial use.
2. *Auto wrecking/recycling, junk and/or salvage yards (HI zone)*
  - a. A sight-obscuring fence of single color and material, a minimum of 6 feet in height, must be constructed, and approved, prior to the issuance of a certificate of occupancy.
  - b. All materials or parts shall be located within the fenced area.
  - c. The minimum lot area shall be 1 acre.
  - d. A performance bond, or other financial guarantee acceptable to the Division of Building and Planning, shall be required to assure compliance with the provisions of this permit.
  - e. All conditions must be met prior to commencing business activity.
3. *Beekeeping (LI, HI zones)*
  - a. Beekeeping for educational or research purposes as an accessory use to an existing institution such as a college, high school or agricultural extension office shall be allowed.
4. *Caretaker's residence (LI, HI zones)*
  - a. The residence is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner's property, building and/or use.
5. *Commercial uses, general, not elsewhere classified (LI zone)*
  - a. Permitted uses in Light Industrial shall also include all uses permitted in the commercial zone matrix in the Regional Commercial zone not elsewhere classified, except for adult retail use establishment and adult entertainment establishment and except for single

family, duplex, and multifamily residential uses. Provided further, those uses listed under Regional Commercial as an accessory or conditional use shall also be permitted as accessory or conditional uses in the Light Industrial zone. Provided further, Regional Commercial uses allowed in the Light Industrial zone shall meet all the Regional Commercial development standards as set forth in Section 14.612.300.

6. *Critical material tank storage (LI, HI zones)*
  - a. The tank storage shall comply with all local, state and federal standards for critical materials.
  - b. Exposed tanks (those not completely below ground and covered over at grade) shall maintain primary use setbacks.
7. *Hazardous waste treatment and storage facilities, off-site (HI zone)*
  - a. Off-site hazardous waste treatment and storage facilities shall comply with and be subject to the State's siting criteria adopted pursuant to section 70.105.210 RCW, as administered by the Washington State Department of Ecology or any successor agency.
8. *Hazardous waste treatment and storage facilities, on-site (LI, HI zones)*
  - a. On-site hazardous waste treatment and storage facilities shall comply with and be subject to the State's siting criteria adopted pursuant to section 70.105.210 RCW, as administered by the Washington State Department of Ecology or any successor agency.
  - b. On-site hazardous waste treatment and storage facilities shall be allowed as an accessory use to any allowed activity.
9. *Kennel (LI, HI zones)*
  - a. There shall be no outside runs or areas within the Light Industrial zone.
  - b. Compliance with noise standards for a commercial noise source as identified by WAC-173-60 shall be demonstrated by the applicant.
10. *Law enforcement facility (EPF) (LI zone)*
  - a. Detention facilities are prohibited except for short-term holding facilities (not to exceed 24 hours).
11. *Manufacturing and production, not elsewhere classified (LI and HI zones)*
  - a. Manufacturing and production uses which are not classified in table 614-1 shall be allowed except that high impact uses, as determined by the Director, shall be prohibited. A high-impact use is defined as a business considered dangerous and/or noxious due to potential public health, safety, and environmental impacts. This includes uses that generate or cause nuisance, odors, noise, vibration, contamination, chemical exposure/release, and or explosions.
12. *Mining, rock crushing, asphalt plant (HI zone)*
  - a. The use shall comply with the provisions and standards of the Mineral Lands zone.
13. *Neighborhood business uses, not elsewhere classified (LI zone)*
  - a. Permitted uses in the Light Industrial zone shall also include those uses allowed within the Neighborhood Commercial zone classification of the Commercial Zones Chapter, except that residential uses are prohibited.
14. *Participant sports and recreation (LI zone)*
  - a. Outdoor gun and archery ranges are prohibited.

15. *Public utility transmission facility (LI, HI zones)*

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
- c. The height of the structure above ground shall not exceed 125 feet.

16. *Planned unit development (LI, HI zones)*

- a. Shall be consistent with chapter 14.704, Planned Unit Development.

17. *Small Cell Facility (LI, HI zones)*

- a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.

18. *Solid waste recycling/transfer site (LI, HI zones)*

- a. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
- b. There shall be a paved access route on-site.
- c. The site shall either be landscaped (bermed with landscaping to preclude viewing from adjacent properties) and/or fenced with a sight-obscuring fence as determined by the Director.

19. *Tire salvage yard (HI zone)*

- a. A security fence, minimum 6 feet in height, is required around the perimeter of the tire storage area and shall be inspected and approved by the Building and Planning Division prior to the handling or storage of tires on-site.
- b. All salvage operations and tire storage shall be located within the fenced area with a secured access gate.
- c. The requirements for perimeter setbacks, between-pile setbacks, fire lanes, berming and clear areas shall be as required by the local fire district.
- d. A performance bond or other financial guarantee acceptable to the Building and Planning Division shall be required to assure compliance with the provisions of this permit.
- e. Applicant must obtain all required local and state permits and licenses prior to handling or storing tires on-site, or in the case of existing tire storage facilities, prior to accepting additional tires on-site. The site must meet all existing regulations, both state and local, that pertain to tire storage in order to begin or continue operation.
- f. Tire storage piles shall be no greater than 100 feet by 100 feet in dimension and no higher than 12 feet unless prescribed otherwise by the local fire district.
- g. Storage of unchipped or unshredded tires shall be laced and be limited to a maximum of four of the above tire storage piles. Additional quantities of tires must be chipped or shredded before storing on site.
- h. A mosquito control plan, as required by the Spokane Regional Health District, shall be implemented by the applicant.
- i. Appropriate firefighting apparatus, water supply and foam suppressant, which meets county specifications for an approved tire fire foaming agent, will be available on-site in quantities prescribed by the local fire district.
- j. Twenty-four hour on-site caretaker(s) trained by the local fire district to provide security and first-line firefighting, or an approved unmanned 24-hour surveillance and alarm system may be approved where the tire salvage yard is served by a manned fire station.
- k. Tire storage piles shall have containment berms as prescribed by the local fire district.
- l. Paved or hard-surfaced fire access lanes and cleared areas will be provided around the exterior of the tire storage area and in between individual piles to standards prescribed by the local fire district.

- m. Tire storage site owners must provide written receipts as prescribed by the Building and Planning Division to document the number of tires received, stored, chipped and shipped off-site every 6 months.
- n. Other conditions as required by the Hearing Examiner to protect the public health, safety and general welfare.

*20. Tower (LI, HI zones)*

- a. The tower shall be enclosed by a 6-foot fence with a locking gate.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. The tower collapse or blade impact area, as designed and certified by a registered engineer, shall lie completely within the applicant's property or within adjacent property for which the applicant has secured and filed an easement. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- d. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

*21. Wireless communication antenna array (LI, HI zones)*

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

*22. Wireless communication support tower (LI, HI zones)*

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

**14.614.240 Conditional Uses: Standards and Criteria**

Conditional uses are illustrated in table 614-1 with the letters "CU". Conditional uses require an approved conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses identified in table 614-1 are subject to the corresponding specific standards as follows. In the case of inconsistencies between section 14.614.220 (Industrial Zones Matrix) and section 14.614.240, section 14.614.240 shall govern.

*1. Battery manufacture and reprocessing (HI zone)*

- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*2. Commercial composting storage/processing (HI zone)*

- a. The minimum lot area is 5 acres.
- b. The conditional use permit may be revoked if air quality standards are not maintained.
- c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*3. Detention facility (EPF) (LI zone)*

- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*4. Incinerator (EPF) (LI, HI zones)*

- a. The minimum lot area is 5 acres.
- b. Adequate paved ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
- c. An on-site circulation plan shall be submitted, for review and approved by the County Engineer.



- d. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
5. *Landfill (EPF) (HI zones)*
- a. The minimum lot area is 10 acres.
  - b. The minimum distance of disposal operations shall be 300 feet from existing residences. This distance may be reduced, provided the adjacent property owner signs a waiver agreeing to the reduction in the minimum distance.
  - c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan after disposal terminates.
  - d. The conditional use permit may be revoked by the Hearing Examiner if the landfill operation is found in violation of any local, state or federal regulation related to the landfill operation.
  - e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
6. *Landfill – Inert Waste Disposal Facility*
- a. The minimum lot area is 10 acres.
  - b. The minimum distance of disposal operations shall be 300 feet from existing residences. This distance may be reduced provided the adjacent property owner signs a waiver agreeing to the reduction in the minimum distance.
  - c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan consistent after disposal terminates.
  - d. Compliance with the standards of the Spokane Regional Health District and the state criteria for inert landfills adopted pursuant to WAC 173-350-410.
  - e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  - f. The conditional use permit may be revoked by the Hearing Examiner if the operation is found in violation of any local, state or federal regulation related to the inert landfill operation.
7. *Manufacture and processing of coal, mineral, or animal by-products (HI zone)*
- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
8. *Manufacture and storage of explosives (HI zone)*
- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
9. *Paper/pulp mills (HI zone)*
- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
10. *Power plant (EPF) (HI zone)*
- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
11. *Rendering Plant (HI zone)*
- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

12. *Secure community transition facility (EPF) (LI, HI zones)*

- a. The use shall not be allowed outside the Urban Growth Area boundary except for zones within the Limited Development Area designation of the Comprehensive Plan.
- b. The use shall be located or maintained at a distance so that it is not across the street from, across the parking lot from, adjacent to, or within the line of sight of the following pre-existing uses, as measured from the nearest property line of the Secure Community Transition Facility to the nearest property line of the pre-existing use. For Spokane County, the definition of "within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purpose of granting a conditional use permit, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet.
  - i. Public library.
  - ii. Public playground, sports field, recreational center, community center, park, publicly dedicated trail, as designated in the Spokane County Geographic Information (GIS) Parks Map Layer, as amended.
  - iii. Public or private school and its grounds of pre-school to 12<sup>th</sup> grade.
  - iv. School bus stop.
  - v. Child day-care center.
  - vi. Place of worship such as church, mosque, synagogue, and temple.
  - vii. Another secure community transitional facility subject to the provisions of this section.
  - viii. Any other risk potential activity or facility identified in citing criteria by the Department of Social and Health Services, with respect to citing a secure community transition facility.
- c. The secure community transitional facility shall meet all applicable state, federal, and local licensing for a facility authorized by state, federal, or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court-ordered civil commitment.
- d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates, including the *Spokane County Regional Citing Process for Essential Public Facilities*.
- e. The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility.
- f. Properties that fail to meet any of these criteria must be removed from further consideration. The properties that do not meet the minimums must be further evaluated to determine which one, among the available properties, is the most suitable. When a site is selected, preference must be given to properties that are the farthest removed from risk potential activities or facilities.
- g. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

13. *Sewage treatment plant (EPF) (LI, HI zones)*

- a. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

14. *Smelter and ore reduction (HI zone)*

- a. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

15. *Solid waste hauler (LI zone)*

- a. The minimum lot area is 2 acres.
- b. Adequate ingress and egress to and on the site shall be provided.
- c. All travelled areas on the site shall be paved.
- d. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

16. *Tannery (HI zone)*

- a. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

17. *Top soil removal and land leveling (LI and HI zones)*

- a. The use shall comply with the requirements of chapter 14.824, Top Soil Removal and Land Leveling.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

**14.614.300 Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this section shall be provided.

1. **Lot Standards:** Development shall be consistent with the lot standards in table 614-2.

**Table 614-2, Lot Standards for Industrial Zones**

	<i>Light Industrial</i>	<i>Heavy Industrial</i>
<b>Minimum frontage</b>	90 feet	90 feet
<b>Maximum building coverage</b>	50% of lot area	60% of lot area
<b>Maximum building height</b>	150 feet*	65 feet
<b>Front/flanking yard setback</b>	25 feet	25 feet
<b>Side/rear yard setback</b> -abutting a commercial/industrial zone/use	None	20 feet
<b>Side/rear yard setback</b> -abutting an agricultural zone	15 feet	50 feet
<b>Side/rear yard setback</b> -abutting a residential zone	20 feet	100 feet
Notes: 1. Parking structures may be excluded from building coverage calculations. 2. Incinerators and associated structures are exempt from the height requirement. 3. Setbacks are measured from the property line. * For all development within a one-hundred-fifty (150) feet of a residential zone or use, the maximum building height is calculated as follows: Starting at the height of thirty (30) feet at the required residential building setback: additional building height may be added at a ratio of one (1) vertical foot to two (2) horizontal feet. That is one (1) foot of additional building height for every two (2) feet of additional horizontal distance from the required residential building setback. The building height transition requirement ends one-hundred-fifty (150) feet from the required residential building setback and then the maximum building height allowed in the zone applies.		

2. **Parking, Signage, and Landscaping Standards:** Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off-Street Parking and Loading Standards;

chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.

3. **Storage:**

a. Light Industrial zone:

- i. Storage of all raw materials, finished products, machinery and equipment (other than company-owned or operated cars and trucks) shall be within an entirely closed building or screened by a sight-obscuring fence not less than 6 feet in height. The Director may waive the fencing requirement, provided the adjacent property is zoned industrial and the adjacent use is industrial.
- ii. Storage of junked vehicles or junk as defined herein shall be within a totally enclosed building. Tarps shall not be used to store or screen junked vehicles, junk or waste materials.

b. Heavy Industrial zone:

- i. Outdoor storage is allowed; except that storage of junked vehicles or junk as defined herein shall be within an entirely closed building or screened by a sight-obscuring fence not less than 6 feet in height. Tarps shall not be used to store or screen junked vehicles, junk or waste materials.

4. **Lighting:** All lighting shall be positioned and shielded so that the direction of the light is downward and within the property lines.

## Chapter 14.616 Resource Lands

### **14.616.100 Purpose and Intent**

The purpose of the Resource Lands classifications is to protect and preserve Spokane County's valuable agriculture and forest resources. Avoiding the irrevocable loss of these resources and protecting them for future generations is the purpose of this chapter.

Uses other than agriculture or forestry are discouraged within commercial agricultural and forest land zones. This separation of uses is intended to keep land use conflicts to a minimum. Agriculture and forestry land management can impact adjacent properties with noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft), storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides, and the alteration or removal of vegetative cover.

The following zones are classified in this chapter:

#### **Large Tract Agricultural (LTA)**

The Large Tract Agricultural zone establishes large tract agricultural areas devoted primarily to commercial crop production including small grains, non-forage legumes, grass seed and animal production. Non-resource related uses other than rural residencies are discouraged. Residential density is 1 unit per 40 acres and residential uses should be associated with farming operations. A small lot subdivision provision is included in this zone to allow retiring farmers the ability to continue to live on their homesite after they are no longer actively involved in the farming operation.

#### **Small Tract Agricultural (STA)**

The Small Tract Agricultural zone establishes small tract agricultural areas devoted primarily to berry, dairy, fruit, grain, vegetable, Christmas trees, and forage crop production. Direct marketing of agricultural products to the public and associated seasonal festivities are permitted. Residential density is 1 unit per 10 acres and residential uses should normally be associated with farming operations.

#### **Forest Lands (F)**

The Forest Lands zone consists of higher elevation forests devoted to commercial wood production. Non-resource-related uses are discouraged. Residential density is 1 unit per 20 acres in order to minimize conflicts with forestry operations. Activities generally include the growing and harvesting of timber, forest products and associated management activities, such as road and trail construction, slash burning and thinning in accordance with the Washington State Forest Practices.

#### **Mineral Lands (M)**

Mineral Lands standards are addressed in chapter 14.620.

### **14.616.210 Types of Uses**

The uses for the resource lands shall be as permitted in table 616-1, Resource Lands Matrix. Multiple uses are allowed per lot, except that only one residential use is allowed per lot unless otherwise specified. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 616-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Accessory Uses:** Accessory uses shall be consistent with the requirements for accessory uses identified in Section 14.616.230.

3. **Limited Uses:** Limited uses are designated in table 616-1 with the letter “L”. These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.616.230
4. **Conditional Uses:** Conditional Uses are designated in table 616-1 with the letters “CU”. These uses require approval of a conditional use permit as set forth in Chapter 14.404, Conditional Use Permits. Conditional uses are also subject to standards and criteria as may be required under Section 14.616.240, Conditional Use Permits. Conditional use permits require a public hearing before the Hearing Examiner.
5. **Not Permitted:** Uses designated in table 616-1 with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
6. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 616-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process”, as amended.
7. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.160. Classifications shall be consistent with Comprehensive Plan policies.

#### **14.616.220 Resource Lands Matrix**

**Table 616-1, Resource Lands Matrix**

<b><i>Agricultural Uses</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Accessory Uses	L	L	L
Agricultural direct marketing activities	N	L	N
Agricultural processing plant, warehouse	L	L	L
Agricultural product sales stand/area	L	L	N
Airstrip or heliport for crop dusting and spraying	CU	CU	CU
Airstrip or heliport, personal	L	L	L
Airstrip or heliport, private	CU	CU	CU
Animal raising and/or keeping	L	L	L
Beekeeping	L	L	L
Expanded seasonal harvest festivities	N	CU	N
Feed lot	CU	CU	N
Feed mill	P	P	N
Forestry	P	P	P
General agriculture/grazing/crops, not elsewhere classified	P	P	P
Greenhouse, commercial	P	P	P
Grain elevator	P	P	N
Marijuana Processing	CU	CU	CU
Marijuana Production Indoor	CU	CU	CU
Marijuana Production Outdoor	CU	CU	CU

Table 616-1, Resource Lands - continued

<b><i>Agricultural Uses</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Sawmill/lumber mill	L	L	L
Seasonal harvest festivities	N	L	N
Sewage sludge land application	L	L	N
Small Tract Agricultural Wedding/Social Event	N	L	N
Storage structure, detached, private	P	P	P
<b><i>Business Uses</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Adult entertainment establishment	N	N	N
Adult retail use establishment	N	N	N
Auto wrecking/recycling, junk and salvage yards	N	N	N
Billboard/video board	N	N	N
Child day-care center, 30 children or less	L	L	L
Child day-care center, more than 30 children	CU	CU	CU
Commercial composting storage/processing (EPF)	CU	CU	N
Contractors yard	N	N	N
Farm machinery sales and repair	L	L	N
Fertilizer application facility	L	L	L
Gun and archery range	CU	CU	CU
Kennel	CU	CU	CU
Kennel, private	L	L	L
Marijuana Retail Sales	N	N	N
Mining, rock crushing, asphalt plant	CU	N	CU
Top soil removal	CU	CU	CU
<b><i>Residential Uses</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Accessory dwelling unit, attached	L	L	L
Dependent relative manufactured home	L	L	L
Dangerous animal keeping	L	L	L
Dwelling, single-family	P	P	P
Dwelling, two-family duplex	P	P	P
Family day-care provider	P	P	P
Home industry	CU	CU	CU
Home profession	L	L	L
Rural Cluster Development	N	N	N
Small lot provisions	L	N	N
<b><i>Utilities/Facilities</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Critical materials tank storage	L	L	L
Hazardous waste treatment and storage facilities, on-site	L	L	N
Incinerator (EPF)	N	N	N
Landfill (EPF)	N	N	N

**Table 616-1, Resource Lands - continued**

<b><i>Utilities/Facilities</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Public utility local distribution facility	P	P	P
Public utility transmission facility (EPF)	L	L	L
Small Cell Facility	L	L	L
Solid waste recycling/transfer site (EPF)	L	L	L
Tower	L	L	L
Tower, private	L	L	L
Wireless communication antenna array	L	L	L
Wireless communication support tower	CU	CU	CU
<b><i>Institutional Uses</i></b>	<b><i>Large Tract Agricultural</i></b>	<b><i>Small Tract Agricultural</i></b>	<b><i>Forest Lands</i></b>
Animal, wildlife rehabilitation or scientific research facility	P	P	P
Cemetery	L	L	L
Church	CU	P	N
Community hall, club or lodge	P	P	P
Detention facility (EPF)	N	N	N
Fire station	P	P	P
Government offices/maintenance facilities (EPF)	L	L	L
Law enforcement facility (EPF)	L	L	L
Park, public	N	P	P
Schools, public/private			
Nursery through junior high school	CU	CU	N
High school	CU	CU	N
College or university (EPF)	CU	CU	N
Youth camp	CU	CU	CU
Youth camp, expansion of existing facility	L	L	L

**14.616.230 Uses with Specific Standards**

Uses that are categorized with an "L" in table 616-1, Resource Lands Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.616.220 (Resource Lands Matrix) and section 14.616.230, section 14.616.230 shall govern.

**1. Accessory dwelling unit, attached (LTA, STA, F zones)**

- a. The accessory unit shall not be considered as a dwelling unit when calculating density.
- b. One off-street parking space shall be required for the dwelling unit, in addition to the off-street parking required for the main residence.
- c. The accessory unit shall be a complete, separate housekeeping unit that is attached to the principal unit with a common wall(s).
- d. Only 1 accessory unit shall be created within or attached to the principal unit.
- e. The accessory unit shall be designed in a manner so that the appearance of the building remains that of a single-family residence. Separate entrances shall be located on the side or in the rear of the building or in such a manner as to be unobtrusive in appearance when viewed from the front of the building.
- f. The total livable floor area of the principal and accessory units combined shall not be less than 1,200 square feet.



- g. The accessory unit shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the building's total livable floor area, nor more than 900 square feet, whichever is less.
  - h. The accessory dwelling unit shall not have more than 2 bedrooms.
2. *Accessory uses (LTA, STA, F zones)*
- a. Accessory uses in the LTA and STA zones shall be located, designed, and operated to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties. Accessory uses may include the following:
    - i. Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and
    - ii. Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses.
  - b. Accessory uses in the Forestry zone may include those uses and structures ordinarily associated with a permitted use.
3. *Agricultural direct marketing activities (STA zone)*
- a. The activity shall not create a permanent or semi-permanent sales business that would require a commercial zone classification.
  - b. A minimum of 9 acres of the land must be actively farmed by the property owner, except the 9-acre minimum shall not apply to those properties that the owner can show proof of being actively farmed before March 5, 2002.
  - c. The retail area shall not be more than 3,000 square feet.
  - d. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
  - e. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted, except for inflatable amusement devices (e.g. moonwalks, slides, other inflatable games for children), which may be permitted with the approval of a conditional use permit for "expanded seasonal harvest festivities".
  - f. All required licenses and permits have been obtained.
  - g. Adequate sanitary facilities shall be provided per Spokane Regional Health District requirements.
  - h. Noise standards identified in WAC 173-60 shall be met.
  - i. Appropriate ingress/egress is provided to the site.
4. *Agricultural processing plant/warehouse (LTA, STA, F zones)*
- a. The facility shall be located on a public street with a road classification of major collector arterial or higher.
5. *Agricultural product sales stand/area (LTA, STA zones)*
- a. The stand shall be accessory use of the property provided the permanent residence of the owner-operator of the stand is located on the property.
  - b. The maximum retail area shall be:
    - i. 3,000 square feet in the Small Tract Agricultural zone.
    - i. 600 square feet in the Large Tract Agricultural zone.
  - c. In the Large Tract Agricultural zone, all products sold must be produced on-site.

- d. In the Small Tract Agricultural zone, all products sold must be produced on-site, except as allowed through "Agricultural Direct Marketing Activities" or "Seasonal Harvest Festivities".
  - e. Adequate provisions shall be made for off-street parking.
6. *Airstrip or heliport, personal (LTA, STA, F zones)*
- a. The personal airstrip or heliport is limited to accommodate 1 plane or helicopter.
  - b. For ultralight vehicles, a minimum unobstructed runway area of 150 feet in width by 600 feet in length is required.
  - c. For a single-engine airplane, a minimum unobstructed runway area of 200 feet in width by 1,500 feet in length is required.
  - d. For a multi-engine airplane, a minimum unobstructed runway area of 200 feet in width by 2,000 feet in length is required.
7. *Animal raising and/or keeping (LTA, STA, F zones)*
- a. Any building and/or structure housing large and/or small animals and any yard, runway, pen or manure pile shall be no closer than 50 feet, in the case of swine 200 feet, from any occupied structure other than the dwelling unit of the occupant of the premises. Manure piles shall not be located within 100 feet of a water well.
  - b. Structures, pens, yards, and grazing areas of large and small animals shall be kept in a clean and sanitary condition as determined and enforced by the Spokane Regional Health District.
  - c. Equivalency units:  
A livestock unit equals one horse, mule, donkey, burro, llama, bovine or swine. A goat or sheep equals ½ of a livestock unit.
  - d. Animal density requirements:
    - i. Large animals: Three livestock units per gross acre.
    - ii. Small Animals: One small animal or fowl per 2,000 square feet.
8. *Beekeeping (LTA, STA, F zones)*
- a. Beekeeping is allowed as a primary or accessory use on any lot or parcel.
  - b. The keeping of bees shall be consistent with the requirements of the Washington State Department of Agriculture RCW 15.60 RCW or as hereafter amended.
  - c. There is no limit to the number of beehives, colonies, or nucs allowed per lot.
  - d. Beehives shall be setback a minimum of twenty-five (25) feet from any public right-of-way, private road, or improved shared access easement.
  - e. Beehives shall be setback a minimum of five (5) feet from any side or rear property lines and minimum of fifty (50) feet from any adjacent residence.
  - f. In cases where, due to lot size, a fifty (50) foot setback from an adjacent residence is not possible, beehives shall be centrally located on the lot to the greatest extent possible.
  - g. The requirements of (d) and (e) above are waived in regard to any side of the property adjacent to a parcel not used for residential purposes.
9. *Cemetery (LTA, STA, F zones)*
- a. The minimum lot area is 20 acres.
  - b. The cemetery shall not prevent the extension of streets important to circulation within the area.
  - c. The property shall be at least 500 feet from any existing dwelling, except a dwelling of the cemetery owner or employee.
  - d. No building shall be erected in the cemetery within 200 feet of any property line of the cemetery.
  - e. Grave plots shall not be located closer to any non-cemetery property line than the required front yard and/or flanking street yard setback of the zone in which the property is located.

- f. Points of ingress and egress shall be approved by the Division and the County Engineer, or if on a state highway, the Washington State Department of Transportation.
- g. A plat of the cemetery shall be filed with the County Auditor, in accordance with the laws of the State of Washington.
- h. Cemetery lots shall not be offered for sale until a water supply for irrigation has been developed and approved by the Spokane Regional Health District and the Department of Health.
- i. All cemeteries shall comply with chapter 68 RCW.

10. *Child day-care center, 30 children or less (LTA, STA, F zones)*

- a. The center shall be located on a paved road or bus route.
- b. The center shall serve 30 or fewer children. A center providing care for more than 30 children shall require a conditional use permit.

11. *Critical materials tank storage (LTA, STA, F zones)*

- a. The tank storage shall comply with all local, state and federal standards for critical materials.
- b. Exposed tanks (those not completely below ground and covered over at grade), shall maintain primary use setbacks.

12. *Dangerous animal keeping (LTA, STA, F zones)*

*(Inherently dangerous mammal and or inherently dangerous reptile keeping)*

- a. The minimum lot area is 5 acres.
- b. No more than 4 inherently dangerous mammals and or inherently dangerous reptiles shall be allowed.
- c. The inherently dangerous mammal and/or inherently dangerous reptile keeper and the animal keeping facility must be authorized, licensed and maintained in accordance with any requirements of the Spokane County Animal Control Authority as determined by that agency.
- d. The animal keeping facility shall not be located closer than ½ mile from any existing school, daycare center, and public park as defined in this Code.

13. *Dependent relative manufactured home (LTA, STA, F zones)*

- a. The property owner shall obtain an administrative permit from the Division pursuant to chapter 14.506 of this Code.
- b. The manufactured home shall be as defined in chapter 14.300.100.
- c. The manufactured home shall not be considered as a dwelling unit when calculating density.
- d. A dependent relative manufactured home shall not be allowed on lots less than 25,000 square feet in size.
- e. Only 1 dependent relative manufactured home is allowed on the property.
- f. The manufactured home shall be occupied by either a dependent relative(s) and family, or the person providing care to the dependent relative(s) and family.
- g. On forms provided by the Division, a statement by both a licensed physician and the care-provider stating that the person(s) in question is physically or mentally incapable of caring for themselves and/or their property is submitted with the application.
- h. A statement shall be recorded in the County Auditor's office by the Division stating that the manufactured (mobile) home is temporary and is for use by the named dependent relative(s) or that person(s)' care provider for whom the temporary use permit is approved and that it is neither to be considered a permanent residential structure nor to be transferred with the property if it should be sold or leased.
- i. The care provider may be administratively changed upon written application to and approval by the Division. A dependent relative manufactured home shall not be granted nonconforming status and any change in dependent relative(s) requires processing of a

- new permit, consistent with current standards. This provision does not apply to adding a spouse as a new dependent relative, as provided in this chapter.
- j. A spouse of the dependent relative may administratively become qualified as 'dependent' upon written request and submission of the forms to qualify him/her as dependent. This request must be submitted during the period in which the temporary manufactured (mobile) home is legitimately located on-site.
  - k. Upon termination of the need for care of the dependent relative(s), the manufactured home shall be removed within 180 days. The Division may exercise discretion on the removal date depending on weather and/or if the dependent relative is temporarily absent to receive intermediate or skilled nursing care.
  - l. The permit shall be granted for a period of one year and may be administratively renewed yearly by the Division upon submission of the required renewal fee and the re-certification by a licensed physician and the care-provider that a dependency situation continues which meets the threshold criteria set forth above. The Division may exercise some discretion regarding the continuing dependency, even if circumstances change. There shall be an annual renewal, with the date for renewal being the first day of the month one year following the effective date of the original permit. Additional renewals shall be annual, based upon the effective date.
14. *Farm machinery sales and repair (LTA, STA zones)*
- a. The site has a minimum of 150 feet of frontage on a major collector arterial or higher classification.
  - b. The sale and repair of equipment is limited to farm equipment.
  - c. The sale of recreational vehicles, motorcycles, snowmobiles and similar vehicles is not permitted.
  - d. Adequate ingress and egress is provided as approved by the County Engineer.
  - e. The soils on the site are not classified as "prime" or "unique" by the USDA, Natural Resources Conservation Service.
15. *Fertilizer application facility (LTA, STA, F zones)*
- a. The minimum lot size is ½ acre, and the minimum frontage is 125 feet on a public street.
  - b. The maximum on-site storage of fertilizer is limited to 100,000 gallons.
  - c. All storage related to fertilizer/pesticide shall be in relation to an approved plan detailing amounts, types and safety precautions for handling.
16. *Government offices/maintenance facilities (EPF) (LTA, STA, F zones)*
- a. The facility shall be directly related to rural governmental service.
17. *Hazardous waste treatment and storage facilities, on-site (LTA, STA zones)*
- a. On-site hazardous waste treatment and storage facilities shall comply with and be subject to the State's siting criteria adopted pursuant to section 70.105.210 RCW, as administered by the Washington State Department of Ecology or any successor agency.
  - b. The hazardous waste treatment and storage facilities shall be limited to wastes produced or used on the site.
18. *Home profession (LTA, STA, F zones)*
- a. The home profession shall be incidental to the use of the residence and not change the residential character of the dwelling or neighborhood, and shall be conducted in such a manner as to not give any outward appearance of a business.
  - b. The use, including all storage space, shall not occupy more than 49% of the livable floor area of the residence.
  - c. A home profession shall not occupy a detached accessory building.
  - d. All storage shall be enclosed within the residence.

- e. Only members of the family who reside on the premises may be engaged in the home profession.
- f. One sign identifying a home profession may be allowed. The sign shall be limited in size to a maximum of 4 square feet. The sign shall be unlighted, and be placed flat against the residence. Window displays are not permitted.
- g. Sample commodities shall not be displayed outside except for fruit, vegetables or flowers that are grown on the premises.
- h. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise.
- i. Traffic generated that exceeds any of the following standards shall be *prima facie* evidence that the activity is a primary business and not a home profession.
  - i. The parking of more than 2 customer vehicles at any one time.
  - ii. The use of loading docks or other mechanical loading devices.
  - iii. Deliveries of materials or products at such intervals so as to create a nuisance to the neighborhood.
- j. The hours of operation for a home profession shall occur between 7 a.m. and 10 p.m. The applicant shall specify the hours of operation on the home profession permit.
- k. A home profession permit must be obtained from the Division of Planning.
- l. Adult retail use establishments and adult entertainment establishments are prohibited.

19. *Kennel, private (LTA, STA, F zones)*

- a. The minimum lot area is 5 acres.
- b. No more than 8 dogs and/or 10 cats over 6 months of age are permitted on the subject site.
- c. Outside runs or areas shall be a minimum of 300 feet from any dwelling other than the dwelling of the owner and the run or yard area shall be enclosed with a 6-foot high sight-obscuring fence, board-on-board or cyclone with slats.
- d. The structure(s) housing the animals shall be large enough to accommodate all animals and shall be adequately soundproofed to meet WAC 173-60 as determined by the noise levels for the number of animals to be kept during a period of normal operation.
- e. All animals are to be housed within a structure between the hours of 10:00 p.m. and 6:00 a.m.

20. *Law enforcement facility (EPF) (LTA, STA, F zones)*

- a. The facility shall be directly related to rural governmental service.
- b. Detention facilities are prohibited except for short-term holding facilities (not to exceed 24 hours).

21. *Public utility transmission facility (LTA, STA, F zones)*

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
- c. The height of the structure above ground shall not exceed 125 feet.

22. *Sawmill/lumber mill (LTA, STA, F zones)*

- a. The maximum permissible noise levels shall comply with Washington Administrative Code, chapter 173.60, as amended.
- b. Ingress and egress is adequately designed and constructed for heavy-duty truck and trailer traffic.

23. *Seasonal harvest festivities (STA zone)*

- a. The site shall conform to the requirements for "agricultural direct marketing activities".

- b. Hours of operation shall occur between 8:00 a.m. and 6:00 p.m.
- c. Seasonal harvest festivities shall not be allowed on vacant property.
- d. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday and Monday, from the second weekend of June through the last weekend of October.

*24. Sewage sludge land application (LTA, STA zones)*

- a. The minimum lot area for application is 5 acres.
- b. The minimum distance from any application area to the nearest existing residence, other than the owner's, shall be 200 feet.

*25. Small Cell Facility (LTA, STA, F zones)*

- a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A;.

*26. Small lot provision (LTA zone)*

- a. A parcel in the Large Tract Agricultural (LTA) zone that is 45 acres or larger may be subdivided to create one small lot around an existing residence and one remainder lot, subject to the following;
  - i. The parcel has contained a lawfully existing residence for at least the last five years.
  - ii. The division shall be accomplished through a short plat consistent with the Spokane County Subdivision Ordinance. Both the small lot and the remainder lot must be included in the short plat.
  - iii. The small lot created by the division shall be 5 acres in size.
  - iv. Residential use on the remainder parcel shall be prohibited for as long as the parcel is designated as an agricultural resource land of long term commercial significance under the Large Tract Agricultural (LTA) zone. The restriction on residential use shall be included as a title notice and as a condition of approval for the short plat. The restriction shall be referenced on the face of the plat.
  - v. The small lot and the remainder lot may be allowed to deviate from the density standard and the lot standards of the Large Tract Agricultural (LTA) zone as determined by the Director.

*27. Small Tract Agricultural Weddings/Social Events (STA zone)*

- a. Small Tract Agricultural Weddings/Social Events shall meet the requirements as listed in Section 14.506.200.3.

*28. Solid waste recycling/transfer site (LTA, STA, F zones)*

- a. The minimum lot area is 2 acres.
- b. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
- c. There shall be a paved access route on-site.
- d. The site will either be landscaped (bermed with landscaping to preclude viewing from adjacent properties) and/or fenced with a sight-obscuring fence as determined by the Planning Director.

*29. Tower (LTA, STA, F zones)*

- a. The tower shall be enclosed by a 6-foot fence with a locking gate.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. The tower collapse or blade impact area, as designed and certified by a registered engineer, shall lie completely within the applicant's property or within adjacent property for which the applicant has secured and filed an easement. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.

- d. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

30. *Tower, private (LTA, STA, F zones)*

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- b. The tower must be accessory to a residence on the same site.

31. *Wireless communication antenna array (LTA, STA, F zones)*

- a. The use shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.

32. *Youth camp, expansion of existing facility (LTA, STA, F zones)*

- a. The expansion shall not involve the acquisition of new property. A conditional use permit is required for expansions that require the acquisition of new property.

**14.616.240 Conditional Uses: Standards and Criteria**

Conditional uses are illustrated in table 616-1 with the letters "CU". Conditional uses require an approved conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses identified in table 616-1 are subject to the corresponding specific standards as follows. In the case of inconsistencies between section 14.616.220 (Resource Lands Matrix) and section 14.616.240, section 14.616.240 shall govern.

1. *Airstrip or heliport for crop dusting and spraying (LTA, STA, F zones)*

- a. For single-engine airplanes, a minimum unobstructed runway area of 200 feet in width by 1,500 feet in length is required.
- b. For multi-engine airplanes, a minimum unobstructed runway area of 200 feet in width by 2,000 feet in length is required.
- c. All storage of fertilizer/pesticide shall be only in relation to an approved plan detailing amounts, types and safety precautions for handling, being submitted to the Hearing Examiner concurrent with the application for conditional use.
- d. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

2. *Airstrip or heliport, private (LTA, STA, F zones)*

- a. A minimum unobstructed runway area of 250 feet in width by 1,500 feet in length is required for single-engine airplanes.
- b. A minimum unobstructed runway area of 250 feet in width by 2,000 feet in length is required for multi-engine airplanes.
- c. The airstrip or heliport shall be located and/or designed with full consideration to its proximity to, and effect on, adjacent land use.
- d. The exterior property ownership boundaries shall be at least 1/4 mile from any incorporated city or urban growth area boundary.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

3. *Child day-care center, more than 30 children (LTA, STA, F zones)*

- a. Any outdoor play area shall be completely enclosed with a solid wall or fence to a minimum height of 6 feet.
- b. The facility shall meet Washington State childcare licensing requirements.

- c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

4. *Church (LTA zones)*

- a. The land is not currently being farmed and is not designated as "prime" or "unique" farmland by the USDA Soil Conservation Service.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

5. *Commercial composting storage/processing (LTA, STA zones)*

- a. The minimum lot area is 10 acres.
- b. The conditional use permit may be revoked if air quality standards are not maintained.
- c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

6. *Expanded seasonal harvest festivities (STA zone)*

The types of requirements and/or restrictions that may be imposed include but are not limited to the following:

- a. Requirements for off-street parking.
- b. Specifying the hours of operations.
- c. Providing a detailed list of all the events that will be sponsored throughout the season.
- d. Adequate ingress and egress is provided to the site.
- e. Mitigating nuisance-generating features such as noise, air pollution, wastes, vibration, traffic, physical hazards, and off-site glare.
- f. Specifying appropriate signage.
- g. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

7. *Feed lot (LTA, STA zones)*

- a. The lot shall be located no closer than 1/2 mile from any incorporated city or urban growth area boundary.
- b. The lot shall be located no closer than 1,000 feet from an existing residence.
- c. The lot shall be located landward of the 100-year flood plain or, in the event such cannot be determined, 300 feet landward of the ordinary high-water mark of all irrigation canals, intermittent streams, lakes and waterways.
- d. The lot shall be subject to conditions resulting from a recommendation of the USDA-NRSC and/or any agency charged with responsibility of health, air and water quality protection.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

8. *Gun and archery range (LTA, STA, F zones)*

- a. The minimum lot area is 20 acres.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

9. *Home industry (LTA, STA, F zones)*

- a. The property shall retain its residential appearance and character.
- b. The use shall be carried on in a primary residence or may be allowed in accessory detached structures which are not, in total, larger than 2 times the gross floor area of the primary residence.
- c. Only members of the family residing on the premises, and no more than 2 employees outside of the family, may be engaged in the home industry.



- d. One attached or detached sign identifying the home industry shall be allowed. The sign shall be unlighted and shall not exceed 16 square feet in size.
- e. Window or outside displays may be allowed as approved by the Hearing Examiner.
- f. Storage or sale of items not directly related to the home industry is prohibited.
- g. All material or mechanical equipment shall be used in such a manner as to be in compliance with WAC-173-60 regarding noise.
- h. Parking, traffic, and storage requirements shall be as approved by the Hearing Examiner.
- i. All storage areas shall be enclosed or completely screened from view by a maximum 6-foot-high, sight-obscuring fence.
- j. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

10. *Kennel (LTA, STA, F zones)*

- a. The minimum lot area is 5 acres.
- b. The structure(s) housing the animals shall be adequately soundproofed to meet WAC 173-60 as determined by the noise levels during a period of normal operation for the number of animals to be kept.
- c. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040 shall be demonstrated by the applicant.
- d. The structure(s) and outside runs or areas housing the animals shall be at least 300 feet from any dwelling other than the dwelling of the owner, and shall be at least 50 feet from any adjacent property.
- e. Outside runs or areas shall be completely screened from view by sight-obscuring fencing or landscaping or both as determined by the Hearing Examiner to serve as a visual and noise abatement buffer.
- f. All animals are to be housed within a structure and no outside boarding of animals is permitted between the hours of 10:00 p.m. and 6:00 a.m.
- g. The permit shall be granted for a period not to exceed 2 years. At the end of such period an inspection shall be made of the premises to determine:
  - i. compliance with all the conditions of approval.
  - ii. the advisability of renewing such permit.
- h. The applicant shall submit adequate information to aid the Hearing Examiner in determining that the above standards are satisfied prior to the public hearing.
- i. Those conditions or safeguards as deemed necessary by the Hearing Examiner for the protection and assurance of the health, safety and welfare of the nearby residences.
- j. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

11. *Marijuana Production Outdoor and Indoor (LTA, STA, F zones)*

- a. Only currently licensed marijuana producers' or those with pending applications, validly issued by the Washington State Liquor and Cannabis Board, compliant with all local development regulations shall be allowed. When a conflict exists such that the Washington State Liquor and Cannabis Board has issued a license in a location where activity is prohibited by regulation, the local regulations shall prevail.
- b. The operation shall employ odor control measures as necessary to comply with Spokane Regional Clean Air Agency Regulation 1, Section 6.04 – *Emission of Air Contaminant: Detriment to Person or Property*. Such odor control measures may include, but are not limited to the following; use of environmental buffers, use of carbon absorption media or other controls at all exhaust air discharge points, use of vertical exhaust vents or stacks, and/or completely enclosing the operation and recirculating ventilation air within the enclosure.
- c. The Hearing Examiner shall determine the setback requirement based on site specific and operational characteristics (such as topography, canopy size, use of structures to enhance plant growth, use of odor control systems, use of temporary growing structures, ventilation system, etc.) and probable impacts to neighboring properties; but in no case shall setbacks be less than a minimum of 100 feet from any front property line; 100 feet

- from any side, flanking, or rear property line; and 300 feet from any primary residence on an adjacent property. Minimum setback distances from any primary residence on an adjacent property and/or from the side, rear, or flanking property line may be reduced by up to fifty percent (50%) provided the effected property owner of record grants the reduced distance through a signed and notarized waiver, contract, covenant or other document is executed with specific reference to the assessor parcels impacted and a copy is recorded with the Spokane County Auditor.
- d. No Marijuana production shall be allowed on lots or parcels below the minimum lot size of the zone, on nonconforming lots, and on lots within a rural cluster development.
  - e. Outdoor production may utilize temporary Growing Structures as defined in this Title and regulated in the building codes.
  - f. Lot coverage for indoor production structures shall not exceed 20% of the lot.
  - g. Lot coverage for outdoor production shall be determined by the Hearing Examiner based on site specific and operational characteristics (such as topography, canopy size, use of temporary structures to enhance plant growth, use of odor control systems, use of ventilation system, etc.) and potentially adverse environmental impacts (such as odor, noise, dust, light, traffic) to neighboring properties; but in no case shall exceed 50% of the lot dedicated to the production/processing of marijuana.
  - h. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under Chapter 14.404.

*12. Mining, rock crushing, asphalt plant (LTA, F zones)*

- a. The activity shall comply with the development standards of the Mineral Lands zone.
- b. No mining, processing or private haul road shall be located within 1,000 feet of a residence existing prior to the date of approval of a reclamation plan by the Washington State Department of Natural Resources. This requirement may be removed if a waiver is signed by owners of all residences within 1,000 feet.
- c. A haul road agreement shall be approved by the Spokane County Division of Engineering.
- d. Mining, processing or hauling is permitted between the hours of 7:00 a.m. and 10:00 p.m. only, unless adjusted by the decision-making body.
- e. No land in the Large Tract Agricultural zone shall be used for quarrying, blasting, mining, sorting or screening of sand, gravel, rock or clay if twenty-five percent (25%) or more of the area to be mined has soils that are USDA-NRCS Class I or II or if fifty percent (50%) of its soils are USDA-NRCS Class I, II or III, unless the area proposed to be mined meets one of the following requirements:
  - i. The average slope exceeds ten percent (10%).
  - ii. Man made or natural features act as a barrier to normal agricultural operations; or
  - iii. The area contains at least 20% wooded area as judged by USDA-SCS criteria.
- f. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*13. Schools (LTA, STA zones)*

- a. The land is not currently being farmed and is not designated as "prime" or "unique" farmland by the USDA Soil Conservation Service.
- b. Adequate ingress and egress shall be provided for bus traffic and for teacher/student parking.
- c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*14. Top soil removal and land leveling (LTA, STA, F zones)*

- a. The use shall comply with the requirements of chapter 14.824, Top Soil Removal and Land Leveling.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

15. *Wireless communication support tower (LTA, STA, F zones)*

- a. The tower shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

16. *Youth camp (LTA, STA, F zones)*

- a. The youth camp shall be consistent with maintaining rural character and impacts to the surrounding area shall be adequately mitigated.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**14.616.300 Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this section shall be provided.

1. **Density Standards:** Residential density shall be consistent with table 616-2.

**Table 616-2, Density Standards for Resource Lands**

	<i><b>Large Tract Agricultural</b></i>	<i><b>Small Tract Agricultural</b></i>	<i><b>Forest Lands</b></i>
<b>Maximum residential density</b>	1 unit per 40 acres	1 unit per 10 acres	1 unit per 20 acres

2. **Lot Standards:** Development shall be consistent with the lot standards in table 616-3.

**Table 616-3, Lot Standards for Resource Lands**

	<i><b>Large Tract Agricultural</b></i>	<i><b>Small Tract Agricultural</b></i>	<i><b>Forest Lands</b></i>
<b>Maximum building coverage</b>	20% of lot area	20% of lot area	20% of lot area
<b>Minimum lot area per dwelling unit</b>	40 acres	10 acres	20 acres
<b>Minimum frontage per dwelling unit</b>	330 feet <sup>1</sup>	330 feet <sup>1</sup>	330 feet <sup>1</sup>
<b>Minimum lot width</b>	330 feet	330 feet	330 feet
<b>Maximum building height, residential</b>	35 feet	35 feet	35 feet
<b>Maximum building height, non-residential</b>	none	none	none
<b>Minimum front/flanking street yard setback</b>	25 feet from property line	25 feet from property line	25 feet from property line
<b>Minimum side/rear yard setback</b>	Five feet plus 1 additional foot for each additional foot of structure height over 25 feet		
Notes: 1. The minimum frontage for lots whose access is at the terminus of a public (private) street shall equal the minimum right of way or easement width as required by the adopted public or private road standards, as amended. 2. Setbacks are measured from the property line.			

3. **Parking, Signage, and Landscaping Standards:** Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.
4. **Storage:**
  - a. The storage of materials and equipment normally associated with farm and agricultural activities is permitted.
  - b. All storage (including storage of recyclable materials) on lots not qualifying as a primary agricultural parcel shall be entirely within a building, or shall be screened from view from the surrounding properties, and shall be accessory to the permitted use on the site. There shall be no storage in any of the front yard or flanking street yards.
  - c. The private, noncommercial storage of 2 junked vehicles shall be allowed, provided they are completely sight-screened year-round from a non-elevated view with a fence, maintained Type I or II landscaped area, or maintained landscaped berm. Storage of additional junked vehicles shall be within a completely enclosed building, including doors. Vehicle remnants or parts must be stored inside a vehicle or completely enclosed building, including doors. Tarps shall not be used to store or screen junked vehicles. Fences over 6 feet in height require a building permit and/or a zoning variance.

#### **14.616.410 Zone Reclassifications in Forest Land and Agricultural Zones**

1. Reclassification of property from the Small Tract Agricultural zone to any other zone is subject to the following:
  - a. The zone reclassification shall be considered concurrently with a Comprehensive Plan amendment reflecting the proposed new zoning category.
  - b. The reclassification will not establish a use conflicting with existing agricultural uses.
  - c. The owner(s) of the property reclassified from Small Tract Agricultural to another zone shall be required to place the Resource Activity Notification identified in section 14.616.510 in the deed.
2. Reclassification of property from the Large Tract Agricultural zone to any other zone is subject to the following:
  - a. The zone reclassification shall be considered concurrently with a Comprehensive Plan amendment except that a reclassification to the small tract agricultural zone does not require an associated Comprehensive Plan amendment, except for mineral land designation.
  - b. No parcel of land shall be rezoned if 25% or more of its soils are USDA-NRCS Class I or II unless the tract meets one of the following requirements:
    - i. The average slope exceeds 20%.
    - ii. Man-made or natural features act as barriers to normal agricultural operations.
  - c. No parcel of land shall be rezoned if 50% or greater of its soils are USDA-NRCS Class I, Class II, Class III or any class of soil which is designated as a farmland of statewide importance; unless the tract meets one of the following requirements:
    - i. The average slope exceeds 20%.
    - ii. Man-made or natural features act as barriers to normal agricultural operations.
  - d. If any portion of a proposed reclassification area is 40 acres or larger and meets the criteria listed under 14.616.410(b,c) above, the portion shall not be reclassified from the Large Tract Agricultural zone to another designation.
  - e. The owner(s) of the property reclassified from Large Tract Agriculture to another zone shall be required to place the Resource Activity Notification identified in section 14.616.510 in the deed.
  - f. Applications for a zone reclassification under this section shall include:
    - i. A soils map of the site illustrating the most recent soils information from NRCS.
    - ii. A calculation of the percentage of land area for each soil found within the proposed reclassification area.
    - iii. A slope map if any slope exceeds 20%.
3. Reclassification of property from the Forest Lands zone to any other zone is subject to the

following criteria:

- a. The zone reclassification shall be considered concurrently with a Comprehensive Plan amendment reflecting the proposed new zoning category, except for mineral land designation.
- b. The applicant must present clear and convincing evidence that the property is not conducive to long-term commercial forestry and does not substantially meet the forest lands designation criteria as adopted in the Comprehensive Plan.
- c. The owner(s) of the property reclassified from Forest Lands to another zone shall be required to place the Resource Activity Notification identified in section 14.616.510 in the deed.

**14.616.510 Resource Activity Notification**

All subdivisions, short plats, binding site plans, zone reclassifications, manufactured home park site plan approvals, variances, conditional use permits, shoreline permits and building permits issued or approved for land on or within 1,000 feet of lands designated as natural resource land pursuant to RCW 36.70A.170, shall contain or be accompanied by a notice. Maps of designated natural resource lands shall be maintained by the Public Works Department. The notice shall include the following disclosure:

"The subject property is adjacent or in close proximity to designated agricultural, forest or mineral resource land on which a variety of commercial activities may occur that are not compatible with residential development. Potential disturbances or inconveniences may occur 24 hours per day and include but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery including aircraft, application of pesticides, herbicides, fertilizers and removal of vegetation. Agricultural and forestry-related activities which are performed in accordance with local, state and federal laws shall not be subject to legal action as a public nuisance."

In the case of plats, short plats and binding site plans, notice shall also be included in the plat or binding site plan dedication.

## Chapter 14.618 Rural Zones

### **14.618.100 Purpose and Intent**

The intent of the Rural Zones classifications is to provide for a traditional rural landscape including residential, agricultural and open space uses. Rural zones are applied to lands located outside the urban growth area and outside of designated agricultural, forest and mineral lands. Public services and utilities will be limited in these areas. Housing will be located on large parcels except for cluster development, which results in open space preservation. Small towns and unincorporated communities provide services for surrounding rural areas and the traveling public.

The following zones are classified in this chapter:

The **Rural Traditional (RT)** zone includes large-lot residential uses and resource-based industries, including ranching, farming and wood lot operations. Industrial uses will be limited to industries directly related to and dependent on natural resources. Rural-oriented recreation uses also play a role in this category. Rural residential clustering is allowed to encourage open space and resource conservation.

The **Rural-5 (R-5)** zone allows for traditional 5-acre rural lots in areas that have an existing 5-acre or smaller subdivision lot pattern. Rural residential clustering is allowed to encourage open space and resource conservation.

The **Rural Conservation (RCV)** zone applies to environmentally sensitive areas, including critical areas and wildlife corridors. Criteria to designate boundaries for this classification were developed from Spokane County's Critical Areas ordinance and Comprehensive Plan studies and analysis. This classification encourages low-impact uses and utilizes rural clustering to protect sensitive areas and preserve open space.

The **Urban Reserve (UR)** zone includes lands outside the Urban Growth Area that are preserved for expansion of urban development in the long term. These areas are given development standards and incentives so that land uses established in the near future do not preclude their eventual conversion to urban densities. Residential clustering is encouraged to allow residential development rights while ensuring that these areas will be available for future development.

The **Rural Activity Center (RAC)** zone identifies rural residential centers supported with limited commercial and community services. Rural Activity Centers consist of compact development with a defined boundary that is readily distinguishable from surrounding undeveloped lands. Rural Activity Centers often form at crossroads and develop around some focal point, which may be a general store or post office. Commercial uses are intended to serve the surrounding rural area and the traveling public.

### **14.618.210 Types of Uses**

The uses for the rural zones shall be as permitted in table 618-1, Rural Zones Matrix. Accessory uses and structures ordinarily associated with a permitted use shall be allowed. Multiple uses are allowed per lot, except that only one residential use is allowed per lot unless otherwise specified. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 618-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 618-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.618.230.

3. **Conditional Uses:** Conditional uses are designated in table 618-1 with the letters “CU”. These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses illustrated in table 618-1 are also subject to specific standards and criteria as required in this chapter under section 14.618.240.
4. **Not Permitted:** Uses designated in table 618-1 with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 618-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process”, as amended. The Essential Public Facility Siting Process shall not be required for projects that would otherwise be allowed by the development regulations as specified herein in Table 618-1.
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.



**14.618.220 Rural Zones Matrix****Table 618-1, Rural Zones Matrix**

<b><i>Agricultural Uses</i></b>	<b><i>Rural-5</i></b>	<b><i>Rural Traditional</i></b>	<b><i>Rural Activity Center</i></b>	<b><i>Urban Reserve</i></b>	<b><i>Rural Conservation</i></b>
Agricultural direct marketing activities	N	L	N	N	N
Agricultural processing plant, warehouse	L	L	N	L	L
Agricultural product sales stand/area	L	L	N	L	L
Airstrip or heliport for crop dusting and spraying	N	CU	N	N	CU
Airstrip or heliport, personal	L	L	N	N	L
Airstrip or heliport, private	CU	CU	N	N	CU
Animal raising and/or keeping	L	L	N	L	L
Beekeeping	L	L	L	L	L
Dairy	N	P	N	N	P
Feed lot	N	CU	N	N	CU
Feed mill	P	P	P	P	P
Fertilizer application facility	N	L	N	L	L
General agriculture/grazing/crops, not elsewhere classified	P	P	N	P	P
Greenhouse, commercial	P	P	P	P	P
Landscape material sales lot	N	L	N	N	N
Marijuana Processing	N	CU	N	N	CU
Marijuana Production Indoor	N	CU	N	N	CU
Marijuana Production Outdoor	N	CU	N	N	CU
Sawmill/lumber mill	N	CU	N	N	N
Seasonal harvest festivities	N	L	N	N	N
Seasonal harvest festivities, expanded	N	CU	N	N	N
Sewage sludge land application	N	L	N	N	N
Storage structure, detached, private	P	P	P	P	P
Winery	P	P	P	P	P
<b><i>Residential Uses</i></b>	<b><i>Rural-5</i></b>	<b><i>Rural Traditional</i></b>	<b><i>Rural Activity Center</i></b>	<b><i>Urban Reserve</i></b>	<b><i>Rural Conservation</i></b>
Accessory dwelling unit, attached	L	L	L	L	L
Accessory dwelling unit, detached	L	L	L	L	L
Community residential facility (8 or fewer residents) (EPF, R-5, RT, UR, RC Zones)	N	N	P	N	N
Community treatment facility (8 or fewer residents) (EPF, R-5, RT, UR, RC Zones)	N	N	CU	N	N
Dangerous animal keeping	L	L	N	L	L
Dependent relative manufactured home	L	L	L	L	L
Dwelling, single-family	P	P	P	P	P
Dwelling, two-family duplex	P	P	P	P	P

**Table 618-1, Rural Zones Matrix – continued**

<b><i>Residential Uses- continued</i></b>	<b><i>Rural-5</i></b>	<b><i>Rural Traditional</i></b>	<b><i>Rural Activity Center</i></b>	<b><i>Urban Reserve</i></b>	<b><i>Rural Conservation</i></b>
Family day care provider	P	P	P	P	P
Home industry	CU	CU	CU	CU	CU
Home profession	L	L	L	L	L
Manufactured home park	N	N	L	N	N
Planned unit development	N	N	L	N	N
Rural cluster development	L	L	N	L	L
<b><i>Business Uses</i></b>	<b><i>Rural-5</i></b>	<b><i>Rural Traditional</i></b>	<b><i>Rural Activity Center</i></b>	<b><i>Urban Reserve</i></b>	<b><i>Rural Conservation</i></b>
Adult entertainment establishment	N	N	N	N	N
Adult retail use establishment	N	N	N	N	N
Animal health services	CU	P	CU	CU	P
Auto wrecking/recycling, junk and salvage yards	N	N	N	N	N
Billboard/video board	N	N	N	N	N
Child day-care center, 30 children or less	L	L	P	L	L
Child day-care center, more than 30 children	CU	CU	P	CU	CU
Commercial composting storage/ processing (EPF, R-5, RAC, UR, RC Zones)	N	CU	N	N	N
Contractor's yard	CU	CU	N	CU	CU
Farm machinery sales and repair	N	L	L	L	L
Golf course	P	P	N	P	N
Gun and archery range	N	CU	N	N	N
Industrial development, major	L	L	N	L	L
Kennel	CU	CU	N	CU	CU
Kennel, private	L	L	L	L	L
Marijuana Retail Sales	N	N	N	N	N
Master planned resort	CU	CU	CU	CU	CU
Mining, rock crushing	CU	CU	CU	CU	CU
Neighborhood business	N	N	L	N	N
Recreational area, commercial	N	CU	CU	N	CU
Recreational vehicle park/campground	N	N	CU	N	N
Recreational vehicle sales/services	N	CU	N	N	N
Self-service storage facility (mini-storage)	N	N	CU	N	N
Top soil removal	CU	CU	CU	CU	CU

**Table 618-1, Rural Zones Matrix – continued**

<b><i>Utilities/Facilities</i></b>	<b><i>Rural-5</i></b>	<b><i>Rural Traditional</i></b>	<b><i>Rural Act. Center</i></b>	<b><i>Urban Reserve</i></b>	<b><i>Rural Conservation</i></b>
Critical materials tank storage	L	L	L	L	L
Electric Vehicle Infrastructure	P	P	P	P	P
Hazardous waste treatment and storage facilities, on-site	N	L	L	N	L
Incinerator (EPF)	N	N	N	N	N
Landfill (EPF, R-5, RAC, UR, RC Zones)	N	CU	N	N	N
Landfill, inert waste disposal facility	CU	CU	N	N	N
Public utility local distribution facility	P	P	P	P	P
Public utility transmission facility	L	L	L	L	L
Small Cell Facility	L	L	L	L	L
Solid waste hauler	N	N	CU	N	N
Solid waste recycling/transfer site (EPF, UR, RC Zones)	N	CU	CU	N	CU
Stormwater treatment/disposal	P	P	P	P	P
Tower	L	L	L	L	L
Tower, private	L	L	L	L	L
Wireless communication antenna array	L	L	L	L	L
Wireless communication support tower	CU	CU	CU	CU	CU
<b><i>Institutional Uses</i></b>	<b><i>Rural-5</i></b>	<b><i>Rural Traditional</i></b>	<b><i>Rural Activity Center</i></b>	<b><i>Urban Reserve</i></b>	<b><i>Rural Conservation</i></b>
Animal, wildlife rehabilitation or scientific research facility	P	P	N	P	P
Cemetery	CU	CU	N	CU	CU
Church	P	P	P	P	P
Community hall, club, or lodge	P	P	P	P	P
Community recreational facility	P	P	P	P	P
Detention facility (EPF)	N	N	N	N	N
Fire station	P	P	P	P	P
Government Agency Training Facility	P	P	P	P	P
Government offices/maintenance facilities	L	L	L	L	L
Law enforcement facility	L	L	L	L	L
Park, public (including caretaker residence)	P	P	P	P	P
Schools					
Nursery through junior high school	L	L	L	L	L
High school/college/university	CU	CU	CU	CU	CU
Youth camp	CU	CU	CU	CU	CU
Youth camp, expansion of existing facility	L	L	L	L	L
Zoological park	L	L	N	L	N

**14.618.230 Uses with Specific Standards**

Uses that are categorized with an "L" in table 618-1, Rural Zones Matrix, are subject to the corresponding standards of this Section. In the case of inconsistencies between section 14.618.220 (Rural Zones Matrix) and section 14.618.230, section 14.618.230 shall govern.

1. *Accessory dwelling unit, attached (RT, R-5, RAC, RCV, UR zones)*
  - a. The accessory unit shall not be considered as a dwelling unit when calculating density.
  - b. One off-street parking space shall be required for the accessory dwelling unit, in addition to the off-street parking required for the main residence.
  - c. The accessory unit shall be a complete, separate housekeeping unit that is attached to the principal unit with a common wall(s).
  - d. Only one accessory unit shall be created within or attached to the principal unit.
  - e. The accessory unit shall be designed in a manner so that the appearance of the building remains that of a single-family residence. Separate entrances shall be located on the side or in the rear of the building or in such a manner as to be unobtrusive in appearance when viewed from the front of the building.
  - f. The total livable floor area of the principal and accessory units combined shall not be less than 1,200 square feet.
  - g. The accessory unit shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the building's total livable floor area, nor more than 900 square feet, whichever is less.
  - h. The accessory dwelling unit shall not have more than 2 bedrooms.
2. *Accessory dwelling unit, detached (R-5, RT, RAC, UR, RCV zones)*
  - a. The accessory unit shall not be considered as a dwelling unit when calculating density.
  - b. Only 1 accessory dwelling unit shall be allowed per lot with an existing single-family residence. A detached accessory dwelling unit shall not be allowed on lots containing a duplex, or an attached accessory dwelling unit or as part of an approved cluster development lot.
  - c. The accessory unit shall be located no more than 150 feet from the primary residence.
  - d. The accessory dwelling unit shall contain no more than 2 bedrooms and shall measure no more than 800 square feet on the main (ground) floor.
  - e. The accessory unit shall have a pitched roof with a minimum slope of 4 and 12.
  - f. The ridge of the pitched roof shall not exceed 24 feet.
  - g. A title notice shall be placed on the property generally stating as follows:  
The accessory dwelling unit located on this property may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.
3. *Agricultural direct marketing activities (RT zone)*
  - a. The agricultural direct marketing activity is intended to support the commercial viability of small-scale farming and is not intended to create permanent or semi-permanent sales businesses that would otherwise require a zone reclassification to a commercial zone.
  - b. A minimum of 9 acres of land must be actively farmed by the property owner(s), unless the property that was actively farmed was less than 9 acres prior to the adoption of this provision (March 5, 2002).
  - c. The retail area shall not be more than 3,000 square feet.
  - d. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
  - e. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted, except for inflatable amusement devices (e.g. moonwalks, slides, other inflatable games for children) which may be permitted with the approval of a conditional use permit for "expanded seasonal harvest festivities".
  - f. All required licenses and permits have been obtained.

- g. Adequate sanitary facilities shall be provided per Spokane Regional Health District requirements.
  - h. Noise standards identified in WAC 173-60 shall be met.
  - i. Appropriate ingress/egress is provided to the site.
4. *Agricultural processing plant/warehouse (RT, R-5, RCV, UR zones)*
- a. The facility shall be located on a public street with a road classification of major collector arterial or higher.
5. *Agricultural products sales stand/area (RT, R-5, RCV, UR zones)*
- a. The maximum stand or retail area shall be:
    - i. 3,000 square feet in the RT and RCV zones.
    - ii. 300 square feet in the R-5 and UR zones.
  - b. Sales shall be limited to products produced on-site except as otherwise may be permitted through "Agriculture Direct Marketing" or "seasonal harvest festivities".
  - c. Adequate provisions shall be made for off-street parking.
  - d. The site includes the permanent residence of the owner-operator of the stand. A product stand or sales area is not allowed on vacant property.
6. *Airstrip or heliport, personal (RT, R-5, RCV zones)*
- a. The personal airstrip or heliport is limited to accommodate 1 plane or helicopter.
  - b. For ultralight vehicles, a minimum unobstructed runway area of 150 feet in width by 600 feet in length is required.
  - c. For a single-engine airplane, a minimum unobstructed runway area of 200 feet in width by 1,500 feet in length is required.
  - d. For a multi-engine airplane, a minimum unobstructed runway area of 200 feet in width by 2,000 feet in length is required.
7. *Animal raising and keeping (RT, R-5, RCV, UR zones)*
- a. Any building and/or structure housing large and/or small animals and any yard, runway, pen or manure pile shall be no closer than 50 feet, in the case of swine 200 feet, from any occupied structure other than the dwelling unit of the occupant of the premises. Manure piles shall not be located within 100 feet of a water well.
  - b. Structures, pens, yards, and grazing areas of large and small animals shall be kept in a clean and sanitary condition as determined and enforced by the Spokane Regional Health District.
  - c. Equivalency Units:  
A livestock unit equals one horse, mule, donkey, burro, llama, bovine or swine. A goat or sheep equals ½ of a livestock unit.
  - d. Density Requirements:
    - i. Large animals: Three livestock units per gross acre.
    - ii. Small Animals: One small animal or fowl per 2,000 square feet.
8. *Beekeeping (RT, R-5, RAC, RCV, UR zones)*
- a. Beekeeping is allowed as a primary or accessory use on any lot or parcel.
  - b. The keeping of bees shall be consistent with the requirements of the Washington State Department of Agriculture RCW 15.60 RCW or as hereafter amended.
  - c. There is no limit to the number of beehives, colonies, or nucs allowed per lot.
  - d. Beehives shall be setback a minimum of twenty-five (25) feet from any public right-of-way, private road, or improved shared access easement.
  - e. Beehives shall be setback a minimum of five (5) feet from any side or rear property lines and minimum of fifty (50) feet from any adjacent residence.
  - f. In cases where, due to lot size, a fifty (50) foot setback from an adjacent residence is not possible, beehives shall be centrally located on the lot to the greatest extent possible.

- g. The requirements of (d) and (e) above are waived in regard to any side of the property adjacent to a parcel not used for residential purposes.
9. *Child day-care center (30 or fewer children) (RT, R-5, RCV, UR zones)*
- a. The center shall be located on a paved road or bus route.
  - b. The center shall serve 30 or fewer children. A center providing care for more than 30 children shall require a conditional use permit.
10. *Critical materials tank storage (RT, R-5, RAC, RCV, UR zones)*
- a. Tank storage shall be allowed only as accessory use to an allowed use.
  - b. Tank storage shall comply with the Critical Areas Ordinance, building standards and any other applicable regulation.
  - c. Above ground critical material tank storage shall not be allowed in the Rural Activity Center zone.
11. *Dangerous animal keeping (RT, R-5, RCV, UR zones)*
- a. No more than 4 inherently dangerous mammals and/or inherently dangerous reptiles shall be allowed.
  - b. The inherently dangerous mammal and/or inherently dangerous reptile keeper and the animal-keeping facility shall be authorized, licensed and maintained in accordance with the requirements of the Spokane County Animal Control Authority.
  - c. The animal-keeping facility shall not be located closer than ½ mile from any existing school, day-care center, church, or public park.
12. *Dependent relative manufactured home (RT, R-5, RAC, RCV, UR zones)*
- a. The property owner shall obtain an administrative permit from the Division pursuant to chapter 14.506 of the Zoning Code.
  - b. The manufactured home shall be as defined in chapter 14.300.100.
  - c. The manufactured home shall not be considered as a dwelling unit when calculating density.
  - d. A dependent relative manufactured home shall not be allowed on lots less than 25,000 square feet in size.
  - e. Only 1 dependent relative manufactured home is allowed on the property.
  - f. The manufactured home shall be occupied by either a dependent relative(s) and family, or the person providing care to the dependent relative(s) and family.
  - g. On forms provided by the Division, a statement by both a licensed physician and the care-provider stating that the person(s) in question is physically or mentally incapable of caring for themselves and/or their property is submitted with the application.
  - h. A statement shall be recorded in the County Auditor's office by the Division stating that the manufactured (mobile) home is temporary and is for use by the named dependent relative(s) or that person(s)' care provider for whom the temporary use permit is approved and that it is neither to be considered a permanent residential structure nor to be transferred with the property if it should be sold or leased.
  - i. The care provider may be administratively changed upon written application to and approval by the Division. A dependent relative manufactured home shall not be granted nonconforming status and any change in dependent relative(s) requires processing of a new permit, consistent with current standards. This provision does not apply to adding a spouse as a new dependent relative, as provided in this chapter.
  - j. A spouse of the dependent relative may administratively become qualified as 'dependent' upon written request and submission of the forms to qualify him/her as dependent. This request must be submitted during the period in which the temporary manufactured (mobile) home is legitimately located on-site.
  - k. Upon termination of the need for care of the dependent relative(s), the manufactured home shall be removed within 180 days. The Division may exercise discretion on the

- remove date depending on weather and/or if the dependent relative is temporarily absent to receive intermediate or skilled nursing care.
- I. The permit shall be granted for a period of 1 year and may be administratively renewed yearly by the Division upon submission of the required renewal fee and the re-certification by a licensed physician and the care-provider that a dependency situation continues which meets the threshold criteria set forth above. The Division may exercise some discretion regarding the continuing dependency, even if circumstances change. There shall be an annual renewal, with the date for renewal being the first day of the month 1 year following the effective date of the original permit. Additional renewals shall be annual, based upon the effective date.
13. *Farm machinery sales and repair (RT, RAC, RCV, UR zones)*
- a. The site has a minimum of 150 feet of frontage on a major collector arterial or higher.
  - b. The sale and repair of equipment shall be limited to farm equipment and does not include recreational vehicles, motorcycles, snowmobiles and similar vehicles.
  - c. Adequate ingress and egress shall be provided as approved by the County Engineer.
  - d. The applicant shall provide documentation that the soils on the site are not classified as "prime" or "unique" by the USDA, Natural Resources Conservation Service.
14. *Fertilizer application facility (RT, RCV, UR zones)*
- a. The minimum lot size is ½ acre, and the minimum frontage is 125 feet on a public street.
  - b. The maximum on-site storage of fertilizer shall be limited to 100,000 gallons.
  - c. All storage related to fertilizer/pesticide shall be in relation to an approved plan detailing amounts, types and safety precautions for handling.
15. *Government offices/maintenance facilities (EPF) (RT, R-5, RAC, RCV, UR zones)*
- a. The facility shall be related to County governmental service.
16. *Hazardous waste treatment and storage facilities, on-site. (RT, RAC, RCV zones)*
- a. On-site hazardous waste treatment and storage facilities shall comply with and be subject to the State's siting criteria adopted pursuant to section 70.105.210 RCW, as administered by the Washington State Department of Ecology or any successor agency.
  - b. The hazardous waste treatment and storage facilities shall be limited to wastes produced or used on the site.
17. *Home profession (RT, R-5, RAC, RCV, UR zones)*
- a. The home profession shall be incidental to the use of the residence and not change the residential character of the dwelling or neighborhood, and shall be conducted in such a manner as to not give any outward appearance of a business.
  - b. The use, including all storage space, shall not occupy more than 49 percent of the livable floor area of the residence.
  - c. A home profession shall not occupy a detached accessory building.
  - d. All storage shall be enclosed within the residence.
  - e. Only members of the family who reside on the premises may be engaged in the home profession.
  - f. One sign identifying a home profession may be allowed. The sign shall be limited in size to a maximum of 4 square feet. The sign shall be unlighted, and be placed flat against the residence. Window displays are not permitted.
  - g. Sample commodities shall not be displayed outside except for fruit, vegetables or flowers that are grown on the premises.
  - h. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise.
  - i. Traffic generated that exceeds any of the following standards shall be *prima facie* evidence that the activity is a primary business and not a home profession.

- i. The parking of more than 2 customer vehicles at any one time.
- ii. The use of loading docks or other mechanical loading devices.
- iii. Deliveries of materials or products at such intervals so as to create a nuisance to the neighborhood.
- j. The hours of operation for a home profession shall occur between 7 a.m. 10 p.m. The applicant shall specify the hours of operation on the home profession permit.
- k. A home profession permit must be obtained from the Division of Planning.
- l. Adult retail use establishments and adult entertainment establishments are prohibited.

18. *Industrial development, major (RT, R-5, RCV, UR zones)*

- a. Shall be consistent with Comprehensive Plan policy and RCW 36.70A.365.

19. *Kennel, private (RT, R-5, RAC, RCV, UR zones)*

- a. The minimum lot area is 5 acres.
- b. No more than 8 dogs and/or 10 cats over 6 months of age are permitted on the subject site.
- c. Outside runs or areas shall be a minimum of 300 feet from any dwelling other than the dwelling of the owner and the run or yard area shall be enclosed with a 6-foot sight-obscuring fence, board-on-board or cyclone with slats.
- d. The structure(s) housing the animals shall be large enough to accommodate all animals and shall be adequately soundproofed to meet WAC 173-60 as determined by the noise levels for the number of animals to be kept during a period of normal operation.
- e. All animals are to be housed within a structure between the hours of 10:00 p.m. and 6:00 a.m.

20. *Landscape material sales lot (RT zone)*

- a. The minimum lot size is 3 acres.
- b. The site shall have frontage on a state highway or a major collector arterial.
- c. Adequate provisions shall be provided for dust abatement.
- d. The hours of operation shall occur between 7:00 a.m. and 7:00 p.m.

21. *Law enforcement facility (EPF) (RT, R-5, RAC, RCV, UR zones)*

- a. The facility shall be related to County governmental service.
- b. Detention facilities are prohibited except for short-term holding facilities (not to exceed 24 hours).

22. *Manufactured home park (RAC zone)*

- a. The manufactured home park shall meet the density standards of the underlying zone and the standards of chapter 14.808, Manufactured Home Standards.

23. *Neighborhood business (RAC zone)*

- a. A neighborhood business in a rural activity center is limited to those retail and service businesses serving rural residents and supporting natural resource and tourism related uses and can contribute to the economic diversity of unincorporated areas of the County and provide employment opportunities for the nearby rural populations. Typical neighborhood businesses in a rural activity center include, but are not necessarily limited to: retail stores, restaurants, repair shops, personal services and professional offices.
- b. The structure shall not be more than 35,000 square feet in floor area.

24. *Nursery Through Junior High School (RT, R-5, RAC, RCV, UR zones)*

Schools sited in a rural area that serves students from a rural area and an urban area shall be consistent with Comprehensive Plan Policy and RCW 36.70A.213 and are subject to the following requirements:



- a. The applicable school district has adopted a policy addressing the school service area, facility needs and educational program requirements.
- b. The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the proposed site is suitable to site the school and any associated recreational facilities that the applicable district has determined cannot reasonably be collocated on an existing school site, taking into consideration the extent to which vacant or developable land within the growth area meets those requirements.
- c. The county and affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (b) of this subsection.
- d. Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.
- e. Any extension of a public facility or utility beyond the urban growth area is subject to the following:
  - i. Must only serve the applicable school, and the costs of extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school.
  - ii. An exception from subsection (i) above shall allow the public facility or utility, where consistent with RCW 36.70A.110(4), to serve a property or properties in addition to the school if the property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility.
  - iii. If property owners connect to the public facility pursuant to this subsection "e" the school district may, for a period of time not to exceed 20 years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utility.

*25. Public utility transmission facility (RT, R-5, RAC, RCV, UR zones)*

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
- c. The height of the structure above ground shall not exceed 125 feet.

*26. Planned unit development (RAC zone)*

- a. The proposal shall be consistent with chapter 14.704, Planned Unit Development.

*27. Rural cluster development (RT, R-5, RCV, UR zones)*

- a. Rural cluster developments shall comply with the standards provided in chapter 14.820, Rural Cluster Development.

*28. Seasonal harvest festivities (RT zone)*

- a. The site shall conform to the requirements for "agricultural direct marketing activities".
- b. Hours of operation shall occur between 8:00 a.m. and 6:00 p.m.
- c. Seasonal harvest festivities shall not be allowed on vacant property.
- d. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday and Monday, from the 2<sup>nd</sup> weekend of June through the last weekend of October.

29. *Sewage sludge land application (RT zone)*

- a. The minimum lot area for application is 5 acres.
- b. The minimum distance from any application area to the nearest existing residence, other than the owner's, shall be 200 feet.

30. *Small Cell Wireless Facilities (R5, RT, RCV, UR, RAC zones)*

- a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.

31. *Tower (RT, R-5, RAC, RCV, UR zones)*

- a. The tower shall be enclosed by a 6-foot fence with a locking gate.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. The tower collapse or blade impact area, as designed and certified by a registered engineer, shall lie completely within the applicant's property or within adjacent property for which the applicant has secured and filed an easement. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- d. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

32. *Tower, private (RT, R-5, RAC, RCV, UR zones)*

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- b. The tower must be accessory to a residence on the same site.

33. *Wireless communication antenna array (RT, R-5, RAC, RCV, UR zones)*

- a. The use shall comply with the requirements of Chapter 14.822, Wireless Communication Facilities.

34. *Youth camp, expansion of existing facility (RT, R-5, RAC, RCV, UR zones)*

- a. The expansion shall not involve the acquisition of new property. A conditional use permit is required for expansions that necessitate the acquisition of new property.

35. *Zoological park (RT, R-5, UR zones)*

- a. The minimum lot area is 5 acres.
- b. The facility shall be approved/licensed and maintained in accordance with any applicable requirements of the appropriate county, state and federal governmental agencies as determined by those agencies.

**14.618.240 Conditional Uses: Standards and Criteria**

Conditional uses are illustrated in table 618-1 with the letters "CU". Conditional uses require an approved conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses identified in table 618-1 are subject to the corresponding specific standards as follows. In the case of inconsistencies between section 14.618.220 (Rural Zones Matrix) and section 14.618.240, section 14.618.240 shall govern.

1. *Airstrips or heliport for crop dusting and spraying (RT, RCV zones)*

- a. For single-engine airplanes, a minimum unobstructed runway area of 200 feet in width by 1,500 feet in length is required.

- b. For multi-engine airplanes, a minimum unobstructed runway area of 200 feet in width by 2,000 feet in length is required.
- c. All storage of fertilizer/pesticide shall be only in relation to an approved plan detailing amounts, types and safety precautions for handling, being submitted to the Hearing Examiner concurrent with the application for conditional use.
- d. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

2. *Airstrip or heliport, private (RT, R-5, RCV zones)*

- a. A minimum unobstructed runway area of 250 feet in width by 1,500 feet in length is required for single-engine airplanes.
- b. A minimum unobstructed runway area of 250 feet in width by 2,000 feet in length is required for multi-engine airplanes.
- c. The airstrip or heliport shall be located and/or designed with full consideration to its proximity to, and effect on, adjacent land use.
- d. The exterior property ownership boundaries shall be at least 1/4 mile from any incorporated city or urban growth area boundary.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

3. *Animal health services (R-5, RAC, UR zones)*

- a. Treatment rooms, cages, yards, or runs shall be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040 shall be demonstrated by the applicant.
- b. The facility shall be designed as to create an exterior appearance compatible to adjacent surroundings.
- c. Boarding of animals not under treatment shall not be permitted, either inside or outside the clinic building, and the operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.
- d. Off-street parking areas shall not be located within front or flanking street yard areas and shall not be illuminated.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

4. *Cemetery (RT, R-5, RCV, UR zones)*

- a. The minimum lot area is 20 acres.
- b. The cemetery shall not prevent the extension of streets important to circulation within the area.
- c. The cemetery property shall be at least 500 feet from any existing dwelling, except a dwelling of the cemetery owner or employee.
- d. No building shall be erected in the cemetery within 200 feet of any property line of the cemetery.
- e. Grave plots shall not be located closer to any non-cemetery property line than the required front yard and/or flanking street yard setback of the zone in which the property is located.
- f. Points of ingress and egress shall be approved by the Division and the County Engineer, or if on a state highway, the District State Highway Engineer.
- g. A plat of the cemetery shall be filed with the County Auditor, in accordance with the laws of the State of Washington.
- h. Cemetery lots shall not be offered for sale until a water supply for irrigation has been developed and approved by the Spokane Regional Health District and the Department of Health.
- i. All cemeteries shall comply with Chapter 68 RCW.

- j. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
5. *Child day care center (more than 30 children) (RT, R-5, RCV, UR zones)*
    - a. Any outdoor play area shall be completely enclosed with a solid wall or fence to a minimum height of 6 feet.
    - b. The facility shall meet Washington State childcare licensing requirements.
    - c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  6. *Commercial composting storage/processing (RT zone)*
    - a. The minimum lot area is 10 acres.
    - b. The conditional use permit may be revoked if air quality standards are not maintained.
    - c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  7. *Community treatment facility, 8 or fewer residents, (EPF) (RAC zone)*
    - a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  8. *Contractor's yard (RT, R-5, RCV, UR zones)*
    - a. The contractors yard shall be located on the same property as the contractor's residence.
    - b. The lot shall have a minimum lot area of 10 acres and a minimum frontage of 330 feet.
    - c. All storage shall be within an enclosed building, or within a 6-foot sight-obscuring fence of a solid color. Existing vegetation or trees may be used as a sight-obscuring buffer in lieu of fencing, as determined by the Hearing Examiner.
    - d. All storage areas (including structures) must meet primary use setback requirements.
    - e. Adequate ingress and egress and on-site circulation shall be provided.
    - f. The facility shall be compatible with the surrounding uses either by separation, landscaping, buffering or design.
    - g. Signs identifying the contractor's yard shall be unlighted and may be attached or detached, not to exceed 16 square feet on each face or 6 feet in height.
    - h. The maximum lot coverage for a contractor's yard shall not exceed 10% of the lot area.
    - i. Not more than one contractor may utilize the same contractor's yard.
    - j. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  9. *Feed lots (RT, RCV zones)*
    - a. The lot shall be located no closer than ½ mile from any incorporated city or urban growth area boundary.
    - b. The lot shall be located no closer than 1,000 feet from an existing residence.
    - c. The lot shall be located landward of the 100-year flood plain or, in the event such cannot be determined, 300 feet landward of the ordinary high-water mark of all irrigation canals, intermittent streams, lakes and waterways.
    - d. The lot shall be subject to conditions resulting from a recommendation of the USDA-NRSC and/or any agency charged with responsibility of health, air and water quality protection.
    - e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  10. *Gun and archery ranges (RT zone)*
    - a. The minimum lot area is 40 acres.
    - b. The Hearing Examiner may prescribe conditions of approval to assure mitigation of safety and noise impacts.

- c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

11. *High school, junior college, college or university EPF) (RT, R-5, RAC, RCV, UR zones)*

- a. A minimum lot area is required as follows:
  - i. High school - as required by WAC 180-26-020(2) as it presently exists or as it may be hereafter amended.
  - ii. Junior college - 30 acres.
  - iii. College or university - 40 acres.
- b. Direct, primary vehicular access is provided by a state highway or county arterial.
- c. Each application shall be accompanied by a traffic analysis/study reviewed by the Spokane County Engineer and/or Washington State Department of Transportation. The analysis/study shall discuss ingress and egress to the site for faculty and student vehicles as well as buses. The analysis/study shall investigate, discuss and recommend mitigation measures, including their timing with respect to road and traffic improvements necessary to accommodate the facility.
- d. Each application which proposes water service by a private well on the parcel shall be accompanied by a groundwater analysis/study addressing the effect on existing wells and water usage in the area of the new private well.
- e. The applicant shall provide documentation that alternative sites have been reviewed through use of identified evaluation criteria and weights for the selection of the site, which criteria shall minimally include those set forth in WAC chapter 180-26-020, and that the proposed site is one of the highest-rated sites.
- f. Schools sited in a rural area that serves students from a rural area and an urban area shall be consistent with Comprehensive Plan Policy and RCW 36.70A.213 and are subject to the following requirements:
  - i. The applicable school district has adopted a policy addressing the school service area, facility needs and educational program requirements.
  - ii. The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the proposed site is suitable to site the school and any associated recreational facilities that the applicable district has determined cannot reasonably be collocated on an existing school site, taking into consideration the extent to which vacant or developable land within the growth area meets those requirements.
  - iii. The county and affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (ii) of this subsection.
  - iv. Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.
  - v. Any extension of a public facility or utility beyond the urban growth area is subject to the following:
    - A. Must only serve the applicable school, and the costs of extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school.
    - B. An exception from "A" above shall allow the public facility or utility, where consistent with RCW 36.70A.110(4), to serve a property or properties in addition to the school if the property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility.
    - C. If property owners connect to the public facility pursuant to this subsection "v" the school district may, for a period of time not to exceed 20 years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utility.

- g. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**12. Home industry (RT, R-5, RAC, RCV, UR zones)**

- a. The property shall retain its residential appearance and character.
- b. The use shall be carried on in a primary residence or may be allowed in accessory detached structures which are not, in total, larger than 2 times the gross floor area of the primary residence.
- c. Only members of the family residing on the premises, and no more than 2 employees outside of the family, may be engaged in the home industry.
- d. One attached or detached sign identifying the home industry shall be allowed. The sign shall be unlighted and shall not exceed 16 square feet in size.
- e. Window or outside displays may be allowed as approved by the Hearing Examiner.
- f. Storage or sale of items not directly related to the home industry is prohibited.
- g. All material or mechanical equipment shall be used in such a manner as to be in compliance with WAC-173-60 regarding noise.
- h. Parking, traffic, and storage requirements shall be as approved by the Hearing Examiner.
- i. All storage areas shall be enclosed or completely screened from view by a maximum 6-foot-high, sight-obscuring fence.
- j. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**13. Kennel (RT, R-5, RCV, UR zones)**

- a. The minimum lot area is 5 acres.
- b. The structure(s) housing the animals shall be adequately soundproofed to meet WAC 173-60 as determined by the noise levels during a period of normal operation for the number of animals to be kept.
- c. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040 shall be demonstrated by the applicant.
- d. The structure(s) and outside runs or areas housing the animals shall be at least 300 feet from any dwelling other than the dwelling of the owner, and shall be at least 50 feet from any adjacent property.
- e. Outside runs or areas shall be completely screened from view by sight-obscuring fencing or landscaping or both as determined by the Hearing Examiner to serve as a visual and noise abatement buffer.
- f. All animals are to be housed within a structure and no outside boarding of animals is permitted between the hours of 10:00 p.m. and 6:00 a.m.
- g. The permit shall be granted for a period not to exceed 2 years. At the end of such period an inspection shall be made of the premises to determine:
  - i. compliance with all the conditions of approval.
  - ii. the advisability of renewing such permit.
- h. The applicant shall submit adequate information to aid the Hearing Examiner in determining that the above standards are satisfied prior to the public hearing.
- i. Those conditions or safeguards as deemed necessary by the Hearing Examiner for the protection and assurance of the health, safety and welfare of the nearby residences.
- j. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**14. Landfill (EPF) (RT zone)**

- a. The minimum lot area is 10 acres.
- b. The minimum distance for disposal operations from existing residences shall be 300 feet. This distance may be reduced provided the adjacent resident provides a signed waiver agreeing to the reduction of the minimum distance.

- c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan after disposal terminates.
- d. The conditional use permit may be revoked by the Hearing Examiner if the landfill operation is found in violation of any local, state or federal regulation related to the landfill operation.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**15. Landfill – Inert Waste Disposal Facility**

- a. The minimum lot area is 10 acres.
- b. The minimum distance of disposal operations shall be 300 feet from existing residences. This distance may be reduced provided the adjacent property owner signs a waiver agreeing to the reduction in the minimum distance.
- c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan consistent after disposal terminates.
- d. Compliance with the standards of the Spokane Regional Health District and the state criteria for inert landfills adopted pursuant to WAC 173-350-410.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
- f. The conditional use permit may be revoked by the Hearing Examiner if the operation is found in violation of any local, state or federal regulation related to the inert landfill operation.

**16. Marijuana Production Outdoor and Indoor (RT, RCV zones)**

- a. Only currently licensed marijuana producers', validly issued by the Washington State Liquor and Cannabis Board, complaint with all local development regulations shall be allowed. When a conflict exists such that the Washington State Liquor and Cannabis Board has issued a license in a location where activity is prohibited by local regulations, the local regulations shall prevail.
- b. The operation shall employ odor control measures as necessary to comply with Spokane Regional Clean Air Agency Regulation 1, Section 6.04 – *Emission of Air Contaminant: Detriment to Person or Property*. Such odor control measures may include, but are not limited to the following; use of environmental buffers, use of carbon absorption media or other controls at all exhaust air discharge points, use of vertical exhaust vents or stacks, and/or completely enclosing the operation and recirculating ventilation air within the enclosure.
- c. The Hearing Examiner shall determine the setback requirement based on site specific and operational characteristics (such as topography, canopy size, use of structures to enhance plant growth, use of odor control systems, use of temporary growing structures, ventilation system, etc.) and probable impacts to neighboring properties; but in no case shall setbacks be less than a minimum of 100 feet from any front property line; 100 feet from any side, flanking, or rear property line; and 300 feet from any primary residence on an adjacent property. Minimum setback distances from any primary residence on an adjacent property and/or from the side, rear, or flanking property line may be reduced by up to fifty percent (50%) provided the effected property owner of record grants the reduced distance through a signed and notarized waiver, contract, covenant or other document is executed with specific reference to the assessor parcels impacted and a copy is recorded with the Spokane County Auditor.
- d. No Marijuana production shall be allowed on lots or parcels below the minimum lot size of the zone, on nonconforming lots, and on lots within a rural cluster development.
- e. Outdoor production may utilize temporary Growing Structures as defined in this Title and regulated in the building codes.
- f. Lot coverage for indoor production structures shall not exceed 20% of the lot.
- g. Lot coverage for outdoor production shall be determined by the Hearing Examiner based on site specific and operational characteristics (such as topography, canopy size, use of temporary structures to enhance plant growth, use of odor control systems, use of

- ventilation system, etc.) and potentially adverse environmental impacts (such as odor, noise, dust, light, traffic) to neighboring properties; but in no case shall exceed 50% of the lot dedicated to the production/processing of marijuana.
- h. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under Chapter 14.404.

**17. Mining/Rock Crushing**

- a. The maximum lot area is 20 acres.
- b. The use shall comply with the requirements of Chapter 14.620, Mineral Lands (excluding asphalt and batch plants).
- c. The CUP may be revoked by the Hearing Examiner if the operation is found in violation of any local, state or federal regulation related to the mining operation. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing examiner under chapter 14.404.
- d. The permit shall be granted for a period not to exceed (5) five years. At the end of such period an inspection shall be made of the premises to determine:
  - i. Compliance with conditions of approval
  - ii. The advisability of renewing such permit.

**18. Master planned resort (RT, R-5, RAC, RCV, UR zones)**

- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**19. Recreational area, commercial (RT, RAC, RCV zones)**

- a. The recreational use shall be consistent with maintaining rural character as defined in the Comprehensive Plan.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**20. Recreational vehicle park/campground (RAC zone)**

- a. The maximum units per acre shall be 15.
- b. The site shall have a minimum frontage of 125 feet on a major collector arterial or higher classification.
- c. Traveled roadways on-site shall be private and paved. The Hearing Examiner may waive this requirement, provided impacts can be adequately addressed.
- d. Accessory uses, including management headquarters, recreational facilities, restrooms, dumping stations, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:
  - i. Such establishments and their associated parking shall not occupy more than 5 percent of the gross area of the park.
  - ii. Such establishments shall be restricted in their use to occupants and their guests of the park.
  - iii. Such establishments shall present no visible evidence from any street outside the park of their commercial character, which would attract customers other than occupants of the park, and their guests.
  - iv. The structures housing such facilities shall not be located closer than 100 feet to any public street.
- e. Recreational vehicle stalls (spaces) shall average 1,500 square feet.
- f. A minimum of 8 percent of the gross site area for the recreational vehicle park shall be set aside and developed as common use areas for open or enclosed recreation facilities. Recreational vehicle stalls, private roadways, storage areas or utility sites shall not be counted as meeting this requirement.



- g. Entrances and exits to the recreational vehicle park shall be designed for safe and convenient movement of traffic.
- h. Off-street parking, at 1 space per stall, shall be provided.
- i. The application for a recreational vehicle park shall include a site plan that identifies vehicle stalls (spaces), motor vehicle parking spaces, the interior private road circulation, open and enclosed spaces for recreational opportunities, landscaping plans, and any other major features of the proposal.
- j. Sight-obscuring fencing, landscaping or berming may be required to assure compatibility with adjacent uses.
- k. The recreational vehicle park shall meet all Regional Health regulations regarding sewage and water.
- l. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*21. Recreational vehicle sales/services (RT zone)*

- a. The minimum lot area is ten acres.
- b. Lot location shall be within 2 miles of an I-90 interchange.
- c. Lot location shall be adjacent to the I-90 corridor and/or frontage road serving the lot.
- d. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
- e. Adequate ingress and egress to the lot shall be of proper road standards for all classes of RV's.

*22. Sawmill/lumber mill (RT zone)*

- a. The minimum lot area is 5 acres.
- b. The maximum permissible noise levels shall comply with WAC 173-60-40, as amended.
- c. Ingress and egress shall be adequately designed and constructed for heavy-duty truck and trailer traffic.
- d. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*23. Seasonal harvest festivities (RT zone)*

The types of requirements and/or restrictions that may be imposed include but are not limited to the following:

- a. Requirements for off-street parking.
- b. Specifying the hours of operations.
- c. Providing a detailed list of all the events that will be sponsored throughout the season.
- d. Adequate ingress and egress is provided to the site.
- e. Mitigating nuisance-generating features such as noise, air pollution, wastes, vibration, traffic, physical hazards, and off-site glare.
- f. Specifying appropriate signage.
- g. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*24. Self-service storage facility (mini storage) (RAC zone)*

- a. The facility shall be consistent with rural character and limited in size to what is necessary to meet the needs of the surrounding rural community.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

*25. Solid waste hauler (RAC zone)*

- a. The minimum lot area is 2 acres.
- b. Adequate ingress and egress to and/on the site shall be provided.
- c. All travelled areas on the site shall be paved.

- d. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**26. Solid waste recycling/transfer site (RT, RAC, RCV zones)**

- a. The minimum lot area is 2 acres.
- b. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
- c. A paved access route on-site shall be provided.
- d. The site will either be landscaped (bermed with landscaping to preclude viewing from adjacent properties) and/or fenced with a sight-obscuring fence as determined by the Hearing Examiner.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**27. Top soil removal and land leveling (RT, R-5, RAC, RCV, UR zones)**

- a. The use shall comply with the requirements of chapter 14.824, Top Soil Removal and Land Leveling.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under chapter 14.404.

**28. Wireless communication support tower (RT, R-5, RAC, RCV, UR zones)**

- a. The tower shall comply with the requirements of chapter 14.822, Wireless Communication Facilities.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**29. Youth camp (RT, R-5, RAC, RCV, UR zones)**

- a. The youth camp shall be consistent with maintaining rural character and impacts to the surrounding area shall be adequately mitigated.
- b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

**14.618.300 Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this section shall be provided.

**1. Density Standards:** Residential density shall be consistent with table 618-2:

**Table 618-2, Density Standards for Rural Zones**

	<i><b>Rural-5</b></i>	<i><b>Rural Traditional</b></i>	<i><b>Rural Activity Center</b></i>	<i><b>Urban Reserve</b></i>	<i><b>Rural Conservation</b></i>
<b>Maximum residential density</b>	1 unit per 5 acres	1 unit per 10 acres	3.5 units per acre	1 unit per 20 acres	1 unit per 20 acres
<b>Maximum residential density for rural cluster developments<sup>1</sup></b>	1 unit per 5 acres	1 unit per 10 acres	Not applicable	1 unit per 5 acres	1 unit per 10 acres

<sup>1</sup>See chapter 14.820, Rural Cluster Development for additional standards for Rural Cluster Development.

*continued next page*

2. **Lot Standards:** Development shall be consistent with the lot standards in table 618-3.

**Table 618-3, Lot Standards for Rural Zones**

	<i>Rural-5</i>	<i>Rural Traditional</i>	<i>Rural Activity Center</i>	<i>Urban Reserve</i>	<i>Rural Conservation</i>
<b>Maximum building coverage</b>	25% of lot area	20% of lot area	50% of lot area	20% of lot area	20% of lot area
<b>Minimum lot area per dwelling unit</b>	5 acres	10 acres	10,000 sq. ft.	20 acres	20 acres
<b>Minimum frontage per dwelling unit</b>	240 feet	330 feet	80 feet	330 feet	330 feet
<b>Minimum lot width</b>	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage	No requirement	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage
<b>Maximum height, residential</b>	35 feet	35 feet	35 feet	35 feet	35 feet
<b>Maximum height, non-residential</b>	45 feet	No requirement	35 feet	50 feet	No requirement
<b>Minimum front/flanking street yard setback</b>	25 feet from property line	25 feet from property line	25 feet from property line	25 feet from property line	25 feet from property line
<b>Minimum side/rear yard setback</b>	For all Rural zones: Five feet plus 1 additional foot for each additional foot of structure height over 25 feet.				
Notes: 1. The minimum frontage for lots whose access is at the terminus of a public (private) street shall equal the minimum right of way or easement width as required by the adopted public or private road standards, as amended. 2. Setbacks are measured from the property line. 3. The maximum building coverage limitations in this table shall not apply to the permitted commercial agricultural use of indoor agricultural applications growing temperature sensitive crops.					

3. **Lot Standards for Rural Cluster Developments:** Lot standards for rural cluster developments shall be as provided in chapter 14.820, Rural Cluster Development.
4. **Parking, Signage, and Landscaping Standards:** Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off-Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.
5. **Storage Standards:**
- The storage of materials and equipment normally associated with farm and agricultural activities is permitted.
  - All storage (including storage of recyclable materials) on lots not qualifying as a primary agricultural parcel shall be entirely within a building, or shall be screened from view from the surrounding properties, and shall be accessory to the permitted use on the site. There shall be no storage in any of the front yard or flanking street yards.

- c. The private, noncommercial storage of 2 junked vehicles shall be allowed, provided they are completely sight-screened year-round from a non-elevated view with a fence, maintained Type I or II landscaped area or maintained landscaped berm. Storage of additional junked vehicles shall be within a completely enclosed building with solid walls and doors. Tarps shall not be used to store or screen junked vehicles. Vehicle remnants or parts must be stored inside a vehicle or completely enclosed building, including doors. Fences over 6 feet in height require a building permit and/or a zoning variance.

## Chapter 14.620 Mineral Lands

### **14.620.100 Purpose and Intent**

The Mineral Lands zone is provided to allow for the quarrying, blasting, reduction, processing and mining of minerals or materials in urban, industrial, rural, and resource areas.

The **Mineral Lands (M)** zone is intended to ensure continued development of natural resources through inclusion of deposits of minerals and materials within this zone reserved for their development and production, to assure that the best undeveloped mineral and material resources will not be lost forever by developing of the land for other purposes, to allow for the necessary processing to convert such minerals and materials to marketable products, and to assure that mining activities do not detrimentally impact the environment or surrounding land uses.

### **14.620.200 Types of Uses**

The uses for Mineral Lands shall be as permitted in table 620-1, Mineral Lands Matrix. Accessory uses and structures ordinarily associated with a permitted use shall be allowed. Multiple uses are allowed per lot. Additional use restrictions may apply pursuant to the Critical Areas Ordinance as amended, chapter 11.20 of the Spokane County Code. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 620-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 620-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.620.220.
3. **Conditional Uses:** Conditional uses are designated in table 620-1 with the letters "CU". These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Some of the conditional uses illustrated in table 620-1 are also subject to specific standards and criteria as required in this chapter under section 14.620.230.
4. **Not Permitted:** Uses that are not permitted are designated in table 620-1 with the letter "N".
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 620-1 with the letters "EPF". These uses shall be evaluated to determine applicability with the "Essential Public Facility Siting Process", as amended.
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.
7. **Prohibited Uses:** Uses not specifically authorized on mineral lands are prohibited, including, but not limited to the following.
  - a. Commercial uses
  - b. Residential uses
  - c. Any use not specifically listed and permitted in this section.

**14.620.210 Mineral Lands Zone Matrix****Table 620-1, Mineral Lands Matrix**

<b>Uses</b>	<b>Mineral Lands</b>
Adult entertainment establishment	N
Adult retail use establishment	N
Commercial composting storage/processing	CU
Caretakers residence	L
Forestry	P
General agriculture/grazing/crops, not elsewhere classified	P
Hazardous waste treatment and storage facilities, on-site	L
Landfill	CU
Landfill, inert waste disposal facility	CU
Marijuana Processing	N
Marijuana Production Indoor	N
Marijuana Production Outdoor	N
Marijuana Retail Sales	N
Public utility transmission facility (EPF)	L
Quarrying, blasting and mining	L
Reduction and processing of minerals	L
Sewage sludge land application	CU
Small Cell Facilities	L
Solid waste recycling/transfer site (EPF)	L
Stormwater treatment/disposal	P
Tower	L
Wireless communication antenna array	L
Wireless communication support tower	CU

**14.620.220 Uses with Specific Standards**

Uses that are categorized with an "L" in table 1, Mineral Lands Matrix, are subject to the corresponding standards of this section.

1. *Caretakers residence*

A caretaker's residence may include a dwelling that is used and required by mining or quarrying operations for continuous supervision by a caretaker or superintendent and his immediate family.

2. *Hazardous Waste Treatment and Storage Facilities, on-site.*

- a. On-site hazardous waste treatment and storage facilities shall comply with and be subject to the State's siting criteria adopted pursuant to section 70.105.210 RCW, as administered by the Washington State Department of Ecology or any successor agency.
- b. The hazardous waste treatment and storage facilities shall be limited to wastes produced or used on the site.

3. *Public utility transmission facility.*

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
  - c. The height of the structure above ground shall not exceed 125 feet.
- 4. *Quarrying, blasting and mining*  
Quarrying, blasting and mining of minerals or materials, including but not limited to, sand and gravel rock, and clay.
- 5. *Reduction and processing of minerals*  
The primary reduction and processing of minerals or materials including, but not limited to, concrete batching, asphalt mixing, brick, tile, and concrete products manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products.
- 6. *Small Cell Facilities (ML zone)*
  - a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.
- 7. *Solid waste recycling/transfer site*
  - a. The minimum lot area is 2 acres.
  - b. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
  - c. A paved access route on-site shall be provided.
  - d. The site will either be landscaped (bermed with landscaping to preclude viewing from adjacent properties) and/or fenced with a sight-obscuring fence as determined by the Planning Director.
- 8. *Tower*
  - a. The tower shall be enclosed by a 6-foot fence with a locking gate.
  - b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
  - c. The tower collapse or blade impact area, as designed and certified by a registered engineer, shall lie completely within the applicant's property or within adjacent property for which the applicant has secured and filed an easement. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
  - d. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.
- 9. *Wireless communication antenna array.*
  - a. The use complies with the requirements of chapter 14.822, Wireless Communication Facilities.

#### **14.620.230 Conditional Uses with Specific Standards and Criteria**

Conditional uses are listed in table 620-1 with the letters "CU". Conditional uses require an approved conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Some of the conditional uses identified in table 620-1 are subject to the corresponding specific standards as follows:

- 1. *Commercial composting storage/processing.*
  - a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
- 2. *Landfill.*
  - a. The minimum lot area is 10 acres.

- b. The minimum distance for disposal operations from existing residences shall be 300 feet. This distance may be reduced provided the adjacent resident provides a signed waiver agreeing to the reduction of the minimum distance.
  - c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan after disposal terminates.
  - d. The conditional use permit may be revoked by the Hearing Examiner if the landfill operation is found in violation of any local, state or federal regulation related to the landfill operation.
  - e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
3. *Landfill – Inert Waste Disposal Facility*
- a. The minimum lot area is 10 acres.
  - b. The minimum distance of disposal operations shall be 300 feet from existing residences. This distance may be reduced provided the adjacent property owner signs a waiver agreeing to the reduction in the minimum distance.
  - c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan consistent after disposal terminates.
  - d. Compliance with the standards of the Spokane Regional Health District and the state criteria for inert landfills adopted pursuant to WAC 173-350-410.
  - e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
  - f. The conditional use permit may be revoked by the Hearing Examiner if the operation is found in violation of any local, state or federal regulation related to the inert landfill operation.
4. *Sewage sludge land application (for agricultural, beneficial purposes).*
- a. The minimum lot area for application is 5 acres.
  - b. The minimum distance from any application area to the nearest existing residence, other than the owner's, shall be 200 feet.
  - c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
5. *Wireless communication support tower, provided that:*
- a. The tower complies with the requirements of chapter 14.822, Wireless Communication Facilities.
  - b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

#### **14.620.240 Mining Operations**

Conditions for the approval of a proposed mining operation include but are not necessarily limited to the following:

- 1. The extraction proposal meets all applicable zoning requirements.
- 2. The proposed extraction operation is buffered from existing or potential developments within the vicinity of the proposed operation.
- 3. An applicant shall prepare and provide an acceptable reclamation plan to the Washington State Department of Natural Resources (DNR) prior to obtaining a reclamation permit. The plan shall be prepared with the standards set forth in RCW 78.44. DNR shall have the sole authority to approve reclamation plans.
- 4. After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from DNR. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by DNR.
- 5. Provide for protection of groundwater and surface water, including wetlands, during and after operation.
- 6. Mining shall not be allowed to penetrate the elevation 20 feet above the highest known elevation of an aquifer within the Spokane Valley-Rathdrum Prairie Aquifer area.
- 7. The monitoring and clean up of contaminants should be ongoing.



8. A sand and gravel permit shall be obtained, when applicable, from the Washington State Department of Ecology.
9. A sufficient amount of topsoil or suitable material shall be retained on-site for revegetation/rehabilitation purposes.
10. The operators shall comply with all existing water quality monitoring regulations of the Washington State Department of Ecology and the Spokane County Health District.

#### **14.620.250 Environment**

1. Sound pressure levels, as measured on properties adjacent to Mineral Lands property, shall conform to the provisions of Washington Administrative Code (WAC) Section 173-60-040 Maximum Permissible Environmental Noise Levels for noise originating in a Class C EDNA.
2. Provisions of Spokane County Air Pollution Control Authority (SCAPCA) shall be adhered to in the development of Mineral Lands property. Specifically reference SCAPCA Regulation 1, Section 6.04 Odors and Nuisances; Section 6.05, Particulate Matter and Preventing Particulate Matter from Becoming Airborne; and Section 6.06, Emission of Air Contaminants or Water Vapor, Detriment to Persons or Property.

#### **14.620.260 Reclamation Standards**

In order to ensure a further use of land used for mining subsequent to the removal of native materials, the following provisions covering land rehabilitation or reclamation shall be conformed to.

1. Mined excavations must be reclaimed consistent with the reclamation plan submitted and approved by DNR under the provisions of RCW 78.44. Reclamation shall proceed simultaneously with surface mining and upon the permanent abandonment of the quarrying, mining or processing operation.
2. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying, mining or processing operation, all buildings, structures, apparatus or appurtenances accessory to the quarrying or mining operation shall be removed or otherwise dismantled. All demolition must be consistent with chapter 3 of the County Code. A maintenance building may be permitted to remain or be constructed on sites used for storage of road maintenance materials.
3. The legal owner or his agents shall provide the Division with copies of the following documents prior to development or use of the property.
  - a. Permits/approved reclamation plans filed with the Department of Natural Resources.
  - b. Bonds as required by the Department of Natural Resources.

#### **14.620.270 Standards for Mining Within the Spokane Valley-Rathdrum Prairie Aquifer Area**

In addition to those provisions listed in sections 14.620.220 through 14.620.260 the following provisions shall apply.

1. Excavation into the aquifer is prohibited within the Spokane Valley-Rathdrum Prairie Aquifer area as determined by the Division of Utilities. A minimum of 10 feet of undisturbed material shall remain above the highest known level of the aquifer. If excavation into any aquifer outside this area is allowed, the operator shall stockpile a sufficient quantity of fill material to backfill a minimum of 10 feet above the highest known aquifer elevation.
2. The owners of small surface mining sites (as defined in RCW 78.44), in areas of high aquifer susceptibility, shall obtain the required grading permits from Spokane County.
3. A drainage channel shall be constructed around the active gravel pit area to keep surface runoff from outside the pit excavation from entering the pit area.
4. Fuel storage areas and service facilities shall incorporate provisions to prevent lubricants and petroleum products from contaminating either the pit area or drainage channels.
5. No liquid, asphalt, cement, or water used in mixing and truck washing operations shall be disposed of in the bottom of the pit.
6. A protective 8-foot-high berm or retaining wall shall be required adjacent to property lines where the edge of the pit is within 100 feet of a street or railroad right-of-way.

7. The use of fertilizers, pesticides, herbicides, and critical materials shall not be allowed within 100 feet of an active pit.

#### **14.620.280 Pit Reclamation and Allowable Land Uses**

In addition to those standards listed in sections 14.620.220 through 14.620.270 the following standards shall apply.

1. Reclamation plans for mining sites shall include:
  - a. The depth of remaining materials between the aquifer high-water mark and the final grade of the reclaimed site, for surface mining sites inside the Spokane Valley-Rathdrum Prairie Aquifer area.
  - b. The depth of remaining or backfilled materials between the aquifer high-water mark and the final grade of the reclaimed site, for surface mining sites outside the Spokane Valley-Rathdrum Prairie Aquifer area.
  - c. Physical barriers, as required in section 14.620.270 shall remain.
  - d. Provisions shall be made for limitation of access to, and activities within, the rehabilitated site until the use of the land is changed.
2. Subsequent land uses in reclaimed gravel pits within Spokane County may be limited or specifically conditioned.

#### **14.620.290 Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this Section shall be provided.

1. **Lot Standards:** Lot standards are illustrated in table 620-2 as follows:

**Table 620-2 – Lot Standards for Mineral Lands**

Permitted uses	
Minimum lot area	5 Acres
Minimum frontage	No Requirement (a)
Minimum yards	
For Mining/Quarrying	50 feet – To property lines (b) (c)
	100 feet – From residential zone
For Structures/Buildings	50 feet – To property line(s)

- a. There is no minimum frontage for permitted uses on Mineral Lands, but all required access permits shall be obtained from the County Engineer prior to use of the site.
  - b. Provided that such mining or quarrying does not impair lateral or subjacent support or cause earth movements or erosions to extend beyond the exterior boundary lines of the mining zoned property.
  - c. If a mining or quarry operation is located adjacent to another mining or quarry operation, the mining or quarry operation shall be permitted up to the property line.
2. **Parking, Signage, and Landscaping Standards:**  
 Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.
3. **Storage Standards**
  - a. The storage of materials and equipment normally associated with farm and agricultural activities is permitted.
  - b. All storage (including storage of recyclable materials) on lots not qualifying as a primary agricultural parcel shall be entirely within a building, or shall be screened from view from the

surrounding properties, and shall be accessory to the permitted use on the site. There shall be no storage in any of the front yard or flanking street yards.

- c. The private, noncommercial storage of 2 junked vehicles shall be allowed, provided they are completely sight-screened year-round from a non-elevated view with a fence, maintained Type I or II landscaped area or maintained landscaped berm. Storage of additional junked vehicles shall be within a completely enclosed building with solid walls and doors. Tarps shall not be used to store or screen junked vehicles. Vehicle remnants or parts must be stored inside a vehicle or completely enclosed building, including doors. Fences over 6 feet in height require a building permit and/or a zoning variance.

#### 4. **Fencing**

Six-foot fencing shall be provided and maintained in good condition at all times in the following locations.

- a. Exterior boundary of any portion of any site on which active operations exist.
- b. Exterior boundary of any portion of the site which has been mined and not yet rehabilitated.

#### **14.620.300 Resource Activity Notification**

All subdivisions, short plats, binding site plans, zone reclassifications, manufactured home park site plan approvals, variances, conditional use permits, shoreline permits and building permits issued or approved for land on or within 1,000 feet of lands designated as natural resource land (agricultural, forest or mineral lands), pursuant to RCW Chapter 36.70A.170, shall contain or be accompanied by a notice. The Public Works Department shall maintain maps of designated natural resource lands. The notice shall include the following disclosure:

“The subject property is adjacent or in close proximity to designated agricultural, forest or mineral resource land on which a variety of commercial activities may occur that are not compatible with residential development. Potential disturbances or inconveniences may occur 24 hours per day and include but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery including aircraft, application of pesticides, herbicides, fertilizers and removal of vegetation. Agricultural and forestry-related activities which are performed in accordance with local, state and federal laws shall not be subject to legal action as a public nuisance.”

In the case of plats, short plats and binding site plans, notice shall also be included in the plat or binding site plan dedication

## **Chapter 14.702**

### **Airport Overlay (AO) Zone**

#### **14.702.100 Purpose and Intent**

The purpose and intent of the Airport Overlay Zone is to protect the viability of the Spokane International Airport, Felts Field and Deer Park Airport as significant resources and essential public facilities to the community by encouraging compatible land uses and densities, reducing hazards to lives and properties and ensuring a safe and secure flying environment based on the following findings:

1. RCW 36.70.547 specifies every County in which there is located a general aviation airport that is operated for the benefit of the general public, whether publically owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible land uses adjacent to such general aviation airport.
2. These overlay zones are in addition to existing zoning districts and modify the density of allowed uses and land use standards of the underlying zones to provide protection to the public health, safety and general welfare of the community, airport users, and citizens working and residing within the Airport Overlay Zone.

In order to carry out the purpose and intent of the Airport Overlay Zone, the following development standards shall apply to the described areas designated on the official Spokane County Zoning maps.

#### **14.702.200 Applicability**

The Airport Overlay Zone shall apply to three airports in Spokane County. The airports are Spokane International Airport, Felts Field and the Deer Park Airport. The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the Airport Overlay Zones designated on the official zoning map unless otherwise exempted pursuant to Section 14.702.210.

#### **14.702.210 Exemptions**

Necessary aviation facilities, air navigation facilities, airport visual approach or aircraft arresting devices, meteorological devices, aviation industry related maintenance, aviation training and education facilities approved by the Federal Aviation Administration (FAA) or the Department of Defense, for which the location and height is fixed by its functional purpose are exempt from the provisions of the Airport Overlay Zones when permitted in the underlying zoning district, provided that the use will not penetrate the Federal Aviation Regulations (FAR) Part 77 surfaces, attract wildlife that is hazardous to aviation, impact airport operations, or create a safety impact as determined by the Airport Director.

#### **14.702.220 Airport Overlay Zone Boundaries and Areas**

In order to carry out the purpose and intent of the Airfield Overlay Zones as set forth above, and to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from airfields within Spokane County, the following air space and land use safety areas are established.

##### **A. Spokane International, Felts Field, and Deer Park Overlay Zones:**

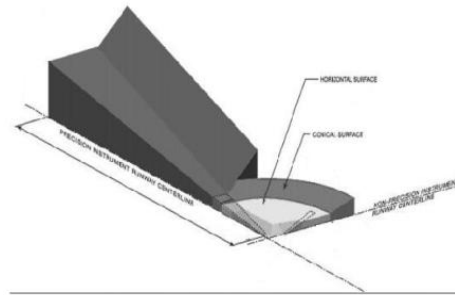
##### **1. Surface Overlay Zones**

- a. Five airport land use Airport Compatibility Zones (ACZ) are based upon Washington State Department of Transportation (WSDOT) Division of Aviation guidelines. These are further based on federal aviation accident data from the National Transportation Safety Board (NTSB) and are shown on the Airfield Overlay Zone official zoning map maintained by the Department of Building and Planning.

##### **2. Airspace Overlay Zones**

Federal Aviation Regulations Part 77 establishes civil airport imaginary surfaces for the regulation of airspace surrounding airports. These imaginary surfaces and any revisions

made thereto are adopted by reference and made an official part of this chapter. The size of each imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end. The Department of Building and Planning shall make available to the public upon request up to date maps and descriptions of the FAR 77 Civil Airport Imaginary Surfaces.



#### **14.702.230 General Use Restrictions**

- A. No use shall be made of any land in the airfield overlay zones that would cause any one of the following circumstances.
  - 1. The use creates or causes interference with the operations of radio or electronic facilities at the airfield or with radio or electronic communications between the airfield and aircraft.
  - 2. The use makes it difficult for pilots to distinguish between airfield lights and other lights.
  - 3. The use results in glare in the eyes of pilots using the airports.
  - 4. The use impairs visibility in the vicinity of the airfield.
  - 5. The use creates thermal plumes hazardous to aircraft.
  - 6. The use endangers the landing, taking off, or maneuvering of aircraft.
  - 7. The use creates a wildlife attractant that, in the opinion of the airport director, could interfere with aircraft operations.
  - 8. The use would create a fire accelerant or secondary explosion resulting from an aircraft crash in a Surface Overlay Zone.
- B. The following restrictions also apply:
  - 1. Prior to the issuance of a building or land use permit in any of the Surface Overlay Zones defined herein, the awarding of an aviation easement by the property owner(s) to the appropriate airport(s) shall be required and recorded with the Spokane County Auditor's Office.
  - 2. Prior to the issuance of a commercial building permit or any land use permit within the Surface Overlay Zones, a copy of the proposal shall be routed to the appropriate official(s) at Spokane International Airport, Felts Field, Deer Park for review and comment.

3. In all cases, the filing of an FAA Form 7460-1 (or any other appropriate Federal forms necessary to comply with Federal Airfield Laws) with the FAA Northwest Mountain Region may also be required, based on the overall height, location, and/or nature of the proposed construction as directed by CFR Part 77.13.

#### **14.702.240 Height Restrictions**

Structures or vegetation may not be constructed, altered, maintained, or allowed to grow into any Airspace Overlay Zones as defined in 14.702.220. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. No structure shall be erected to a height as to increase the Federal Aviation Administration landing and/or approach and/or departure minimums for aircraft using the runways of the affected airports, unless the Planning Director in consultation with the airport operator approves of such action.

#### **A) Administrative Height Exceptions**

The Planning Director may, as part of a development permit application process, administratively grant height exceptions after a review of the proposal and issuance of written findings that the proposed development meets the following criteria:

1. The applicant has complied with the Federal Aviation Administration Form 7460-1 review process (Notice of Proposed Construction or Alteration) and provided documentation from FAA that this review process is complete and that FAA has no objections to the proposed development.
2. The other requirements of this chapter have been satisfied. Further, the development shall meet at least one of the following criteria:
  - a. The improvement would be shielded by an adjacent or nearby existing permanent structure or natural terrain feature of equal or greater height compared to the proposed structure.
  - b. The improvement is an air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration.
  - c. The proposal is a military service and support improvement, with a fixed location and height which are necessary and incidental to base operations as certified in writing by the Fairchild Air Force Base.

The Director may require an applicant to provide such technical documentation and illustrations necessary to demonstrate that the proposed development will not threaten or reduce aircraft safety.

3. The following items are exempt from this provision.
  - a. Any structure or object that would be shielded by existing permanent structures or by natural terrain or topographic features of equal or greater height.
  - b. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration.
  - c. Structures necessary and incidental to airport operations.
  - d. Incinerator(s) and/or associated structures(s) owned and/or operated by a municipal corporation and/or political subdivision, either individually or jointly.

**14.702.250      Compatible Use Categories**

- A. This section classifies land uses and activities into use categories on the basis of common characteristics that are potentially compatible or incompatible with both civil and military airfields. Uses that put people in harm's way, increase the risk or severity of an aircraft accident, endanger public infrastructure or reduce the long term functionality and economic viability of the region's civil and military aviation facilities are considered incompatible.
  
- B. **Uses Not Listed**  
 Examples of uses that are included in the use category are provided. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be a retail sales use rather than a wholesale sales use. As such it would be in the High Intensity Uses category rather than the Low Intensity Uses category. This is because the actual activity on the site matches the description of the Retail Sales and Service category. A use may not be listed but may have the same incompatible characteristics as a listed use. The Department of Building and Planning Director may determine that a proposed use has similar incompatible characteristics as other uses that are permitted or not permitted in the respective Airport Overlay Zones and therefore should also be permitted or not permitted.
  
- C. **Accessory Uses**  
 Accessory uses are permitted only when they would be permitted as a standalone use. For example, in a zone that prohibits a daycare but allows an office use, a daycare would not be allowed as an accessory use. Except that an office that is accessory to a use in the Low Intensity Use category may be permitted pursuant to subsection D.6. of this section.
  
- D. **Use Categories**
  - 1. **Residential Uses**  
 Residential Uses are considered incompatible because in addition to safety concerns they are sensitive to noise impacts. Examples of Residential Uses include group living, single-family residences, duplexes, apartments, condominiums, manufactured home and mobile home parks. This does not include hotels and motels in which occupancy is arranged for time periods less than one month.
  
  - 2. **High-Intensity Uses**  
 High-Intensity Uses are uses that have the potential to concentrate a large number of people in a small area. These uses are considered incompatible because of their potential to put a large number of people in harm's way. Examples of High-Intensity Uses include religious institutions, theaters, auditoriums, arenas, concert halls, amphitheaters, lodges, meeting halls, fraternal organizations, gymnasiums and exercise facilities, skating rinks, bowling alleys, arcades, batting cages, community centers, universities, museums, public libraries, funeral homes, outdoor spectator sports, racetracks, speedways, amusement parks, splash pads, campgrounds, fairgrounds, zoos, circuses, carnivals, eating and drinking establishments, farmers markets, retail sales and services, malls and shopping centers, hotels, motels, auctions, offices, labor intensive manufacturing, bus and rail passenger terminals and mass shelters.
  
  - 3. **Vulnerable Occupant Uses**  
 Vulnerable occupant uses are uses in which a majority of occupants are children, elderly or disabled or other people who have reduced ability or are unable to respond to emergencies or get out of harm's way. Examples of Vulnerable Occupant Uses include daycare centers, family daycares, schools (grades K-12), hospitals, other health care facilities where anesthesia is used or patients remain overnight, correctional facilities retirement homes, nursing homes and convalescent facilities.

4. Critical Community Infrastructure

Critical Community Infrastructure includes facilities that the damage or destruction of which would cause significant adverse effects to public health and welfare beyond the immediate vicinity of the facility. Examples of Critical Community Infrastructure include police stations, fire stations, emergency communication facilities, power plants and waste water treatment facilities.

5. Hazardous Uses

Hazardous Uses are uses that release discharge into the air such as smoke, steam or particulates that impair air visibility, uses that have above ground storage or uses that require the storage of large quantities of hazardous (flammable, explosive, corrosive or toxic) materials that have the potential to exacerbate an aircraft accident, or uses that attract wildlife hazardous to aircraft. Examples of hazardous Uses include above ground chemical or fuel storage exceeding household quantities, mining, rendering plants, slaughter houses, stock yards and feed lots.

6. Low Intensity Uses

Low Intensity Uses do not concentrate people or hazardous materials into small areas, are not sensitive to loud noise and do not directly or indirectly inhibit aviation operations. Examples of Low Intensity uses include agricultural uses (that do not attract wildlife hazardous to aviation operations), kennels, animal clinics, motorcycle, automotive, truck, marine craft, manufactured home and travel trailer sales (except for auctions), commercial parking, quick vehicle service, maintenance and repair shops, towing services, taxicab terminals, wholesale sales, ministorage, warehouses, non-labor intensive manufacturing, printing and publishing, cemeteries, trails, rail lines, roads, and underground utilities. Low Intensity Uses may include a small accessory office in which onsite uses are managed. Larger offices in which business involves matters not related to uses onsite are considered High Intensity Uses even when combined with a use that is in the Low Intensity Uses category.

**14.702.260 Airport Overlay Compatible Uses**

A. Permitted Uses (P)

Uses permitted in the Airport Overlay Zones are listed in Table 14.702.260 with a "P". These uses are allowed if they comply with these standards and other standards of this chapter and are permitted in the underlying zone. When Airport Overlay Zones overlap, the proposed use must be permitted in every overlay zone that applies to the subject property or the use is not permitted.

B. Limited Uses (L)

Uses permitted that are subject to limitations are listed in Table 14.702.260 with an "L". These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter and are permitted in the underlying zones. The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from Table 14.702.260.

Non Residential Density:

For the purpose of this subsection, the calculated density shall be no greater than 180 persons per individual acre after subtracting public rights-of-way. However, in consultation with Spokane International Airport officials and Washington State Department of Transportation-Aviation officials, alternatives to this calculation may be allowed by the Director if it is deemed to be compatible with Spokane International Airport. For the purpose of this section, the terminology "consultation" shall mean written notification by the Director to Spokane International Airport officials of project proponents proposed alternative calculations and consideration by the Director of any written comments received from Spokane International



Airport officials within 15 days of the official's receipt of a notice of a proposed alternative. If the Department of Building and Planning receives no comment from Spokane International Airport within the applicable comment period the Department of Building and Planning shall presume that the calculated density shall be no greater than 180 persons per individual acre after subtracting the public rights-of-way.

C. Conditional Use (CU)

Uses that are allowed if approved through the conditional use review process are listed in Table 14.702.260 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter and are permitted in the underlying zones. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. The conditional use review process and approval criteria are stated in Chapter 14.404, Conditional Uses.

D. Uses Not Permitted (N)

Uses listed in Table 14.702.260 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards of Chapter 14.702, Nonconforming Situations.

Table 14.702.260 Airport Overlay Zones Use Matrix					
<b>Use is:</b> <b>P</b> – Permitted <b>N</b> – Not Permitted <b>L</b> - Allowed, but with Special Limitations <b>CU</b> – Conditional Use Review Required	<b>Felts Field, Deer Park and Spokane International Airport Compatibility Zones (ACZ)</b>				
	<b>ACZ-1</b>	<b>ACZ-2</b>	<b>ACZ-3</b>	<b>ACZ-4</b>	<b>ACZ-5</b>
Residential Uses	L[1]	L[1]	L[1]	N	L[1]
High Intensity Uses	N	L[2]	L[2]	L[2]	L[2]
Vulnerable Occupant Uses	N	N	N	N	L[3]
Critical Community Infrastructure	N	N	L[4]	L[4]	P
Hazardous Uses	N	L/CU[5]	L/CU[5]	N	L/CU[5]
Low Intensity Uses	L[6]	P	P	P	P
Notes: <ul style="list-style-type: none"> <li>The use categories are described in chapter 14.702.250</li> <li>Standards that correspond to the bracketed numbers [ ] are specified in chapter 14.702.270</li> <li>Standards applicable to conditional uses are stated in Chapter 14.404</li> </ul>					

**14.702.270 Limited Use Standards****A. Residential Living**

This regulation applies to all parts of Table 14.702.260 that have a note [1].

1. In the ACZ-1, ACZ-2, ACZ-3, and ACZ-5 residential uses and residential densities are permitted within Residential and Rural Zones that permit residential uses that existed prior to the adoption of this Chapter, except that mobile and manufactured home parks are not permitted. No residential zone changes will be allowed within the ACZ-1, ACZ-2, ACZ-3 or ACZ-5 that allow for increases in residential lots or units per acre except that amendments to the Comprehensive Plan and Zone reclassification may be considered to allow for changes to or increases to residential densities when such reclassifications are located on properties south of the Interstate 90 right of way after the adoption of this Chapter.

**B. High Intensity Uses**

This regulation applies to all parts of Table 14.702.260 that have the note [2]

1. In ACZ-2 religious institutions, funeral homes, libraries, non-aviation related museums; fraternal organizations and entertainment oriented uses (amusement park, bowling alley, theater, stadiums and arenas, etc.) are not permitted. Sales and services oriented uses, eating and drinking establishments, offices, hotels and motels are allowed when permitted by the underlying zoning at a net density not exceeding forty persons per acre calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.
2. In ACZ-3 religious institutions, funeral homes, libraries, non-aviation related museums, fraternal organizations, and entertainment oriented uses (amusement park, bowling alley, theater, stadiums and arenas, etc.) are not permitted. Sales and services oriented uses, eating and drinking establishments, offices, hotels and motels are allowed when permitted by the underlying zoning at a net density not exceeding seventy persons per acre calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.
3. In ACZ-4 airport uses and associated activities such as offices, restaurants and eateries serving airport users are the only High Intensity Uses permitted when allowed in the underlying zone.
4. In ACZ-5 non-aviation related museums, horse racing tracks, speedways, stadiums and arenas are not permitted. All other High Intensity Uses are allowed when permitted by the underlying zoning at a net density to exceeding one hundred eighty persons per acre calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.

**C. Vulnerable Occupant Uses**

This regulation applies to all parts of Table 14.702.260 that have a note [3]. Uses with vulnerable occupants may be allowed when permitted in the underlying zone at a net density not exceeding one hundred eighty persons per acre calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way. Except that hospitals and schools (grades K-12) are not permitted.

**D. Critical Community Infrastructure**

This regulation applies to all parts of Table 14.702.260 that have a note [4]. Police fire stations and ambulance service uses are not allowed when permitted in the underlying zone. No other Critical Community Infrastructure is permitted.

## E. Hazardous Uses

This regulation applies to all parts of Table 14.702.260 that have a note [5].

1. Mining may be permitted in ACZ-2 and ACZ-3 with a conditional use permit if the Hearing Examiner, after consulting airport personnel, finds that the proposed mining operation will not create a hazard for aviation operations.
2. Hazardous Uses may be permitted in ACZ-5 with a conditional use permit if the Hearing Examiner, after consulting airport personnel, finds that the proposed use will not create a hazard for aviation operations or significantly exacerbate an aircraft accident.

## F. Clear Zone and ACZ-1

This regulation applies to all parts of Table 14.702.260 that have a note [6] No above ground structures or utilities are permitted. Except that on lots existing prior to the adoption of this chapter the minimal structures necessary to allow for reasonable and economically viable use of the property may be permitted when the Director determines that the structure(s) would not threaten public health, safety or welfare on or off the property. The inability of the applicants to derive an economically viable use shall not be the result of actions by the applicant in subdividing the property, adjusting boundary lines or other land use activity thereby creating the undevelopable conditions after the effective date of this chapter.

**14.702.280 Development Standards**

The following standards shall apply to all development within the Airport Compatibility Zones 1-5.

- A. Stormwater facilities shall be designed in compliance with the *Washington State Department of Transportation Aviation Stormwater Design Manual* Best Management Practices.
- B. Buildings and structures shall be clustered to either side of the extended runway center line to the greatest extent possible.
- C. Utilities lines shall be sited underground to the greatest extent possible.

**14.702.290 Nonconforming Situations – Resulting from the Airfield Overlay Zoning**

- A. The intent of this section is to allow retention of uses rendered nonconforming solely as a result of the adoption of Chapter 14.702 Airport Overlay and associated changes to the official zoning map and to permit continued investment and upgrades to existing buildings and sites made nonconforming solely as a result of the adoption of said zoning standards. In the event of an inconsistency between this Section and Chapter 14.508 as a whole, this section shall control.
- B. A nonconforming structure in the Clear Zone or ACZ-1 shall not be expanded in height or bulk. When a nonconforming structure in the Clear Zone or ACZ-1, because of damage, destruction, deterioration or other reason, it may not be restored or reconstructed unless in full compliance with the requirements for the zone under this chapter. In cases where a structure in the Clear Zone or ACZ-1 has been damaged or partially destroyed the structure may be rebuilt to the same square footage and occupancy if the owner causes restoration to begin within one year after the damage or the destruction and continues to make substantial progress as required by the building permit.
- C. The following provisions refer to the use categories defined by 14.702.250.
  1. Nonconforming Residential Uses may be rebuilt if destroyed or damaged. No additional dwelling units may be added. Buildings housing nonconforming residential uses or accessory

buildings may be expanded within the same parcel subject to the standards of the underlying zoning. No additional dwelling units (including accessory dwelling units) may be added.

2. Nonconforming High Intensity and Vulnerable Occupant Uses shall not be expanded in such a way as to cause the building code occupancy to increase. Nonconforming High Intensity and Vulnerable occupant uses may be rebuilt to the same square footage and occupancy if damaged or destroyed.
  3. Nonconforming Critical Community Infrastructure may be rebuilt if destroyed or damaged. Facilities may be expanded or improved on the same parcel to the extent that new capacity is not added.
  4. When a building containing a Hazardous Use, because of damage, destruction, deterioration or other reason, it may not be restored or reconstructed unless in full compliance with the requirements for the zone under this chapter. In cases where a building containing a Hazardous Use has been damaged or partially destroyed to an extent less than sixty percent of its value, the building may be rebuilt to the same square footage and use if the owner causes restoration to begin within one year after the damage or destruction and continues to make substantial progress as required by the building permit.
  5. Facilities housing a nonconforming Hazardous Use may be expanded or improved so long as the hazardous nature of the use is not increased.
- D. Any building intended for human occupancy located in the Airport Noise Zone that is allowed to be rebuilt as the result of this section shall be designed to achieve an interior noise level not exceeding forty five decibels.
- E. Vacant spaces in commercial buildings permitted prior to the adoption of the Airport Overlay Zones may be leased and/or occupied by any use permitted by both the overlay zone and underlying zoning without occupancy limitation. Any expansion of existing buildings must comply with the overlay zone and occupancy limitations.

**Spokane County Zoning Code**

**Chapter 14.702A  
Fairchild Air Force Base  
Overlay Zone (FOZ)**



## **Chapter 14.702A**

### **Fairchild Air Force Base Overlay Zone (FOZ)**

#### **14.702A.100 Purpose and Intent**

It is the purpose of this chapter to discourage incompatible land uses in the vicinity of Fairchild AFB consistent with the recommendations of the Fairchild AFB 2010 Joint Land Use Study, Air Installation Compatible Use Zone Study (AICUZ) and the Goals and Policies of the Comprehensive Plan.

Fairchild Air Force Base (FAFB) has recognized aviation operational characteristics that are unique and necessitate a modified approach to the regulation of vicinity land uses. These characteristics include but are not limited to military aircraft approach and departure operations affecting a more expansive geographic area and more intense aircraft operation noise characteristics resulting from the staging of unique events such as air shows and special military preparedness operations, periodic visits by aircraft from other military air installations.

It is recognized that FAFB current primary missions may, be modified in the future to include more substantial aircraft operations involving more intrusive aircraft. The effects of the regulations below should protect and enable Fairchild AFB's expansion of its military mission which will enhance Spokane County's economy, while enhancing the security of the United States.

The Fairchild Air Force Base Overlay Zone (FOZ) regulations herein are intended to discourage incompatible land uses in the vicinity of Fairchild AFB based on the findings:

- a. It is necessary to discourage new development and activities near Fairchild AFB which could create significant airport hazards of an obstructive nature that adversely effect current and future military operations. Hazards of an obstructive nature, in effect, reduce the size of the area available for military aircraft operations destroying or impair the utility of Fairchild AFB and the public investment therein.
- b. It is recognized that Fairchild Air Force Base is a key element of a strong economic base for Spokane County and that it is essential that it be protected from incompatible land uses and hazardous encroachments that would cause curtailment of the Base mission or even closure
- c. Pursuant to the Base Realignment and Closure Commission (BRAC) process.
- d. It is recognized that it is essential to protect public and private investments in US Air Force military facilities for which there may be no feasible future replacement.
- e. The regulations herein are necessary to effectively implement the Air Transportation Goals and Policies of the Comprehensive Plan.
- f. These regulations are necessary to effectively implement RCW 36.70A.530 which encourages land uses in the vicinity of Fairchild AFB which are compatible with military installations such as Fairchild Air Force Base.
- g. These overlay regulations are intended to minimize exposure of residential and other noise sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to restrict incompatible land uses within designated military influence areas as described in this Section.
- h. The purpose of the regulations herein is to safeguard the public health, safety and welfare by establishing minimum requirements regulating the design and construction standards of certain buildings for human occupancy in the sound sensitive vicinity of Fairchild AFB.

#### **14.702A.110 Applicability**

This Fairchild Overlay Zone (FOZ) regulations apply to the military influence areas described in Section 14.702A.400 and illustrated on the official zoning map The Fairchild Overlay Zone serves as an overlay district that applies additional standards and requirements to properties located within the underlying

zoning designations. Where a FOZ requirement overlaps or is in conflict with the underlying zone requirement the most restrictive requirement applies.

#### **14.702A.120 Declaration - Appropriate Protection**

The degree and scope of protection of Fairchild AFB provided by these regulations is considered the minimum necessary to protect current and future Fairchild Air Force Base operations and are reasonable for regulatory purposes and are based on planning and research in coordination with aviation and defense agencies.

#### **14.702A.200 Accident Potential Zones**

##### **14.702A.210 Accident Potential Zones Established**

In order to carry out the purpose and intent of the Fairchild Air Installation Compatible Use Zone (AICUZ) Study and to restrict those land uses which may be hazardous to the operational safety of Fairchild AFB aircraft or threaten the safety of the occupants of the use, the following Accident Potential Zones are hereby established and are illustrated on the official zoning map.

1. **Clear Zone(CZ):** The Clear Zone at each end of the Fairchild AFB runway is 3,000 feet wide (1,500 feet wide on each side of the runway centerline) by 3,000 feet long. Accident potential on or adjacent to the runway or within the clear zone is so high that the necessary land use restrictions would prohibit reasonable economic use of land. Proposed land uses in the Clear Zone shall be in accordance with Section 14.702A.220, Table 1.
2. **Accident Potential Zone (APZ) I:** APZ I is 3,000 feet wide (1,500 feet wide on each side of the runway centerline) by 5,000 feet long extending to 8,000 feet from the runway threshold. APZ I begins at the outer boundary of the Clear Zone. Proposed land uses in APZ I shall be in accordance with Section 14.702A.220 Table 1.
3. **Accident Potential Zone (APZ) II:** APZ II is 3,000 feet wide (1,500 feet wide on each side of the runway centerline) by 7,000 feet long extending to 15,000 feet from the end of the runway. APZ II commences at the outer boundary of APZ I. Proposed uses in APZ II shall be in accordance with Section 14.702A.220, Table 1.



**14.702A.220 APZ Permitted and Prohibited Uses**

Land uses are permitted or prohibited in the Clear Zone, APZ-1 and APZ-II Zones are as specified in Table 1 below. If Table 1 specifies a use is not allowed, the use shall be deemed prohibited for the purposes of this Chapter. If a permitted use conflicts with the requirements of the underlying zone the more restrictive requirements shall apply.

<b>Table 702A-1 - Accident Potential Zones (APZs) Allowed Uses</b> (Refer to official zoning map for an illustration of the APZs)				
SLUCM No.	Land Use	CZ	APZ I	APZ II
<b>10</b>	<b>Residential</b>			
11.11	Single units; detached	N	N	Y <sup>1</sup>
11.12	Single units; semidetached	N	N	N
11.13	Single units; attached row	N	N	N
11.21	Two units; side-by-side	N	N	N
11.22	Two units; one above the other	N	N	N
11.31	Apartments; walk-up	N	N	N
11.32	Apartments; elevator	N	N	N
12	Group quarters	N	N	N
13	Residential hotels	N	N	N
14	Mobile home parks or courts	N	N	N
15	Transient lodgings	N	N	N
16	Other residential	N	N	N <sup>1</sup>
<b>20</b>	<b>Manufacturing</b>			
21	Food and kindred products; manufacturing	N	N <sup>2</sup>	Y
22	Textile mill products; manufacturing	N	N <sup>2</sup>	Y
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	N	N	N <sup>2</sup>
24	Lumber and wood products (except furniture); manufacturing	N	Y <sup>2</sup>	Y
25	Furniture and fixtures; manufacturing	N	Y <sup>2</sup>	Y
26	Paper and allied products; manufacturing	N	Y <sup>2</sup>	Y
27	Printing, publishing, and allied industries	N	Y <sup>2</sup>	Y
28	Chemicals and allied products; manufacturing	N	N	N <sup>2</sup>
29	Petroleum refining and related industries	N	N	N
31	Rubber and misc. plastic products; manufacturing	N	N <sup>2</sup>	N <sup>2</sup>
32	Stone, clay, and glass products manufacturing	N	N <sup>2</sup>	Y
33	Primary metal industries	N	N <sup>2</sup>	Y
34	Fabricated metal products; manufacturing	N	N <sup>2</sup>	Y
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; manufacturing	N	N	N <sup>2</sup>

**Table 702A-1 - Accident Potential Zones (APZs) Allowed Uses (continued)**  
(Refer to official zoning map for an illustration of the APZs)

SLUCM No.	Land Use	CZ	APZ I	APZ II
39	Miscellaneous manufacturing	N	Y2	Y2
40	<b>Transportation, Communications and Utilities</b>			
41	Railroad, rapid rail transit, and street railroad transportation	N <sup>3</sup>	Y4	Y
42	Motor vehicle transportation	N <sup>3</sup>	Y	Y
43	Aircraft transportation	N <sup>3</sup>	Y <sup>4</sup>	Y
44	Marine craft transportation	N <sup>3</sup>	Y <sup>4</sup>	Y
45	Highway and street right-of-way	N <sup>3</sup>	Y	Y
46	Automobile parking	N <sup>3</sup>	Y <sup>4</sup>	Y
47	Communications	N <sup>3</sup>	Y <sup>4</sup>	Y
48	Utilities	N <sup>3</sup>	Y <sup>4</sup>	Y
49	Other transportation communications and utilities	N <sup>3</sup>	Y <sup>4</sup>	Y
50	<b>Trade</b>			
51	Wholesale trade	N	Y <sup>2</sup>	Y
52	Retail trade: building materials, hardware, and farm equipment	N	Y <sup>2</sup>	Y
53	Retail trade: general merchandise	N	N <sup>2</sup>	Y <sup>2</sup>
54	Retail trade: food	N	N <sup>2</sup>	Y <sup>2</sup>
55	Retail trade: automotive, marine craft, aircraft, and accessories	N	Y <sup>2</sup>	Y <sup>2</sup>
56	Retail trade: apparel and accessories	N	N <sup>2</sup>	Y <sup>2</sup>
57	Retail trade: furniture, home furnishings, and equipment	N	N <sup>2</sup>	Y <sup>2</sup>
58	Retail trade: eating and drinking establishments	N	N	N <sup>2</sup>
59	Other retail trade	N	N <sup>2</sup>	Y <sup>2</sup>
60	<b>Services</b>			
61	Finance, insurance, and real estate services	N	N	Y <sup>6</sup>
62	Personal services	N	N	Y <sup>6</sup>
62.4	Cemeteries	N	Y <sup>7</sup>	Y <sup>7</sup>
63	Business services	N	Y <sup>6</sup>	Y <sup>6</sup>
64	Repair services	N	Y <sup>2</sup>	Y
65	Professional services	N	N	Y <sup>6</sup>
65.1	Hospitals, nursing homes	N	N	N
65.1	Other medical facility	N	N	N
66	Contract construction services	N	Y <sup>6</sup>	Y
67	Governmental services	N	N	Y <sup>6</sup>
68	Educational services	N	N	N
69	Miscellaneous services	N	N <sup>2</sup>	Y <sup>2</sup>

**Table 702A-1 - Accident Potential Zones (APZs) Allowed Uses (continued)**

(Refer to official zoning map for an illustration of the APZs)

SLUCM No.	Land Use	CZ	APZ I	APZ II
70	<b>Cultural, Entertainment, and Recreational</b>			
71	Cultural activities (including churches)	N	N	N <sup>2</sup>
71.2	Nature exhibits	N	Y <sup>2</sup>	Y
72	Public assembly	N	N	N
72.1	Auditoriums, concert halls	N	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N
73	Amusements	N	N	Y <sup>8</sup>
74	Recreational activities (including golf courses, riding stables, water recreation)	N	Y <sup>8</sup>	Y <sup>8</sup>
75	Resorts and group camps	N	N	N
76	Parks	N	Y <sup>8</sup>	Y <sup>8</sup>
79	Other cultural, entertainment, and recreation	N	Y <sup>8</sup>	Y <sup>8</sup>
80	<b>Resources Production and Extraction</b>			
81	Agriculture (except livestock)	Y	Y	Y
81.5 to 81.7	Livestock farming and animal breeding	N	Y	Y
82	Agricultural-related activities	N	Y <sup>5</sup>	Y
83	Forestry activities and related services	N <sup>5</sup>	Y	Y
84	Fishing activities and related services	N <sup>5</sup>	Y <sup>5</sup>	Y
85	Mining activities and related services	N	Y <sup>5</sup>	Y
89	Other resources production and extraction	N	Y <sup>5</sup>	Y
91	Fairchild AFB Support Improvements <sup>11</sup>	Y	Y	Y

**Key:**

SLUCM = Standard Land Use Coding Manual, USURA (1965).

Y = Yes – Land uses and related structures are permitted.

N = No – Land use and related structures are not compatible and are prohibited.

Yx = Yes with restrictions – Land use and related structures generally compatible; see below notes indicated by the superscript.

Nx = No, subject to exceptions – See below notes indicated by the superscript.

**Notes:**

1. Maximum allowed density of 1 dwelling units per acre when permitted by the underlying zoning.
2. Within each land use category, uses exist where further deliberating by local authorities might be needed due to the variation of densities in people and structures. Shopping malls and shopping centers are considered incompatible uses in any accident potential zone (CZ, APZ I, or APZ II).
3. The placement of structures, buildings, or above ground utility lines in the CZ is prohibited
4. Passenger terminals and major aboveground transmission lines in APZ I. are prohibited.
5. The Director shall make a determination of appropriateness based on the labor intensity, structural coverage, hazardous materials characteristics and air pollution impacts of the proposed use.
6. Low-intensity office uses only. Meeting places, auditoriums, and similar structures are not recommended.

- 
7. Excludes chapels.
  8. Public/club pools, splash pads, skate parks, ice skating rinks, amusement park rides, ball fields for team sports, pavilions, club houses, lodges and other gathering facilities are prohibited. Additionally, facilities shall not result in occupancy densities exceeding 75 persons per acre\*.
  9. Above ground improvements installed and maintained by Fairchild AFB are permitted. In the Clear Zone, APZ I and APZ II.

\*Should an ownership include a multiple of acres no single acre of the ownership shall be allowed to exceed the stated density limit. For example, each acre within an undivided ten acre ownership shall not be allowed to exceed the density limit.

NOTE: Refer to official zoning map for an illustration of the Fairchild AFB APZs

#### **14.702A.230 Review of Permitted Uses locating in the Clear Zone, APZ I and APZ II – Application of Reasonable Conditions**

The Department shall review all requests for approval of allowed uses which are submitted to the Department pursuant to County development regulations. The Director shall review the proposal for consistency with applicable requirements of the Fairchild Overlay Zone (FOZ). The Director may require a detailed site development plan to include but not be limited to a written description and illustration of site development, specific placement of all site improvements and other site alterations concurrent with development. The information shall include sufficient detail to enable the Department to determine that the proposal is compatible with current and future operations of Fairchild AFB and consistent with all requirements of the FOZ.

After consulting with Fairchild AFB the Director may attach reasonable conditions to the approval of permitted uses as necessary to assure consistency with this regulation and compatibility with Fairchild Air Force Base. Conditions may address but not be limited to the following:

- establishment of buffers
- site specific building envelopes and placement
- vegetation installation
- location and installation of utilities
- post development management and operations
- structural materials and design
- structure height, location and orientation
- light and glare suppression
- birdlife suppression
- abatement of sight obscuring emissions
- other reasonable conditions or safeguards that will uphold the purpose and intent of this regulation to protect Fairchild Air Force Base consistent with Comprehensive Plan Goals and Policies

#### **14.702A.240 General Use Restrictions – Clear Zone, APZ I and II**

1. No use shall be developed or installed in the Clear Zone, APZ-I or APZ-II that would cause any one of the following circumstances.
  - a. The use creates or causes interference with the operations of radio communications or electronic facilities at Fairchild Air Force Base or between Fairchild Air Force Base and airborne aircraft.
  - b. The use makes it difficult for pilots to distinguish between airport lights and other lights.
  - c. The use results in glare which impairs pilot vision.
  - d. The use impairs pilot visibility in the vicinity of the Fairchild AFB.
  - e. The use endangers the landing, taking off, or maneuvering of aircraft.

- f. The use creates a bird attractant that, in the opinion of the Fairchild AFB, could interfere with aircraft operations.
  - g. The use would create a fire accelerant or secondary explosion resulting from an aircraft crash in an accident potential zone.
  - h. Permitted uses shall not create large areas of standing water which would be airborne wildlife attractants.
  - i. Any use which endangers incoming or outgoing aircraft or the maneuvering of aircraft in the vicinity of Fairchild Air Force Base.
2. New buildings and structures located on vacant parcels created before the effective date of these regulations shall be situated on side of the parcel farthest from the FAFB runway centerline, provided that the placement is consistent with the setback requirements of the underlying zone.
  3. Stormwater facilities shall be designed in compliance with the Washington State Department of Transportation Aviation "Stormwater Design Manual Best Management Practices."
  4. Overhead utilities are prohibited in the Clear, APZ I and II Zones. Utilities shall be sited underground to the greatest extent possible.

#### **14.702A.250 Fairchild AFB Notification**

The Director shall request comment from Fairchild Air Force Base consistent with the requirements of Section 14.702A.700 relating to development proposed to be located in MIA 3/4.

#### **14.702A.260 Clear Zone Special Considerations**

This section applies to all uses allowed in the Clear Zone listed in Table 1 as follows: No above ground structures or utilities are permitted. On undeveloped lots existing prior to the adoption of this chapter allowed structures shall be designed to be the minimum necessary to provide for a reasonable and economically viable use of the property necessary and that would not threaten public health, safety or welfare on or off the property or compromise in any manner the military mission of Fairchild Air Force Base.

#### **14.702A.270 Use Determinations**

It is recognized that all possible uses and variations of uses cannot be reasonably listed in Table 1 in Section 14.702A.220. Any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in Table 1. If the proposed use resembles uses specified in Table 1 in terms of intensity and character, it shall be considered as a permitted/nonpermitted use within the Clear Zone or Accident Potential Zones. If such use is deemed to be permitted use such use shall be subject to the development standards applicable to the use it most nearly resembles. If a use does not resemble other identified allowable uses within a matrix, it may be permitted as determined by an amendment to this chapter.

#### **14.702A.280 Conflicting Regulations**

Should the regulations in Section 14.702A.200 conflict with any regulations in this Chapter the more restrictive regulation shall apply.

#### **14.702A.300 Height Restrictions**

#### **14.702A.310 Military Airspace Established**

In order to carry out the purpose and intent of the Fairchild Air Installation Compatible Use Zone Study and to restrict those uses which may be hazardous to the operational safety of military aircraft the military airspace described in Department of Defense Unified Facilities Criteria (UFC) 3-260-01 (hereinafter referred to as UFC 3-260-01. The UFC 3-260-01 military airspace and any revisions made thereto are adopted by reference and made an official part of this chapter.

**14.702A.320 Height Restrictions**

Structures may not be constructed, altered or maintained which would penetrate military airspace or vegetation allowed to grow into or project into military airspace as described in UFC 3-260-01 and illustrated in Figure 702A-1. The Federal Aviation Administration shall review all development requests for consistency with this requirement. The Planning Director may require a development applicant to provide such technical documents and illustrations as necessary to demonstrate that the proposed development will not penetrate an imaginary surface. Where an area or improvement is subject to more than one military airspace height limitation specified in this chapter, the more restrictive limitation shall prevail.

Upon submission of a an application for development approval, the filing of FAA Form 7460-1 or any other appropriate federal forms necessary to comply with Federal military airspace protection requirements may be required by the Department based on overall height, location, and/or nature of the proposed improvement. Federal military airspace requirements are included in Department of Defense publication UFC-3-260-01 and in FAA Codified Federal Regulation (CFR) Part 77.

Proposed developments that have the potential to penetrate military airspace as described in UFC 3-260-01 will be reviewed by Fairchild Air Force Base. The Director shall consider FAFB comments and recommendations prior to a final decision on the proposed development.

**14.702A.330 Administrative Height Exceptions**

The Planning Director may, as part of a development permit application process, administratively grant height exceptions after a review of the proposal and issuance of written findings that the proposed development meets the following criteria:

1. The applicant has complied with the Federal Aviation Administration Form 7460-1 review process (Notice of Proposed Construction or Alteration) and provided documentation from FAA that this review process is complete and that FAA has no objections to the proposed development.
2. The requirements of 14.702A.700 have been satisfied.

Further, the development shall meet at least one of the following criteria:

1. The improvement would be shielded by an adjacent or nearby existing permanent structure or natural terrain feature of equal or greater height compared to the proposed structure.
2. The improvement is an air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration.
3. The proposal is a military service and support improvement, with a fixed location and height which are necessary and incidental to base operations as certified in writing by Fairchild Air Force Base.

The Director may require an applicant to provide such technical documentation and illustrations necessary to demonstrate that the proposed development will not threaten or reduce military aircraft safety.

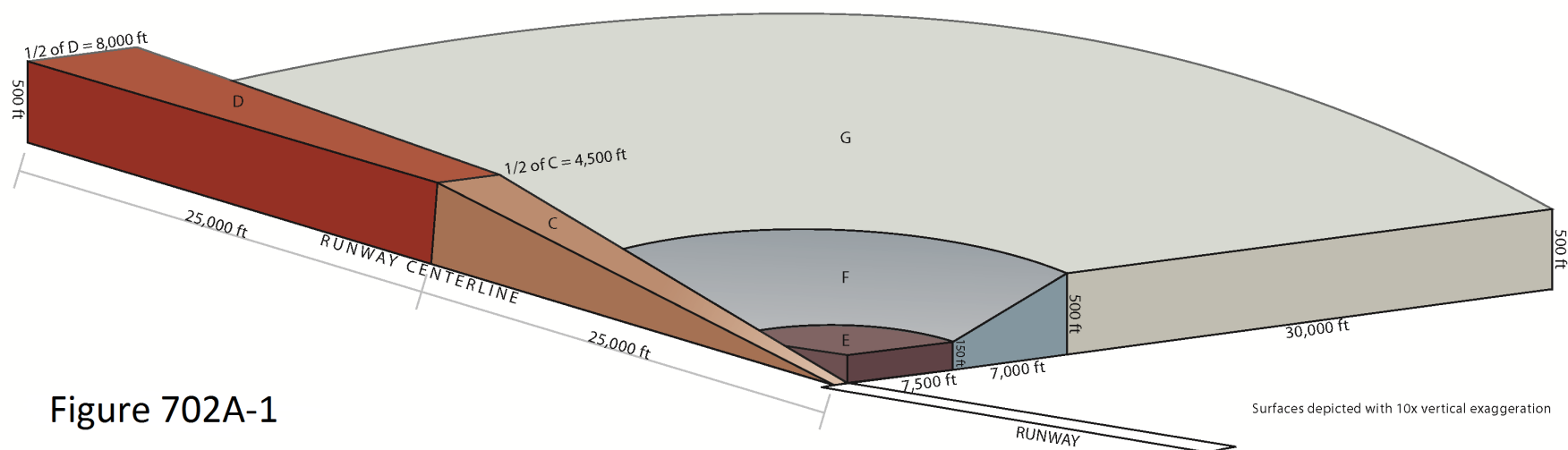


Figure 702A-1

### AIR FORCE RUNWAY AIRSPACE IMAGINARY SURFACES\*

- A Primary Surface (not shown)
- B Clear Zone Surface (not shown)
- C Approach-Departure Clearance Surface  
( 50:1 Slope Ratio )
- D Approach-Departure Clearance Surface  
( Horizontal )
- E Inner Horizontal Surface  
( 150 ft Elevation )
- F Conical Surface  
( 20:1 Slope Ratio )
- G Outer Horizontal Surface  
( 500 ft Elevation )
- H Transitional Surface (not shown)
- I Not used
- J Accident Potential Zone (APZ) (not shown)

\*Reference: Department of Defense (DoD) Unified Facilities Criteria (UFC) 3-260-01, Table 3-7, portion of Table related to a Class B Runway

## **14.702A.400 Military Influence Areas**

### **14.702A.410 Military Influence Areas (MIA) Established**

Fairchild Air Force Base Military Influence Areas (MIA) are hereby established as integral components of the Fairchild Overlay Zone (FOZ). Land within the MIAs is subject to the regulations of the underlying zones as well as the regulations specified in this Section. The MIAs are illustrated on the official zoning map and are described as follows:

#### **Military Influence Area 1 Relating to Regional and Non-Geographic Specific Activities.**

MIA 1 encompasses the geographical area within Spokane County's boundaries to include all the County's cities. The Fairchild AFB Joint Land Use Study (JLUS) for this MIA identified two types of strategies for MIA 1. The first type of strategy applies to Spokane County as a whole and can vary in geographic scope depending on the specific issues. The second type of strategy does not apply to a specific geographic area because they are processes and procedures related to local governments. An example of this is a JLUS strategy which suggests the creation of a JLUS Coordinating Committee that will oversee implementation of JLUS strategies intended to protect Fairchild AFB. Other strategy examples include but are not limited to promoting intergovernmental and interagency coordination and collaboration regarding planning and development activities within MIA 1 potentially affecting Fairchild AFB; incorporating military housing needs in comprehensive plans; and implementing evaluation processes that protect military airspace and prevent conflicts with military electronic communications systems.

#### **Military Influence Area 2 – Coordination and Collaboration Area**

This MIA extends approximately 26,400 feet (approximately 5 miles) from the Fairchild AFB runway. This MIA defines an area where Fairchild AFB aircraft over flights occur and where aviation easements are necessary. More extensive interagency coordination is required regarding evaluation of land use policies and development proposals potentially affecting FAFB operations. Additionally, prevention of bird strikes on aircraft and other wildlife intrusions affecting Fairchild AFB operations are discouraged, Fairchild AFB and FAA review of project proposals are required to ensure that structures do not penetrate Department of Defense military airspace and prevent interference with military electronic communications. MIA 2 is also intended to promote an enhanced level of notification to the public regarding military aircraft over flight and their associated impacts.

#### **Military Impact Area 3/4 – Land Use Compatibility Area/Sound Impact Area**

MIA 3/4 is the primary land use impact area whereby land uses and development densities have the potential to adversely impact Fairchild AFB operations and as illustrated on the official zoning map. This MIA applies land use restrictions and use densities to protect the health, safety and welfare of the general public and assure that uses will not conflict with Fairchild AFB operations and prevent concentrations of people in harms way. The shape and scope of MIA 3/4 is based on an evaluation of military aircraft over flight patterns and in consideration of proximity to the military aircraft 65 Ldn sound impact contour.

The 65 Ldn sound contour is illustrated in the 2010 Joint Land Use Study within Appendix, a Noise Technical Report for the Fairchild Air Force Base Joint Land Use Study, Figure 4, Fairchild Scenario 3 involving deployment of current and future aircraft, as shown on the official Zoning Maps.

MIA 3/4 also serves as a noise reduction area. The purpose for designating MIA 3/4 as a noise reduction area is to require use of sound reducing design and materials in new residential structures.



**14.702A.420 MIA 3/4 Regulations Based on Washington State Airport Compatibility Guidelines**

The land use regulations applicable to MIA 3/4 specified in this section are based on the Washington State Department of Transportation Division of Aviation Airports and Compatible Use Guidelines. These regulations are further based on a review of military flight operations in the vicinity of Fairchild AFB. Maps of the military flight tracks are maintained in the Department of Building and Planning.

**14.702A.430 Compatible Uses and Densities – MIA 3/4**

This Section specifies uses and densities allowed in Military Influence Area 3/4 as illustrated on the official zoning map. If these requirements conflict with the requirements applicable to the Clear and Accident Potential Zones specified in Section 14.702A.200 the more restrictive requirements apply to the Clear Zone and Accident Potential Zones.

The use and activity categories and associated density maximums and limitations are as follows:

**1. Rural Residential Uses**

Rural residential uses are compatible with Fairchild AFB if the density does not exceed one dwelling unit per 10 acres. Rural residential clusters are prohibited in MIA 3/4. Detached accessory dwellings are prohibited in MIA 3/4.

**2. Urban Residential Uses**

Urban residential uses are acceptable in MIA 3/4 provided that the underlying zone adopted prior to adoption date of this chapter is a residential zone. The Urban Residential use category is intended to accommodate a variety housing types and densities within the Urban Growth Area (UGA) ranging from one dwelling per acre to densities exceeding 15 dwellings per acre consistent with the underlying residential zoning. Examples of urban residential uses include single-family residences, duplexes, manufactured homes, condominiums, apartments, group homes, motels, hotels, boarding houses where occupancy is arranged for longer than 30 days.

Urban residential uses are permitted where the underlying zone is residential provided that urban residential uses are not permitted where the underlying zone is industrial, commercial or other non-residential zone. Urban residential densities shall not exceed the density allowed by the underlying zone adopted prior to adoption of this Chapter. Urban residential zones adopted prior to the adoption of this regulation shall not be geographically expanded. New residential zones are prohibited. Residential densities allowed by residential zones adopted prior to the adoption of this chapter shall not be increased.

Undeveloped parcels of record legally created prior to this regulation may be developed with a residence provided the underlying zone allows the use and density. All allowed residences shall comply with all requirements of this chapter to include the sound reduction requirements in Section 14.702A.500.

Zoning changes and Planned Unit Developments that allow for further urban residential densification or new or expanded residential zones within MIA 3/4 are not permitted.

**3. High-Intensity Non-Residential Uses**

High-intensity uses are uses that encourage substantial concentrations of people exceeding 180 persons per net acre and are deemed incompatible with Fairchild AFB. These uses are deemed incompatible because of their potential to put a large number of people in harm's way. Examples of high-intensity uses include religious institutions, theaters, auditoriums, arenas, concert halls, amphitheaters, meeting halls, gymnasiums, skating rinks, bowling alleys, arcades, community centers, universities and colleges, museums, public libraries, funeral homes, arenas, outdoor amphitheaters, outdoor spectator sports, racetracks and speedways, amusement parks, water feature parks and facilities, campgrounds, fairgrounds, circuses, carnivals, eating and drinking establishments, farmers markets, retail sales and services, shopping centers, hotels, motels, auction events, offices, businesses with a large number of employees, bus and rail passenger terminals and mass shelters. Hotels and motels in which occupancy is arranged for over 30 days are deemed residential uses.

New or expanding commercial and industrial uses that result in a net density exceeding 180 persons per net acre are not permitted as higher densities and are deemed incompatible uses with Fairchild AFB.

Notwithstanding any other provision in this section, non-aviation related museums, libraries, race tracks, hotels, motels, resorts, group camps, non-aviation related colleges and universities, participant sports and recreation, amusement parks, recreational vehicle parks, entertainment uses, cultural facilities, public assembly facilities (concert halls, theaters, stadiums, amphitheaters, arenas, community centers, churches and similar facilities) are not permitted.

All other High Intensity Uses are allowed when permitted by the underlying zoning at a net density not exceeding one hundred eighty persons per acre calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.

Permitted uses shall be consistent with the requirements of the underlying zone and all other requirements of the FOZ. For the purpose of this subsection density shall be calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.

#### **4. Low Intensity Non Residential Uses**

Low intensity non residential uses do not concentrate people or hazardous materials into small areas, are not sensitive to loud noise and do not directly or indirectly inhibit aviation operations. Examples of Low Intensity Uses include agricultural uses (that do not attract wildlife hazardous to aviation operations), kennels, animal clinics, sales of motorcycles, automobiles, trucks, marine craft, manufactured homes and recreation vehicles, commercial parking, quick vehicle service, maintenance and repair shops, towing services, taxicab terminals, wholesale sales, ministorage, warehouses, non-labor intensive manufacturing, printing and publishing, cemeteries, trails, rail lines, roads, underground utilities.

Non residential uses which do not allow a net density to exceed 180 persons per net acre are deemed to be compatible with Fairchild Air Force Base and are permitted in MIA 3/4 where the underlying use allows the use.

#### **5. Vulnerable Occupant Uses**

Vulnerable occupant uses are uses in which a majority of occupants are children, elderly or disabled or other people who have reduced mobility or are unable to timely respond to emergencies or avoid harm's way. Examples of vulnerable occupant uses include daycare centers, family daycares, schools (grades K-12), hospitals, adult care and other health care facilities where anesthesia is used or patients remain overnight, correctional facilities, retirement homes, nursing homes, convalescent facilities and assisted living care residences.

Uses with vulnerable occupants are allowed outside the Ldn 75 contour when permitted in the underlying zone at a net density not exceeding 180 persons per net acre calculated by dividing the building code occupancy of all structures on the site provided that retirement homes, nursing homes, convalescent facilities, assisted living care residences, community treatment facilities, child day care, and preschools, hospitals and schools (grades K-12) are not permitted in MIA 3/4.

#### **6. Critical Community Infrastructure**

Critical Community Infrastructure includes facilities whereby damage or destruction of which would cause significant adverse effects to public health, safety and welfare within or beyond the immediate vicinity or the facility. Examples of critical community infrastructure include police stations, fire stations, emergency communication facilities, power plants and waste water treatment facilities. Critical community infrastructure is permitted in MIA 3/4 provided that the use is consistent with the underlying zone.

## **7. Hazardous Uses**

Hazardous Uses are uses that release discharge into the air such as smoke, steam or particulates that impair aircraft pilot visibility, uses that have above ground hazardous materials storage or uses that require the storage of large quantities of hazardous (flammable, explosive, corrosive or toxic) materials that have the potential to exacerbate an aircraft accident, or uses that attract wildlife hazardous to military aircraft. Examples of hazardous uses include above ground chemical or fuel storage exceeding household quantities, mining and any uses that have open water associated with the use. Pooling of water resulting from compliance with Section 14.702A.600 (Bird-Aircraft Strike Hazard Requirement) of this chapter is not deemed a hazardous use.

Hazardous Uses may be allowed as a conditional use permit if the Hearing Examiner, after consulting with Fairchild AFB, finds that the proposed use will not create a hazard for military aircraft operations and the underlying zone allows the use. Except that heliports or helipads are not permitted. The Hearing Examiner may apply such reasonable conditions to the conditional use to assure that the mining use is compatible with Fairchild AFB. Examples of conditions are specified in Section 14.702A.450

## **8. Accessory Uses**

Uses which are identified as a prohibited use as a stand-alone use by the underlying zone is not allowed as an accessory use to a permitted use. For example, where a daycare use is prohibited it is not allowed as an accessory use to a permitted use such as an office.

### **Non-Residential Density**

For the purpose of this subsection the calculated density shall be no greater than 180 persons per individual acre after subtracting public rights of way. However, in consultation with the Fairchild Air Force Base Installation Commander, alternatives to this calculation may be allowed by the Director if it is deemed to be compatible to the mission of Fairchild Air Force Base. For the purpose of this section, the terminology "consultation" shall mean written notification by the Director to the Fairchild Air Force Base Installation Commander of a project proponents proposed alternative calculations and consideration by the Director of any written comments received from the Fairchild Air Force Base Commander within 15 days of the Installation Commander's receipt of notice of a proposed alternative. If the Department of Building and Planning receives no comment from Fairchild Air Force Base within the applicable comment period the Department of Building and Planning shall presume that the calculated density shall be no greater than 180 persons per individual acre after subtracting public rights-of-way.

### **14.702A.440 Review of Permitted Uses and Conditional Use Permits locating in MIA 3/4 – Application of Reasonable Conditions**

The Department shall review applications for permitted uses for consistency with the applicable requirements of this Chapter. The Director may require a detailed site development plan to include but not be limited to a written description and illustration of site development, specific placement of all site improvements, height of improvements and other site alterations concurrent with development. The information shall include sufficient detail to enable the Department or the Hearing Examiner, in regards to a conditional use permit, to determine that the proposal is compatible with current and future operations of Fairchild AFB and consistent with all requirements of this Chapter.

The Director or the Hearing Examiner in regards to a conditional use permit may attach reasonable conditions to the approval of use as necessary to assure consistency with this Chapter and compatibility with Fairchild Air Force Base. Conditions may address but not be limited to the following:

- establishment of buffers
- site specific building envelopes and placement
- vegetation removal and limitations on vegetation heights
- location and installation of utilities
- post development management and operations
- structural design

- structural height, location and orientation
- light and glare suppression
- birdlife suppression
- air emissions abatement
- limitations on communication equipment
- other reasonable conditions or safeguards that will uphold the purpose and intent of this Chapter to protect Fairchild Air Force Base consistent with Comprehensive Plan Goals and Policies
- sound attenuation

The Director or the Hearing Examiner, whichever applies, may apply additional reasonable conditions based on recommendations of Fairchild Air Force Base Installation Commander.

**14.702A.450 General Use Restrictions - MIA 3/4**

1. No use shall be constructed or installed in the Military Influence Area 3/4 designation that would cause any one of the following circumstances.
  - a. The use creates or causes interference with the operations of military communications or electronic facilities.
  - b. The use makes it difficult for pilots to distinguish between airport lights and other lights.
  - c. The use results in glare which impairs pilot vision.
  - d. The use impairs pilot visibility in the vicinity of Fairchild AFB.
  - e. The use endangers the landing, taking off, or maneuvering of aircraft.
  - f. The use creates a wildlife attractant that, in the opinion of Fairchild AFB, could interfere with military operations.
  - g. The use would create a fire accelerant or secondary explosion resulting from an aircraft crash in an accident potential zone.
  - h. Permitted uses shall not create large areas of standing water which would be attractive to bird life or other wildlife which would conflict with Fairchild AFB operations.
  - i. Any use which otherwise endangers incoming or outgoing aircraft or the maneuvering of aircraft in the vicinity of Fairchild AFB.
2. Stormwater facilities located within MIA 3/4 shall be designed in compliance with the Washington State Department of Transportation Aviation Stormwater Design Manual - Best Management Practices.
3. New buildings and structures located on vacant parcels created before the effective date of these regulations and where any portion of the parcel lies within a designated Clear Zone, APZ-1 or APZ-2, should be situated on the side of the parcel farthest from Fairchild AFB runway centerline and extended runway centerline, provided that the placement is consistent with the setback requirements of the underlying zone.
4. All development shall comply with the structure height restrictions specified in Section 14.702A.300 of this Chapter.

**14.702A.460 Exemptions – MIA 3/4**

Necessary military or aviation facilities, air navigation facilities, airport visual approach or aircraft arresting devices, meteorological devices, aviation industry related maintenance, military aviation training and education facilities approved by the Federal Aviation Administration (FAA) or the Department of Defense, for which the location and height is fixed by its functional purpose are exempt from the provisions of the Fairchild Overlay Zone when permitted in the underlying zoning district, provided that the use will not penetrate the UFC 3-260-01 imaginary surfaces, attract wildlife that is hazardous to aviation, adversely impact base operations, or create a safety impact as determined by the Base Commander.

**14.702A.470 Conflict with Underlying Zone Requirements**

The Fairchild Overlay Zone serves as an overlay district that applies additional standards and requirements to properties located within the underlying zoning designations. Where a FOZ requirement overlaps or is in conflict with the underlying zone requirements the most restrictive requirement applies.

**14.702A.500 Noise Impact Areas****14.702A.510 Noise Impact Area Established**

A Substantial Noise Impact Area is hereby established and is included within Military Influence Area 3/4, as illustrated on the official zoning map. The zoning map may be amended when conditions change or as new information becomes available. The Noise Impact Area map is available for review at the Department of Building and Planning. The zoning map is the official reference map for the noise impact regulations in this section. The zoning map illustrates the boundary of the Noise Impact Area and includes the 70 and 75 Ldn sound contours and said boundary and contours are based on the sound impact calculation methodologies specified in Federal Aviation Administration, Codified Federal Regulations (CFR) Part 150. The Ldn sound contours are based on sound generated from current and future deployment of strategic military aircraft.

**14.702A.520 Application to new, existing structures, additions and changes of use****1. New Structures**

The noise reduction level specified in Section 14.702A.530 shall apply to all new residential structures to include manufactured homes and to structures intended for congregate living which are located in MIA 3/4. Structures described herein locating within MIA 3/4 shall comply with the noise reduction standard specified in Section 14.702A.530.

**2. Exemptions**

Garages, basements, utility rooms and accessory structures not occupied as dwelling unit are exempt from the requirements of this section.

**3. Reconstruction, remodeling or additions**

The noise reduction standard specified in Section 14.702A.530 shall apply to reconstruction, remodeling or additions or other improvements to existing structures types as described in item 1 above when the value of the improvements equals or exceeds 50 percent of the value of the existing structure as specified by the Spokane County Assessor exclusive of the underlying land value. The value of the proposed work shall be determined using the current valuation schedule published by the International Code Council in the Building Safety Journal. One or more licensed contractor estimates may also be used at the discretion of the Building Official. This requirement applies to a structure that has been damaged and is being restored to a condition approximating the characteristics of the structure before occurrence of damage.

**4. Change in Use**

Any change of use in the occupancy or use of a structure previously not occupied or approved as a dwelling unit to a use intended to as a living quarters shall comply with the noise reduction requirements of this section provided the requirements do not apply to any improvements specified in item 2 above relating to exemptions.

This section is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances. This section is intended to be a companion to the adopted underlying zoning code requirements and further supersede those requirements where they are less restrictive than the requirements in this section. In the case of conflict between this chapter and any other applicable codes the more restrictive requirements shall be met.

**14.702A.530 Noise Reduction Features and Materials Required**

All structures or portions thereof subject to this regulation as specified in Section 14.702A.520 shall be constructed with sound reduction features and materials to achieve a day/night average interior noise

level of 45 dB. Structures subject to the noise reduction level required in this section shall incorporate noise reduction features and materials as necessary to achieve an average interior sound level of 45 dB in accordance with Department of Navy Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations

The building permit application for a structure subject to this section shall include such additional information as deemed necessary specifying noise reduction features and materials necessary to achieve a day/night average interior sound level of 45 dB. Information regarding sound reduction features and materials shall be prepared and certified by a Washington State registered engineer, architect or acoustical expert recognized by an acoustical design related association. Said plans or revision to such plans shall be certified by the Washington State registered engineer, architect or acoustical expert as follows:

The construction plans/documents submitted with building permit application 14.702A.520 provide the sound reduction materials and features are consistent with the Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations Chapter as specified in the Fairchild Overlay Zone Regulations.

All development subject to this noise reduction regulation shall have the noise reduction features and materials periodically inspected during the course of construction by the engineer, architect or acoustical expert who certified the building plans.

Upon completion of construction and prior to issuance of a certificate of occupancy, the sound reduction construction inspector shall submit to the Department of Building and Planning a signed certification specifying that the required noise reduction features and materials have been completed/installed in substantial conformance with the approved construction documents. Said certification shall be included in the building permit file in the Department of Building and Planning.

#### **14.702A.540 Details for Plans and Specifications**

The proposed structure plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, as herein governed, including, but not limited to, exterior envelope component materials, STC ratings of applicable component assemblies, R values of applicable insulation materials, size and type of apparatus and equipment, equipment and system controls, and other pertinent data as required by the Building Official to indicate conformance with the requirements herein.

#### **14.702A.550 Disclosure Statement Required**

Prior to the issuance of a building permit for the construction or placement of any new structure or for any reconstruction, repair, addition or improvement of an existing structure to include accessory structures shall comply with the aircraft activity notification requirement specified in Section 14.702A.910

#### **14.702A.600 Bird – Aircraft Strike Hazard Requirement**

Stormwater Management facilities associated with development located in Military Influence Areas 2 and 3/4 shall be designed in compliance with the Washington State Department of Transportation Aviation *Stormwater Design Manual Best Management Practices and as may be amended*. Prior to the Building Department issuing the final certificate of occupancy the Department of Building shall receive notice from the responsible public stormwater management agency that project improvements are in compliance with the stormwater requirement specified herein.

A project landscaping plan shall be provided to Fairchild AFB for comment where such landscaping plan is a required element of the development application as specified by the Spokane County Zoning Code. The Director or Hearing Examiner shall consider Fairchild AFB comment prior to taking action on the development application and may apply conditions of approval related to landscaping based on said comment. Required landscaping plans shall provide a detailed description of all species of trees and shrubs intended to be installed.

#### **14.702A.700 Fairchild AFB Review Required MIA 2 and 3/4**

**14.702A.710 Fairchild AFB Required Review**

The Department of Building and Planning shall request comment from Fairchild Air Force Base officials and may apply reasonable conditions of development approval based on written recommendations from Fairchild AFB. Fairchild AFB shall be given a minimum of 15 days to comment on a project application. If the Department of Building and Planning receives no comment from Fairchild AFB within the applicable comment period the Department of Building and Planning may presume that Fairchild AFB has no objections. Development actions subject to this requirement include but are not limited to the following development proposals located within Military Influence Areas 2 and 3/4:

- Preliminary Plat Applications
- Preliminary Short Plat Applications
- Preliminary Binding Site Plan Applications
- All projects proposing open water features
- Application for new commercial and industrial uses
- Public facility proposals deemed to have a potential impact on Fairchild AFB
- All development permits proposing structures exceeding 35 feet in height or any lesser height otherwise deemed to have a potential impact on Fairchild AFB
- Any development proposal the Director deems appropriate for Fairchild AFB review
- Environmental evaluation documents regarding projects located in MIA 3/4

The above specified 15-day comment period may be extended by the Director up to an additional 30 days based upon request for additional review time from Fairchild AFB.

**14.702A.800 Avigation Easements MIA 2 and 3/4**

**14.702A.810 Avigation Easement Required**

Prior to issuance of a building permit for a new structure within Military Influence Areas 2 and 3/4 the awarding of an avigation easement in a form approved by the Department and in consultation with Fairchild Air Force Base by the property owner(s) to Fairchild AFB shall be required and recorded in the Spokane County Auditor's Office. The Department shall provide the avigation easement form and such form shall at a minimum provide that:

1. The landowner, successors and assigns will not construct structures, install exterior lighting, allow trees to penetrate FAA imaginary surfaces or construct or install improvements that interfere with Fairchild AFB aircraft operations.
2. Provide protection to FAFB against liability for any nuisance caused by aircraft operations due to noise impacts, fumes, vibrations affecting the use and enjoyment of the subject property.
3. Allow military aircraft to use the airspace over the subject property. The applicant shall provide the Department a copy of the easement agreement with Auditor's recording number indicated thereon and said copy shall be placed in the Department's project file.

As a condition of preliminary approval of any subdivision, short subdivision or binding site plan located in MIA 2 or 3/4 an avigation easement in a form approved by the Department in consultation with Fairchild Air Force Base shall be recorded in the Spokane County Auditors Office prior to finalization of a subdivision, short subdivision or binding site plan and said easement shall at a minimum provide that that 1) that the landowner, successors and assigns will not construct structures, plant trees, install exterior lighting or any other development that might interfere with Fairchild AFB aircraft operations and 2) provide protection to FAFB against liability for any nuisance caused by aircraft operations due to noise impacts, fumes, vibrations affecting the use and enjoyment of the subject property and 4) allow military aircraft to use the airspace over the subject property and 5) such easement applies in perpetuity to all property illustrated on the face of the final plat or short plat and as described in the required plat certificate.. The applicant shall provide the Department a copy of the easement agreement with the Auditor's recording number indicated thereon and said copy shall be filed in the Department's project file

**14.702A.900 Notification of Military Aircraft Activity MIA 2 and 3/4**

**14.702A.910 Notification of Military Aircraft Activity Required**

Notification of Fairchild AFB aircraft activity notification shall be provided in Military Influence Areas 2 and 3/4 as follows:

**1. Building Permits**

Prior to the issuance of a building permit for the construction or placement of any new structure intended for human occupancy or for any reconstruction, repair or improvement of an existing structure intended for human occupancy the owner or applicant shall record a title notice in the Spokane County Auditor's Office and said title notice shall state the following:

"This property is located in close proximity to Fairchild Air Force Base and is routinely subject to military aircraft overflight activity; occupants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of military aircraft activities."

This requirement does not apply to structures located on an Assessor tax parcel which is subject to a previously filed title notice meeting this requirement.

**2. Land Use Actions**

A title notice shall be recorded with the Spokane County Auditor prior to final approval of a new subdivision, short subdivision, conditional use permit and binding site plan and said title notice shall state the following:

"This property is located in close proximity to Fairchild Air Force Base and is routinely subject to military aircraft overflight activity; occupants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of military aircraft activities."

This language shall also be set forth on the face of the final subdivision, final short subdivision or final binding site plan.

The title notice required in item 1 and 2 above shall specify the Assessors Tax Parcel number and parcel address and a copy of the recorded notice shall be provided to the Department for inclusion in the project file.

**14.702A.920 Real Estate Transaction and Lease Notice Required**

**1. Lease**

Owners of residential rental or lease housing located in Military Influence Areas 2 and 3/4 shall provide written notice to the renter or lessee specifying that the property is located in close proximity to Fairchild Air Force Base and is routinely subject to overflights by military aircraft; residents may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of aircraft activities. The renter or lessee shall sign the notice acknowledging its contents prior to signing the lease agreement (Aviation Activity Notice).



## **14.702A.1000 Non Conforming Uses and Structures**

### **14.702A.1010 Nonconforming Uses Resulting from the application of Fairchild Overlay Zone Regulations.**

The intent of this section is to allow retention of uses rendered nonconforming as a result of the application of the requirements the Fairchild Overlay Zone and to permit continued investment and upgrades to existing buildings and sites made nonconforming solely as a result of the adoption of these regulations. In the event of an inconsistency between this Section and underlying zone requirements, this section shall control.

- A. A non-conforming structure in the Clear Zone shall not be expanded in height or bulk. When a non-conforming structure, because of damage, destruction, deterioration or other reason, is determined to be unfit and needs to be demolished, it may not be restored or reconstructed unless in full compliance with the requirements of the underlying zone and this Section 14.702A. In order to reinstate nonconforming rights under this chapter to a structure which has been damaged or partially destroyed to an extent less than sixty percent of its value, the owner must cause restoration to begin within one year after the damage or the destruction and must continue to make substantial progress as required by the building permit.
- B. The following provisions refer to the use categories specified in Section 14.702A.420 of this regulation:
  1. Nonconforming Residential Uses may be rebuilt if destroyed or damaged. No additional dwelling units may be added. Buildings housing nonconforming residential uses or accessory buildings may be expanded within the same parcel subject to the standards of the underlying zoning.
  2. Nonconforming High-Intensity and Vulnerable Occupant Uses shall not be expanded in such a way as to cause the building code occupancy to increase. Nonconforming High-Intensity and Vulnerable occupant uses may be rebuilt to the same square footage and occupancy if damaged or destroyed.
  3. Nonconforming Critical Community Infrastructure may be rebuilt if destroyed or damaged. Facilities may be expanded or improved on the same parcel to the extent that new capacity is not added.
  4. When a building containing a Hazardous Use, because of damage, destruction, deterioration or other reason, is an unfit building which needs to be demolished, it may not be restored or reconstructed unless in full compliance with the requirements for the underlying zone and the Fairchild Overlay Zone. In order to reinstate nonconforming rights under this chapter to a building which has been damaged or partially destroyed to an extent less than sixty percent of its value, the owner must cause restoration to begin within one year after the damage or the destruction and must continue to make substantial progress as required by the building permit.
  5. Facilities housing a non-conforming Hazardous Use may be expanded or improved so long as the hazardous nature of the use is not increased.
  6. Any building intended for human occupation located in the Military Impact 3/4 that is allowed to be rebuilt as the result of this section shall be designed to achieve an interior noise level not exceeding forty-five decibels.

### **14.702A.1020 Nonconforming Buildings and Structures**

Restoration of a nonconforming building or structure which is damaged by fire, flood, or act of nature shall be initiated, as evidenced by the issuance of a valid building permit within 1 year of the date of such damage or destruction, and diligently pursued to completion. Upkeep, repair, and maintenance of nonconforming buildings are permitted. A building or structure conforming with respect to use, but not conforming with respect to height, yard requirements, coverage or density, may be restored in the event

of damage, or altered or extended provided that the alteration or extension does not result in further nonconformance with this section.

**14.702A.1100 Appeal of Administration Determinations and Interpretation**

An administration determination or interpretation pertaining to the requirements of this section may be appealed to the Hearing Examiner pursuant to the appeal procedures and criteria specified in Spokane County Code

**14.702A.1200 Exemptions**

Necessary aviation facilities supporting Fairchild Air Force Base operations and Spokane International Airport (SIA) operations such as but not limited to air navigation facilities, aircraft visual approach or aircraft arresting devices, meteorological devices, aviation industry related maintenance, aviation training and education facilities approved by the Federal Aviation Administration (FAA) or the Department of Defense, for which the location and height is fixed by its functional purpose are exempt from the provisions of the Fairchild Overlay Zones when permitted in the underlying zoning district, provided that the use will not penetrate UFC 3-260-01 military imaginary surfaces or Federal Aviation Regulations (FAR) Part 77 imaginary surfaces, attract wildlife that is hazardous to aviation, adversely impact Base or SIA operations, or create a safety impact as determined by the Base officials.

## **Chapter 14.704**

### **Planned Unit Development Overlay Zone**

#### **14.704.100 Purpose and Intent**

The purpose of the Planned Unit Development Zone is to establish a process to foster creative, efficient, and comprehensive design of site development. The overlay zone is to be used in conjunction with any zoning classification within the urban growth area boundary or within a rural limited development area zone. These regulations provide flexibility in site design and offer incentives in order to:

1. Encourage imaginative design and the creation of permanent open space.
2. Preserve and enhance special site features.
3. Encourage the conservation of natural features, wildlife habitat, and critical areas.
4. Encourage development of a variety of housing types.
5. Facilitate the development of mixed-use projects.
6. Encourage the development of street, pedestrian and bicycle paths that contribute to a system of fully connected routes.
7. Promote land use patterns that support a sense of community.
8. Facilitate the economical and adequate provision of public services.
9. Provide for diverse and convenient recreational opportunities.
10. Provide a variety of environments for living, working, and recreation.

#### **14.704.110 Applications and Process**

1. Planned unit developments shall be initiated by the owner of all property involved, if under one ownership, or by joint application of all owners having title to all the property in the area proposed for planned unit development.
2. The planned unit development process entails a preliminary and final phase, as follows:
  - a. The preliminary phase examines the planned unit development plan for compliance with the requirements of the zone. The preliminary planned unit development is considered through a public hearing before the Hearing Examiner. Once approved, the planned unit development is a binding plan that defines the concept of the development and uses to be allowed. The planned unit development approval is valid for a 5-year period, which may be extended by submitting a time extension request to the Division. Any extension of time must be requested by the applicant, in writing, before expiration of the original approval, stating specific reasons for such a request.
  - b. The final planned unit development plan is reviewed administratively by the Division of Building and Planning. The applicant must submit the detailed and technical information required to demonstrate that all County standards, requirements, and conditions of approval have been met.

#### **14.704.120 Preliminary Planned Unit Developments**

The preliminary planned unit development shall have a site development plan, including, but not limited to, the following:

1. The exact boundaries and legal description of the property to be developed.
2. The name of the proposed planned unit development.
3. Date, north arrow, and scale of the drawing.
4. Names, addresses, and telephone numbers of the owner(s), applicant(s), engineer, and surveyor.
5. The general location of all proposed improvements that are to be constructed on the land, including, but not limited to, all residential and nonresidential structures, building heights, recreational facilities, walls, fences, refuse areas, streets, walks and public transit facilities.
6. Setbacks to the property line, roadways, and the planned unit development perimeter.
7. Location of pedestrian and bicycle circulation systems.
8. Common open spaces showing size and functions upon completion.

9. A description of the method of ownership and responsibility for maintenance of all common open space.
10. The location and dimension of off-street parking facilities, public and private, including transit facilities for nonresidential uses.
11. Location and size of all public and semipublic sites if applicable (i.e., schools, churches, parks, plazas, etc.).
12. A tabulation of densities within each project area, phase or sector.
13. If applicable, a subdivision map showing land divisions. The preliminary and final subdivision map shall comply with the county subdivision ordinance and state subdivision regulations.
14. A proposed phasing and/or timing schedule.
15. Topographical map of existing terrain at a minimum 10-foot contour level, including 100-year flood plains identified under the National Flood Insurance program.
16. Natural features to be retained, such as natural slopes, stands of trees, etc.
17. All critical areas.

#### **14.704.130 Final Planned Unit Developments**

1. Prior to expiration of the preliminary planned unit development, approval of a final planned unit development plan is required. Approval of the final planned unit development shall be administrative. A final planned unit development differs from the preliminary planned unit development in the amount of detailed information provided. In addition to all of the information required for a preliminary planned unit development, the final planned unit development plan shall include the following items.
  - a. Approved road plans.
  - b. Drainage systems.
  - c. Typical building footprints.
  - d. A tabulation of the percentage of total building coverage in the development.
  - e. A schematic landscaping plan indicating the type and the size of plant material to be used, and the method for providing permanent maintenance to all planted areas and open spaces.
2. Any planned unit development not finalized before the expiration of the preliminary planned unit development approval shall become void, unless a time extension is granted. Construction shall not commence until a planned unit development has been given final approval.

#### **14.704.140 Phased Planned Unit Developments**

1. A planned unit development may be developed in phases, subject to an approved phasing schedule. All construction and improvements not completed within 5 years of approval of the phased final planned unit development are subject to compliance with updated County standards through a time extension action. Any planned unit development where construction has not commenced before expiration of the final planned unit development approval shall become void.
2. Each phase of the proposed development must contain the required parking spaces, common open space, landscape, and utility areas necessary for creating and sustaining a desirable and stable environment for that phase of the development.

#### **14.704.150 Modifications**

1. The Hearing Examiner may require modifications to the application for a planned unit development to ensure that the spirit and intent of this chapter is accomplished.
2. A substantial modification to the approved preliminary or final planned unit development plan shall only be approved through a change of condition application process. All modifications which are not minor, shall be considered substantial.
3. A minor modification to the preliminary or final planned unit development plan may be approved administratively by the Division. Minor modifications shall be consistent with the following requirements:
  - a. The modification shall be limited to minor shifting of the location of buildings, proposed streets, utility easements, or common open space.

- b. The modification shall not:
  - i. Enlarge the boundaries of the approved planned unit development plan.
  - ii. Change the approved uses.
  - iii. Change the general location or amount of land devoted to a specific land use.
  - iv. Increase the residential densities.

#### **14.704.210 Uses**

Uses for the planned unit development overlay zone shall include single-family, multi-family, row housing and other uses as may be permitted in the underlying zone(s). Accessory uses and structures ordinarily associated with a permitted use shall be allowed.

#### **14.704.300 Development Standards**

Prior to the issuance of a building permit, evidence of compliance with provisions of this chapter, when applicable, shall be provided to the Division.

#### **14.704.310 Density**

1. The total units permitted in a planned unit development shall be determined as follows.
  - a. In any planned unit development, the number of dwelling units per acre of land shall not exceed that which is permitted by the underlying zone(s), except as approved for density bonus by the Hearing Examiner subject to the following procedures. However, this does not preclude an applicant from transferring density from one portion of the development to another portion of the development, so long as the total project does not exceed the maximum density of all zoning classifications included within the project boundary.

Residential density shall be determined by the following formula:

$$\begin{array}{ccccccc} \text{Net Development} & & \text{Maximum number of} & & \text{Density Bonus} & & \text{Total Units} \\ \text{Factor} & \times & \text{units per acre allowed} & + & \text{Earned} & = & \text{Permitted} \\ & & \text{in underlying zone} & & & & \end{array}$$

- b. The net development factor is the acreage of the planned unit development area minus the area set aside for, or existing in, any of the following:
    - i. Schools.
    - ii. Commercial and/or industrial uses.
    - iii. Single-family residential platted areas, if determining net development factor for the multifamily portion of a mixed single-family, multifamily development.
    - iv. Natural water bodies, including lakes, streams, swamps, marshes, and bogs which are not incorporated in the common open space plan of the planned unit development.
    - v. 75% of areas having slopes that exceed 40%.
    - vi. Public or private streets.
2. Bonus Density: The following units per acre may be cumulatively earned as additional density to the maximum base unit density of the underlying zone.
  - a. Common Open Space.
    - i. 0.3 unit-per-acre bonus if at least 50% of the dry, common open space has a slope of 10% or less.
    - ii. 0.5 unit-per-acre bonus if significant recreation areas are developed and equipped with at least 2 of the following features: hard surface biking, hiking or walking trails connecting the entire development; improved playfields, sport courts; swimming or wading pool; or children's play areas that incorporate play structures/equipment and are at least 10,000 square feet in size.
  - b. Environmental Concern.
    - i. 0.3 unit-per-acre bonus if general public access is provided to lake or river; to trails, 0.1 unit-per-acre bonus; to scenic viewpoint, 0.1 unit-per-acre bonus.

- ii. 1.0 unit-per-acre bonus if 40% or more of the existing, healthy trees over 10 inches in diameter, are retained on the site. Tree diameter shall be measured at 6 feet above the ground. This bonus shall only apply in forested areas where the density of the above-described trees is equal or greater than 10 trees per acre.
- c. Internal Circulation and Parking.
  - i. 0.2 unit-per-acre bonus if nonresidential parking areas are kept small (10 to 20 spaces in a group) and interspersed with landscaping, or provided within or under main buildings.
  - ii. 0.5 unit-per-acre bonus if provision is made for an internal bike and pedestrian system physically separated from roadways.
  - iii. 1.0 unit-per-acre bonus for an interconnected roadway system without cul-de-sacs.
  - iv. 0.5 unit-per-acre bonus for an ungated development allowing through access to the public.
  - v. 0.5 unit-per-acre bonus if at least 1/2 of the required parking is covered or 1 unit-per-acre bonus if all the required parking is covered.
- d. Public Service and Facility Availability.
  - i. 0.3 unit-per-acre bonus if public transit is available within ¼-mile walking distance of the majority of dwelling units and offices.
  - ii. 0.2 unit-per-acre bonus if off-site convenience shopping facilities are functionally accessible within reasonable walking distance (approximately ¼-mile).
  - iii. 0.5 unit-per-acre bonus if special facilities for public transit are incorporated into the design (e.g., sheltered, lighted waiting/loading facilities, including benches and park-and-ride spaces).
- e. Housing.
  - i. 0.5 unit-per-acre bonus if the development features a mix of at least 3 of the following housing types: Detached, single-family residences; attached, single-family residences; manufactured homes; duplexes; townhouses and apartments.
  - ii. 1.0 unit-per-acre bonus for mixed income housing where at least 20% of the units are set aside for households making less than 80% of the median income of the County as defined by the Department of Housing and Urban Development (HUD).

#### **14.704.320 Lot Standards**

Lot standards may vary from that required by the underlying zone, provided the following standards are met.

1. Minimum Lot Area: Every lot utilized for residential purposes shall have a minimum area of 1,600 square feet.
2. Minimum Frontage: Each lot utilized for residential purposes shall have a minimum width of 30 feet with 30 feet minimum frontage on a public or private street, or pedestrian access. Reduced frontage standards shall not be used to create flag lot configurations. Minimum frontage for commercial or industrial planned unit developments shall be per the underlying zone.
3. Minimum Yards: Yard setbacks shall be as approved on the preliminary planned unit development site plan, except that the minimum setbacks of the underlying zone shall apply to exterior project boundaries.
4. Maximum Building Coverage: A maximum of 60% of the site may be utilized for building coverage.
5. Maximum Building Height: Building height maximums of the underlying zone may be waived on an individual building, through the public hearing process, to allow greater flexibility with the development. Consideration shall be given to adjacent land uses and building heights as well as building relationships within the development.

**14.704.330      Parking, Signage, and Landscaping Standards**

Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off-Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.

**14.704.340      Storage Standards**

All storage in the planned unit development zone shall be within a closed building, except for the storage of retail products that are for sale or rent, which may be stored outdoors during business hours only. Outdoor storage of retail products shall not be within any required front or side yard nor in any public street or road right-of-way.

**14.704.350      Refuse Storage**

All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed with a 5½-foot-high concrete block, masonry wall, or sight-obscuring fence with a sight-obscuring gate for access. Single family and duplex residences shall be exempted from this provision.

**14.704.360      Mechanical Equipment**

All rooftop mechanical equipment shall be completely screened from view.

**14.704.365      Utilities**

All utilities shall be underground.

**14.704.375      Required Open Space**

1. Required Open Space: A minimum of 10% of the total area of the planned unit development shall be designated and maintained as common open space. Required landscape areas and stormwater facilities shall not be used in the calculation of open space.
2. Types of Open Space: Land dedicated for open space should be usable for either greenbelts that serve as a buffer between land uses, using existing vegetation and new plant materials, active or passive recreational activities, or for protecting environmentally-sensitive areas or critical areas. Inappropriate open space includes the design of areas that do not meet the intent and purpose of this chapter, such as open space areas that are not accessible to residents of the development, or do not function for active/passive recreation or do not conserve wildlife habitat or other natural features.
3. Maintenance and Ownership of Common Open Space: The applicant shall choose 1 or any combination of the following methods of administering common open space:
  - a. Dedication of common open space to the County, which is subject to formal County acceptance.
  - b. Establishment of an association or nonprofit corporation of all property owners or corporations within the project area to ensure ownership of and responsibility for perpetual maintenance of all common open space.
  - c. Retention of ownership, control and responsibility for maintenance of all common open space by the applicant. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the Site Development Plan by the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the Site Development Plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners in the planned unit development and shall contain a prohibition against future divisions or segregations without further County approvals.
4. Phasing: Where methods 3a or b above are to be employed, required improvements shall be completed prior to transfer of ownership. Where improvements are not completed in accordance with these requirements, building permits and/or approval of permitted structures, may be withheld

upon notification to the Building Official by the Planning Director, pending completion of said improvements.

5. Phasing: All common spaces, as well as public and recreational facilities, shall be specifically included in the phasing schedule and be constructed and fully improved by the applicant at an equivalent or greater rate than the construction of structures.



## **Chapter 14.706 Aesthetic Corridor Overlay (ACO)**

### **14.706.100 Purpose and Intent**

The purpose and intent of the Aesthetic Corridor overlay zone is to implement the aesthetic corridor policies in the Comprehensive Plan. Aesthetic corridors are intended to provide a pleasing and clutter free appearance of the Spokane area along major transportation routes entering and exiting the County's urban areas. The aesthetic corridors overlay provides special design standards along major transportation routes to help maintain a quality image of the Spokane area.

### **14.706.120 Process and Application**

1. The Aesthetic Corridor Overlay Zone applies to any parcels that are contiguous to the rights-of-way of the following roadways:
  - a. Interstate 90
  - b. U.S. 2
  - c. State Route 902
  - d. State Route 290
  - e. U.S. 395
  - f. State Route 27
  - g. Little Spokane Drive
  - h. Nine Mile Road/State Route 291
2. Development on a parcel, or portion thereof, that is not visible from the roadway may be exempt from these provisions as determined by the Director.

### **14.706.140 Allowed Uses**

Uses shall be as allowed in the underlying zone classification, except for the following, which shall be prohibited:

1. Inside the UGA: Contractors yard, incinerator, landfill, sewage treatment plant, solid waste recycling/transfer site, auto wrecking/recycling, junk and salvage yards, solid waste hauler, and recycle collection center.
2. Outside the UGA: Feed lot, sewage sludge land application, commercial composting storage/processing, auto wrecking/recycling, junk and salvage yards, incinerator, landfill, solid waste hauler, and solid waste recycling/transfer site.

### **14.706.160 Development Standards**

The following standards apply to parcels within an aesthetic corridor in addition to the standards of the underlying zone:

1. Inside the UGA:
  - a. Signs shall comply with the provisions for aesthetic corridors as per Chapter 14.804.
  - b. Landscaping shall comply with the provisions for aesthetic corridors as per Chapter 14.806.
2. Outside the UGA:
  - a. Signs shall comply with the provisions for aesthetic corridors as per Chapter 14.804.
  - b. Landscaping shall comply with the provisions for aesthetic corridors as per Chapter 14.806.
  - c. Exterior storage areas or exterior fabrication/assembly areas for commercial and industrial uses shall be screened by either a minimum 6-foot high, sight-obscuring fence, or a minimum of 20 feet of Type II landscaping. Agricultural uses do not require screening.

**Spokane County Zoning Code**

**Chapter 14.800  
Development Standards**

## Chapter 14.802

### Off-Street Parking and Loading Standards

#### **14.802.000 Purpose and Intent**

The purpose and intent of the off-street parking and loading standards is to provide adequate parking spaces, internal circulation, pedestrian facilities and access to ensure a safe and functional parking facilities. The chapter implements many of the goals and policies of the Comprehensive Plan.

#### **14.802.020 Applicability of Standards and Plan Submission**

1. Land used as a public or private parking area shall be developed and maintained in accordance with this chapter except for those zones that specifically allow variations to these standards.
2. Submission of a parking plan shall be required for all new construction, any change to a building, or any change in the use of a building or site to such an extent that a County development permit or certificate of occupancy is necessary. Building permits shall not be issued until the parking plan has been approved. The parking plan shall illustrate the location of all traffic control devices, parking stalls, directional arrows, signs, curbs, ingress/egress points, pedestrian access and walkways. The parking plan may be incorporated into the overall site development plan.

#### **14.802.040 Off-Street Parking Requirements**

1. Off-street parking shall be provided for all uses. The number of required parking spaces shall be determined as specified in Table 802-1 below.

**Table 802-1, Off Street Parking Requirement**

<b>Cultural and Recreational Uses</b>	
Use Classification	Number of spaces required
Public assembly	One space for every 4 occupants based on maximum permitted occupant load
Libraries, museums, art galleries	One space per 275 gross sq. ft.
Bowling alley	Four spaces per lane.
Driving range	Two spaces per tee.
Gymnasium	One space per 100 gross sq. ft.
Golf course	Three spaces per tee.
Health/Fitness club	One space per 100 gross sq. ft.
Skating rink	One space per 200 gross sq. ft.
Sports field (soccer, baseball, etc.)	Twenty spaces per acre of site.
Swimming pool	One space per 40 sq. ft. of pool area.
Tennis and similar courts	One and 1/2 spaces per court.

Table 802-1, continued

<b>Educational uses</b>	
Use Classification	Number of spaces required
Kindergarten through 8 <sup>th</sup> grade	Two spaces per teaching station; <i>OR</i> 1 space for every 4 seats or every 8 feet of bench or pew for fixed seating assembly areas (school auditorium, theater, stadium); <i>OR</i> 1 space for every 75 gross square feet of school assembly area without fixed seating, whichever is greater.
Grades 9 through 12	Five spaces per teaching station; <i>OR</i> 1 space for every 4 seats or every 8 feet of bench or pew for fixed seating assembly areas (school auditorium, theater, stadium); <i>OR</i> 1 space for every 75 gross square feet for school assembly areas without fixed seating, whichever is greater.
Colleges and universities	One space per 4 seats in classroom, plus 1 space per classroom. Dormitories, 0.75 spaces per planned resident.
Technical and specialized schools/studios	One space per 125 gross sq. ft.
<b>Motor Vehicle Sales, Service and Car Washes</b>	
Use Classification	Number of spaces required
Automotive wrecking yard	Twelve spaces for sites up to 10 acres; 20 spaces for sites over 10 acres.
Car washes and other short-turn-around auto services. (Tire mounting, quick lubes, etc.)	Three spaces for each service bay. Space inside the service bay shall be considered a parking space.
Motor vehicle or large machinery sales and service	One space per 1,000 gross sq. ft of building, plus 1 space per 1,500 gross sq. ft. of outside display area.
Recreational vehicles and manufactured home sales	One space per 3,000 gross sq. ft. of display area.
Auto repair garage	One space per 200 gross sq. ft. with a minimum of 3 spaces.

**Table 802-1 - continued**

<b>Office and Business Services</b>	
Use Classification	Number of spaces required
Business and professional offices	One space per 350 gross sq. ft. Minimum of 5 spaces.
Day care center	One space per 10 children.
Governmental buildings and uses	One space per 350 gross sq. ft. Minimum of 5 spaces.
Hospital or medical center	0.4 spaces per employee, plus 1 space for every 3 beds, plus 1 space for every 5 daily outpatient treatments, plus teaching hospitals add 1 space for every 3 students.
Kennel, public or private	One space for each 10 animals kept on the premises.
Medical offices	One space per 175 gross sq. ft.
<b>Retail and Food Services</b>	
Use Classification	Number of spaces required
Animal clinics, hospitals, veterinarian offices, kennels and pounds	One space per 200 gross sq. ft. of waiting, office, and exam rooms.
Coin-operated laundries	One space per 5 machines.
General retail, not elsewhere classified	One space per 250 gross sq. ft. Minimum of 3 spaces.
Large appliance retail	One space per 650 gross sq. ft.
Personal care services	One space per 100 gross sq. ft.
Restaurants and taverns.	One space for every 5 occupants based on maximum permitted occupant load. Outdoor seating areas shall require additional parking spaces at 10 spaces per 1,000 gross square feet. Minimum of 5 spaces.
Restaurant, drive through, carryout, or espresso with no seating	One space per 75 gross sq. ft. Minimum of 6 spaces. Outdoor seating areas shall require additional parking spaces at 10 spaces per 1,000 gross square feet.
Shopping centers	One space per 250 gross sq. ft.

**Table 802-1, continued**

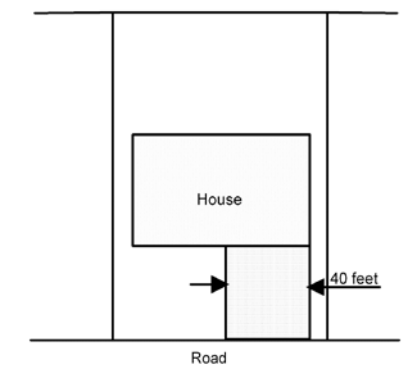
<b>Residential/Lodging/Rooms</b>	
Use Classification	Number of spaces required
Commercial lodgings and sleeping rooms	One space per unit/room plus required spaces for associated uses.
Manufactured home parks	Two spaces per dwelling unit, plus 5% of total requirement for guest parking.
Multi-family dwelling	One and one half spaces per dwelling unit, plus 5% of total requirement for guest parking.
Nursing/convalescent homes	One space per 5 beds.
Retirement/elderly housing, low income subsidized	One space per 3 dwelling units, plus 5% of total requirement for guest parking..
Single-family or duplex dwelling	Two spaces per dwelling unit. Spaces may be stacked in driveway.
<b>Storage, Wholesale and Industrial Uses</b>	
Use Classification	Number of spaces required
Self service storage (mini-storage) <sup>1</sup>	Minimum of 4 spaces.
Wholesale and commercial warehouses and storage.	1 space per 2,000 gross sq. ft.
Manufacturing, processing, machining, assembly, and/or packaging plants of all types.	1 space per 400 gross sq. ft.
<sup>1</sup> Driveway aisles shall be a minimum of 20 feet wide where access to storage units is only on one side of the aisle, and 24 feet wide where access to storage units is on both sides of the aisle.	

2. Uses not specified in Tables 802-1 shall provide parking based on the most comparable use as determined by the Planning Director.
3. In the case of multiple-use occupancies, in a building or on a lot, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for a particular use shall not be considered as providing required parking facilities for any other use except as allowed by joint use parking agreements under section 14.802.140.
4. All required parking areas shall be made permanently available to the customers of the use on the site and maintained for parking purposes only. Required parking facilities shall not be used for product display, automobile sales, storage, and/or repair work.

**14.802.060 Parking Lot Location and Design**

Off-street parking shall be located and designed according to the parking and design standards as specified herein.

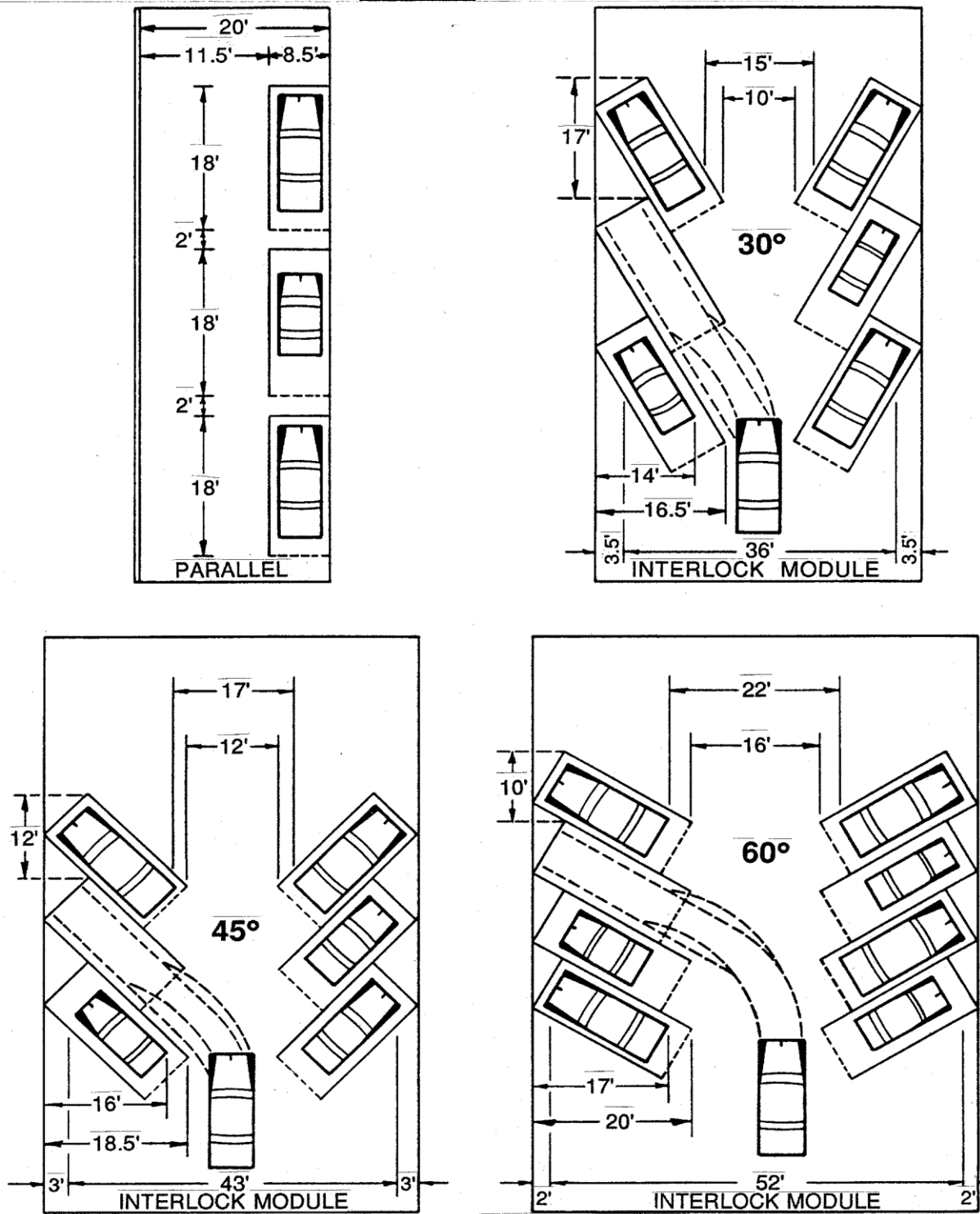
1. Parking facilities required under Section 14.802.040 shall be generally located on the same site as the use or building for which the parking is required. Off-site parking that is separated from the use by an arterial may be denied if adequate provisions to ensure pedestrian safety cannot be provided.
2. Parking stalls shall be designed so there is no vehicle overhang into public rights of way, drainage swales or ditches or adjoining property. Parking areas shall not encroach into stormwater facilities, including but not limited to grassy swales and ditches, and stormwater easements without written permission of the County Engineer or their designee.
3. The accessible parking space(s) required by Chapter 19.27 RCW shall be included in the total number of required parking spaces.
4. Bicycle racks and/or storage shall be provided when 25 or more parking spaces are required, at a ratio of 1 rack for every 25 parking spaces. Bicycle racks shall accommodate 5 or more bicycles and shall be located near the entrance of the building or use they are intended for.
5. New office and industrial developments, with 50 or more required parking spaces, shall designate at least 5% of the spaces for employee carpool or vanpool parking. Employee carpool or vanpool parking shall be located closer to the building entrance or the employee entrance than other employee parking with the exception of accessible parking. The carpool/vanpool spaces shall be clearly marked "Reserved Carpool/Vanpool Only".
6. Parking shall be so designed that vehicles will not back out into public rights-of-way. Single family and duplex residences are exempt from this requirement.
7. Parking stalls and aisles shall be designed as illustrated in Figure 1 and Figure 2 below. Parking spaces at any angle other than those shown are permitted, provided the width of stalls and aisles are proportionately adjusted based upon the angle proposed.
8. Parking spaces may be allowed in required setback areas, provided standards for frontage landscaping are adequately met.
9. Within in the LDR, LDR-P, MDR, or HDR zones, outdoor parking areas for single family and two family dwellings, which are located between the existing roadway and the dwelling, shall be consistent with the following standards:
  - a. Parking areas shall be limited in width to 50% of the lot frontage or 40 feet, whichever is less.
  - b. Parking or storage of vehicles outside the parking area described above is prohibited.
  - c. Parking areas and driveways shall be paved except that expansion of parking areas for existing dwellings may be allowed to utilize gravel surfaces of sufficient material and compaction to prevent erosion or tracking of soil, dirt, mud or debris onto public, private or future public road rights of way/easements, stormwater facilities or other public property.
  - d. The Director may make modifications in instances where due to a lot's configuration there is not adequate area in the front yard to comply with both minimum parking requirements and the parking width limitations described above.



Maximum parking allowed under 14.802.060(9)

## PARKING DESIGN STANDARDS

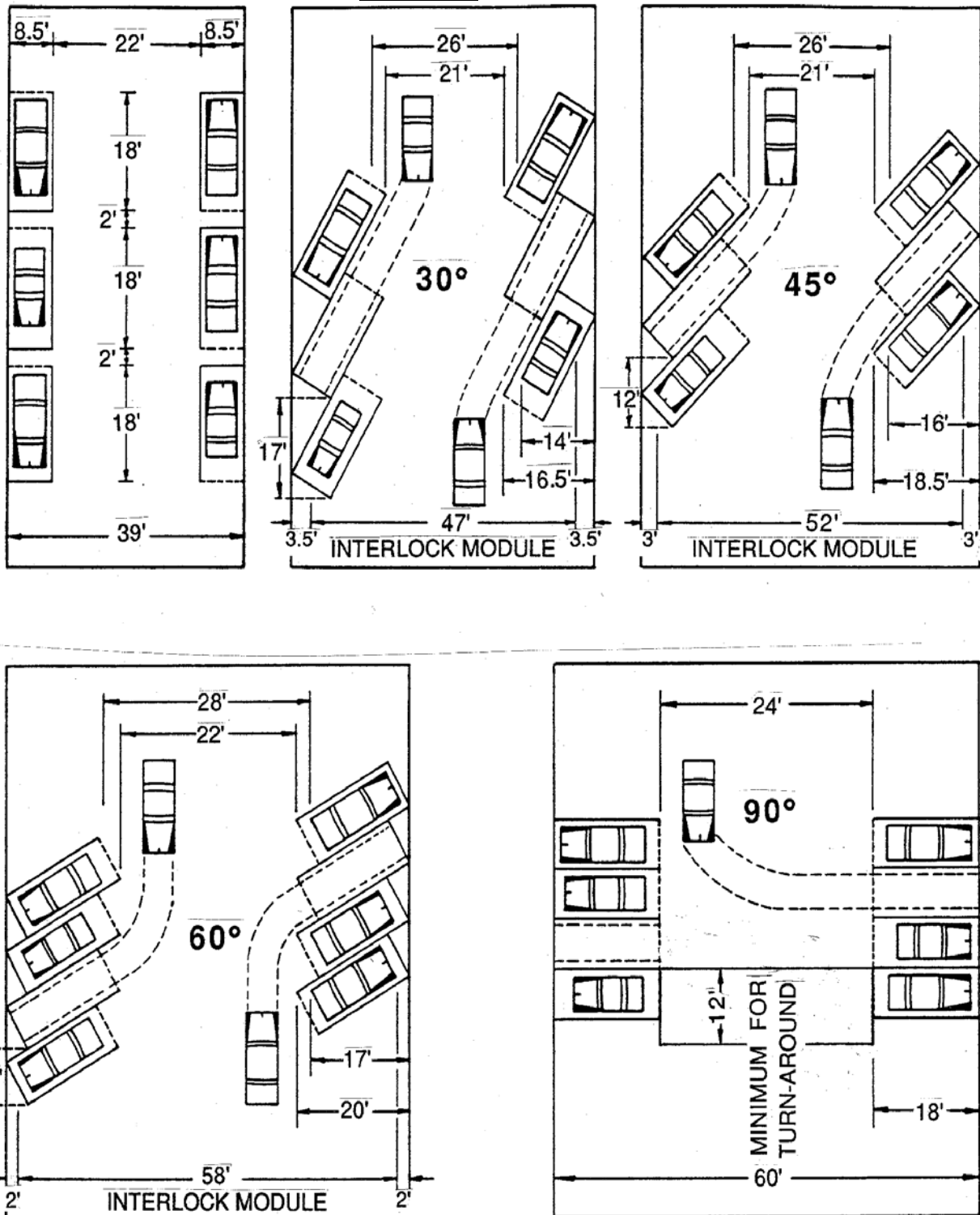
FIGURE 802-1  
**MINIMUM ONE-WAY PARKING DEPTHS**



NOTE: NOT TO SCALE. PARKING STALLS 8.5' W. X 18' L.



**PARKING DESIGN STANDARDS**  
**FIGURE 802-2**  
**MINIMUM TWO-WAY PARKING DEPTHS**



NOTE: NOT TO SCALE. PARKING STALLS 8.5' W. X 18' L.

**14.802.080      Parking Lot Surfacing and Marking Requirements**

1. All off-street parking and outdoor storage areas shall be graded and paved with a hard surface such as concrete, asphalt, brick pavers or other hard material before a certificate of occupancy for the building is issued.
2. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas.
3. Pedestrian walkways shall be installed and/or marked according to Section 14.802.120.

**14.802.100      Illumination**

Parking lots shall have lighting capable of providing adequate illumination for security and safety. All light sources shall be constructed, down shielded and used as not to illuminate directly or create glare visible from adjacent properties or public rights of way. Lighting resembling or conflicting with traffic signals, emergency vehicles or otherwise creating safety hazards for pedestrian/vehicular traffic is prohibited.

**14.802.120      Pedestrian Access**

1. Parking lot circulation shall be designed to minimize conflicts between vehicles and pedestrians around and within parking lots and at vehicle ingress/egress points. Internal pedestrian walkways shall be installed through any parking lot of 50 or more spaces and shall be located and constructed as an integrated part of existing sidewalks and/or pedestrian trails.
2. Walkways shall be accessible and a minimum of 6 feet wide. Internal walkways shall be separated from traffic lanes and vehicle overhangs and shall be located as follows:
  - a. Walkways running parallel to the parking rows shall be provided for every 4 rows. A row is considered either a single or double line of parking stalls which are separated from other rows by internal driveways.
  - b. Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces apart.
  - c. Walkways that cross vehicle lanes shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.

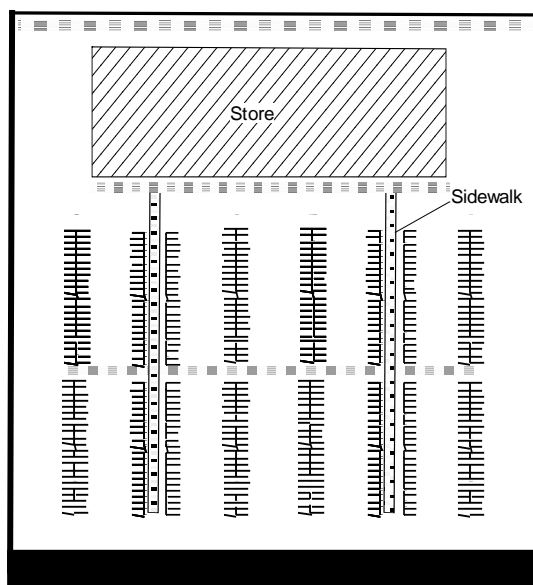


Figure 802-3, Example of Walkway System Within a Parking Lot

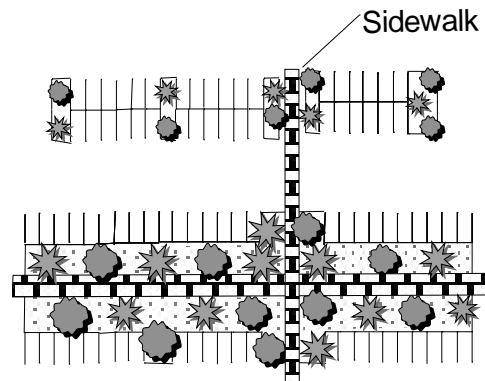


Figure 802-4, Detail of Landscaped Walkway System

#### **14.802.140 Joint-Use Parking Requirements**

1. The owner(s) of a group of uses or buildings may jointly provide parking and loading spaces, subject to the Director's approval. Written plans shall be submitted to the Director and shall include all of the following items.
  - a. The identification of the limits of the property involved.
  - b. The footprint of all structures.
  - c. The identification of all other areas not involved in the off-street parking, loading or access thereto (e.g., pedestrian areas, landscaping, refuse storage areas).
  - d. The actual layout of all off-street parking and loading spaces, as well as access thereto.
  - e. Identification of those spaces to be used collectively if other than all spaces on the property.
  - f. Parties involved with the joint use of parking facilities shall execute a legal easement regarding their joint use agreement. The agreement shall be reviewed by the Director and recorded in the County Auditor's office. The agreement shall run with the land and shall not be terminated without authorization by the Planning Director, based upon changed conditions.
2. For shopping centers, the Director may establish a total parking requirement based upon the mixture of uses contained within the center. If the Director finds that the uses within the center have substantially dissimilar peak demands for off-street parking, the Director may establish the center's parking requirements at a level reduced up to 25% of the normal parking requirement.
3. Up to 50% of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa, provided that the reciprocal parking area shall be subject to the same conditions set forth in items 4a, 4b and 4c of this subsection. For purposes of this subsection, the following uses are typical daytime uses: business offices, barber and beauty shops and manufacturing or wholesale buildings. The following uses are typical nighttime and/or weekend uses: auditoriums (incidental to a public or parochial school), churches, dance halls, theaters and taverns.
4. Up to 100% of the weekend and/or nighttime parking facilities required by this chapter for a church or auditorium may be supplied by parking facilities required for the public/private school or college e, provided that the reciprocal parking area shall be subject to the following conditions.
  - a. The church must be incidental or adjacent to a public/private school or college
  - b. The building or use requesting joint parking shall be within 150 feet of the proposed joint use parking area.
  - c. The applicant shall demonstrate that there is not substantial conflict in the principal operating hours of the buildings or uses utilizing a joint use area.
  - d. Parties involved with the joint use of parking facilities shall execute a legal easement regarding their joint use agreement. The agreement shall be reviewed by the Director and recorded in the County Auditor's office. The agreement shall run with the land and shall not be terminated without authorization from the Director, based upon changed conditions.

**14.802.160 Modification of Parking Requirements**

1. A non-paved surface such as gravel or crushed rock for parking and storage areas routinely used by cleated and other heavy equipment may be allowed when approved by the Director.
2. The Director may waive paving requirements upon recommendations by the Spokane County Air Pollution Control Authority or the County Engineer's Office. Such recommendations shall be in writing and assert that the proposed surfacing, such as grass pavers or other technology, will not adversely affect air quality, water quality or the integrity of the parking area. Economic hardship shall not be a reason for granting a waiver.
3. The Director may allow a reduced number of parking spaces when an applicant can quantify a reduced demand based on the attributes of the use, site or surrounding area (for example, transit availability, commute trip reduction programs, employee housing etc.).
4. Storage areas in retail stores and offices, in excess of 1,000 sq. ft., may be calculated separately as a warehouse, if no more than 50% of the total floor area is considered a warehouse.
5. Industrial buildings with storage areas in excess of 1,000 square feet may be considered as a warehouse use for calculating the required parking.

**14.802.170 Parking Design Incentives**

Maximum lot coverage requirements in residential and commercial zones may be increased by 25% provided one of the following design features is incorporated into the development.

1. Underground parking is provided for the building or use.
2. A multilevel parking structure is provided for the building or use.
3. The building is adjacent to the street and all parking facilities are located to the rear or side of the building or use.
4. Bus shelters or other facilities designed exclusively to support transit are incorporated into the development and have a cost of at least 0.5% of the total development value. The value shall be determined from official County records. In the absence of an appropriate assessed value in the official County records, an appraisal performed by a licensed appraiser may be accepted.

**14.802.180 Required Off-Street Loading**

Off-street loading facilities are required to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls.

1. All off-street loading spaces shall be located and designed according to the following criteria:
  - a. All off-street loading spaces shall be designed to minimize impacts on adjacent properties.
  - b. In all cases, loading facilities shall be located on the same lot as the structure they are designed to serve.
  - c. Off-street loading space shall not be included in an area calculation used to satisfy off-street parking requirements for landscaping.
  - d. Loading spaces shall be designed and located so vehicles using these spaces do not project into any public right-of-way.
  - e. Loading spaces shall be designed so vehicles are not required to back to or from an adjacent street. Loading spaces in industrial zones that use local access streets are exempt from this requirement.
2. Off-street loading spaces shall measure at least 15 feet wide, 60 feet long and 15 feet high, except if this section requires only one off-street loading space, it may measure 12 feet wide, 30 feet long and 15 feet high.
3. The minimum number of off-street loading spaces shall be provided according to Table 802-2.

**Table 802-2, Required Off-Street Loading**

Use	Size	Required Parking Spaces
Industrial, manufacturing wholesale, warehouse, similar uses	10,000 - 40,000 sq. ft.	1 space
	40,000 - 60,000 sq. ft.	2 spaces
	60,000 - 100,000 sq. ft.	3 spaces
	Over 100,000 sq. ft.	1 space for each 50,000 sq. ft. or part thereof
Offices, hotel/motel, restaurants	20,000 - 60,000 sq. ft.	1 space
	60,000 - 100,000 sq. ft.	2 spaces
	Over 100,000 sq. ft.	1 space for each 50,000 sq. ft. or part thereof
Hospitals, convalescent centers, nursing homes, similar institutions	10,000 - 40,000 sq. ft.	1 space
	40,000 - 100,000 sq. ft.	2 spaces
	Over 100,000 sq. ft.	1 space for each 50,000 sq. ft. or part thereof
Department stores, retail and other commercial uses	10,000 - 20,000 sq. ft.	1 space
	20,000 - 50,000 sq. ft.	2 spaces
	50,000 - 100,000 sq. ft.	3 spaces
	Over 100,000 sq. ft.	1 space for each 50,000 sq. ft. or part thereof
Residential	No requirement	

**14.802.200 Public Transit**

Provisions for transit facilities shall be coordinated through the Division of Engineering and Roads and the Spokane County Transit Authority.

**14.802.220 Landscaping Requirements**

Landscaping shall be provided pursuant to chapter 14.806.

## **Chapter 14.804 Signage Standards**

### **14.804.010 Purpose and Intent**

The purpose and intent of the signage standards is to promote commerce, traffic safety, and community identity while enhancing the visual environment of residential, commercial and industrial areas.

This section of the Code shall not regulate traffic and directional signs installed by a governmental entity or in a private parking lot; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments/plaques; gravestones; structures intended for a separate use, such as phone booths, donation and recycling containers; lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

### **14.804.020 General Provisions**

1. **Permit Required:**

Any on-premises sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered pursuant to a building permit issued in accordance with this chapter. A permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit. The owner of a sign shall produce a permit upon request. Building permits shall be required as specified in Title 3 of the Spokane County Code.

2. **Permit Applications:**

All permit applications for signs shall include a site plan that provides the following information:

- a. The location of the affected lot, building(s) and sign(s).
- b. The scale of the site plan.
- c. A drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination.
- d. All existing signs on the site including their size, height and location.
- e. Tax parcel number.

3. **Subarea Plans:**

Subarea plans approved by the Board of County Commissioners may include requirements other than those provided in this chapter.

### **14.804.030 Definitions**

The following words and phrases are listed in Chapter 14.300, Definitions.

Billboard, Bulletin Board, Electric Sign, Electronically Changeable Message Sign, Flashing Sign, Freestanding Sign, Freeway Oriented Sign, High Intensity Illumination, Incidental Sign, Individual Business, Low Intensity Lighting, Monument Sign, Multiple Businesses, Nonconforming Sign, On-Premises Sign, Portable Sign, Readerboard, Roof Sign, Sign, Support Structure(s), Three-Sided Sign, Two-Sided Sign, Video Board, Wall Sign.

**14.804.040 Sign Permit not required**

The following shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Uniform Building Code.

1. The changing of the advertising copy or message on a lawfully erected sign, reader board or similar sign specifically designed for replaceable copy.
2. Painting, repainting or normal maintenance, unless a structural or electrical change is made.
3. Temporary banners and temporary signs as permitted herein.
4. Real estate signs as permitted herein.
5. Incidental signs.
6. Political signs.
7. Bench signs on County rights-of-way, provided approval has been granted for location by the Spokane County Engineer.
8. Contractor, architect, surveyor, or engineer signs as permitted herein.

**14.804.050 Prohibited Signs**

The following signs are prohibited in all zones unless otherwise specifically permitted:

1. Signs, which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.
2. Signs that create a safety hazard for pedestrian or vehicular traffic.
3. Flashing signs.
4. Portable signs exceeding 9 square feet.
5. All portable reader boards.
6. All portable electric signs.
7. Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
8. Roof signs.
9. Video Boards.
10. Billboards.
11. Off-Premises Signs

**14.804.060 Signs Permitted in All Zones in Connection with Specific Uses**

The following signs may be permitted in any zone, subject to the limitations as provided herein.

1. Bulletin Boards:  
Bulletin boards may be permitted on the premises of public, charitable, or religious institutions, or as an alternative to bulletin boards, electronically changeable message signs may be permitted on the premises of schools, fire stations, or religious institutions outside Community Commercial, Regional Commercial, Light Industrial, and Heavy Industrial zones subject to the following. College Campus signs are excluded from this section and provided for in section 14.804.060(8).
  - a. Such sign shall contain not more than 32 square feet in area on a face and may be double-faced.
  - b. No part of the sign shall exceed a height of 6 feet above the ground.
  - c. The sign, if lit, shall use low-intensity lighting. Electronically changeable message signs shall have the hours of illumination limited to the hours between 6:00 a.m. to 11:00 p.m.
  - d. A 32 square-foot, double-faced sign, no higher than 14 feet above grade, is authorized for a public or private school on property not less than 3 acres in size.
  - e. For electronically changeable message signs, the Planning Director may require additional restrictions, as a condition of permit approval, deemed necessary to protect local residences from visual and lighting impacts, such as location or direction of the sign.
2. Temporary Residential Subdivision or Area Name Signs:  
A temporary real estate sign advertising the prospective sale or lease of a group of lots or dwellings within a tract or apartment complex shall be permitted, subject to the following conditions.

- a. The freestanding sign shall be located on the premises being sold or leased.
  - b. The sign shall not exceed 40 square feet in area on a face and may be double-faced.
  - c. The sign shall remain only as long as property remains unsold or un-leased for the first time within the tract, but not to exceed 1 year. The Division may extend the 1-year time period upon written request by the owners/developers of the project.
  - d. The sign shall be non-illuminated.
  - e. The top of the sign shall be no higher than 10 feet above grade of the lot or parcel on which the sign is located.
3. Permanent Residential Subdivision or Area Name Signs:  
Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision or area that identifies the name of the subdivision or area only, shall be permitted, subject to the following conditions.
- a. The sign shall consist of decorative building materials with illuminated, indirectly lit or non-illuminated name plates or letters, and be located in a maintained landscaped area.
  - b. The wall(s) and/or sign(s) shall not exceed 6 feet in height.
4. Temporary Banners, Flags, Pennants, Searchlights and Inflatables:
- a. A banner, flag, pennant, or inflatable, may be permitted by the Division for temporary on-premises use only, provided that such display does not have a significant adverse impact on nearby residences or institutions. The temporary use shall be restricted to 30 days per quarter with one 30-day renewal per quarter. If the permit is renewed, the 30-day period for the following quarter is expended and the sign is not permitted during that quarter.
  - b. A searchlight may be permitted by the Division for temporary on-premises use only, not exceeding 10 days, provided that such display does not have a significant, adverse impact on nearby residences or institutions.
5. Contractor, Architect, Surveyor or Engineer Signs:  
One on-premises sign identifying the project, developers, contractor, subcontractors, architect, surveyor, and engineer engaged in the construction may be permitted on a property during the period of construction, provided that all of the following conditions are met.
- a. The sign shall not exceed 40 square feet in area.
  - b. The top of the sign shall not exceed 10 feet above grade of the lot or parcel on which the sign is located. The sign shall be removed prior to final building inspections. However, no such sign shall be maintained for a period in excess of 12 months without approval from the Division. The Division may extend the 1 year time period upon written request of the owners/developers of the project.
6. Real Estate Sign:
- a. Residential/Agricultural use or property – Temporary on-premises sign(s) advertising the sale, lease or rental of the building, property or premises, 1 per frontage road. Such sign(s) shall be unlit, limited in size to 5 square feet and limited in height to 5 feet above grade. A maximum 32 square foot sign is allowed on agricultural property of 20 acres or more, with or without a dwelling on-site.
  - b. Commercial/Industrial use or property – One temporary on-premises sign advertising the sale, lease or rental of the building, property or premises. Such sign shall be unlit, limited in size to 32 square feet and limited in height to 10 feet above grade.
  - c. Open house/directional sign – For (a) and (b) above, an open house/directional sign(s) shall be allowed on each access street (to the property). Such sign(s) shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic, shall be used when the property is actually open for immediate inspection, shall be unlit, and shall be limited in size to 5 square feet and limited in height to 3 feet above grade.



7. Electronically Changeable Message Sign:

- a. Electronically changeable message signs shall be permitted in Community Commercial, Regional Commercial, Light Industrial, and Heavy Industrial zones in accordance with the standards of Sections 14.804.080 through 14.804.160 and their definition.

8. College Campus Signage:

a. Freestanding Signs

A College Campus may have a maximum of 2 (two) Freestanding Signs with a maximum height of 14 (fourteen) feet with a maximum sign area of 100 (one-hundred) square feet. Signs wholly incorporating decorative materials such as masonry or a similar architectural design element may have a maximum sign area of 150 (one-hundred fifty) square feet. All such signs shall be separated from each other by a minimum distance of 500 (five-hundred) linear feet.

b. Monument Signs

Monument Signs are limited to 7 (seven) feet in height and have no maximum size limit or number allowed. Such signs shall not be internally illuminated, but may be indirectly lit.

c. Building Identification Signs

Building Identification Signs visible from the Public Right-of-Way, such as those used to identify theme houses, lecture halls, etc. shall be limited to a maximum height of 4 (four) feet with a maximum sign area of 12 (twelve) square feet. Such signs shall not be internally illuminated, but may be indirectly lit.

d. Wall Signs

Wall Signs for non-residential buildings are permitted and are limited to 1 (one) per building with a maximum sign area of 32 (thirty-two) square feet. Wall signs shall not project more than 15 inches from the face of any building.

e. Changeable Copy

A maximum of 2 (two) signs may include up to 32 (thirty-two) square feet of area devoted to changeable copy (Bulletin Boards, Electronically Changeable Message Signs, or Readerboards). Such copy is counted toward the maximum permitted sign area for that sign. In no case shall any 2 (two) signs with changeable copy be located closer than 500 feet to each other.

f. Impact to Residential Uses.

All signs shall utilize low-intensity lighting. The Planning Director may require additional restrictions, as a condition of permit approval, deemed necessary to protect local residences from visual and lighting impacts, such as location or orientation of signs.

**14.804.070 Sign Standards in Resource, Rural, and Residential Zones**

Signs are permitted in all zones outside the urban growth area and within the Low Density Residential, Low Density Residential Plus, Medium Density Residential, and High Density Residential zones, in accordance with the following uses and standards:

1. A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of 5 square feet and a maximum height of 4 feet above grade.
2. A freestanding or wall sign identifying a community residential facility, family daycare home, child daycare center in a residence, nursery school, or similar institution is permitted, provided that such sign shall not exceed a maximum area of 5 square feet, a maximum height of 4 feet above grade and is unlit.

3. Permitted Signs by Use

- a. The following categories of uses apply to the signage standards provided in Tables 1 and 2 below:

- i. Residential/Semi-Public uses include a church, public park, multi-family dwelling, nursing home, retirement apartment, public building, child day-care center, family day-care provider, nonprofit community hall or lodge, animal health service or sanitarium.
  - ii. School/Public uses include a school (kindergarten through high school), hospital, police station, fire station, post office or public golf course, incinerator, solid waste recycling/transfer site, or landfills. A college campus is not included.
  - iii. Office uses include a business or professional office.
  - iv. Commercial Use/Other shall include cemeteries and commercial uses other than those listed in "i" through "iii" above and other than home industry or home profession.
- b. On-Premises wall signs, projecting not more than 15 inches from the face of any building, are permitted, not to exceed the maximum number and size as shown in Table 804-1. Wall signs shall be unlit or have low-intensity lighting, and shall be placed flat against the outside wall of the main building.

Table 804-1 - Wall Signs – Resource, Rural, and Residential Zones

<i>Use per 14.804.070 (3)</i>	<i>Maximum Signs</i>	<i>Maximum Sign Area</i>
Residential/Semi-Public	1	20 ft <sup>2</sup>
Schools/Public Use	1	32 ft <sup>2</sup>
Office	1*	32 ft <sup>2**</sup>
Commercial Uses, Other	1	20 ft <sup>2</sup>

\*Multiple office complexes shall be allowed one wall sign per building.

\*\*An office building containing multiple offices shall be allowed a 60 ft<sup>2</sup> maximum sign area.

- c. On-premises freestanding signs are permitted, not to exceed the maximum number, size, and height as shown in table 804-2. On-Premises freestanding signs shall be unlit or have low-intensity lighting.

Table 804-2 - Freestanding Signs – Resource, Rural, and Residential Zones

<i>Use per 14.804.070 (3)</i>	<i>Maximum Signs</i>	<i>Maximum Sign Area</i>	<i>Maximum Sign Height</i>
Residential/Semi-Public	1	16 ft <sup>2</sup>	6 feet
Schools/Public Use	1	32 ft <sup>2*</sup>	15 feet
Office	1	32 ft <sup>2*</sup>	15 feet
Commercial Uses, Other	1	32 ft <sup>2*</sup>	15 feet

\*Maximum sign area may be increased to 60 ft<sup>2</sup> for monument signs 7 feet or less in height.

#### 4. Multiple Arterials

In the event the use or group of uses is adjacent to more than one arterial (including through and corner lots), they will be allowed a freestanding sign(s) exclusively oriented to the additional arterial(s). The above allowance shall be calculated independently, using only the additional arterial(s) frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other(s).

**14.804.080 Sign Standards for Commercial and Industrial Zones**

Any sign, which pertains only to the identification of a permitted use in the Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Mixed Use (MU), Light Industrial (LI) and Heavy Industrial (HI) zones and is located entirely on the property with the use or business, is permitted, provided that it complies with the following standards:

1. Wall Signs – Individual and Multiple Businesses

- a. Wall signs are permitted on each wall of a building provided the wall sign does not exceed 25% of the total area of the wall or a maximum area of 250 square feet, whichever provides the smaller area. “False fronts” and mansard roofs shall not be included when calculating the total area of the wall.
- b. In the case of a multiple business complex, each business shall be allowed a wall sign not to exceed 250 square feet, provided the total of all wall signs does not exceed 25% of the wall.

2. Freestanding Signs (pole or monument design) – Individual Business

One on-premises freestanding sign is permitted. Signs shall not exceed the area and height limits as shown in Table 804-3. Businesses with multiple frontages may be allowed additional signage per 14.804.080(5).

Table 804-3 – Standards for on-premises signs for individual business

<i>Zone</i>	<i>Maximum Area ≤100' street frontage</i>	<i>Maximum Area &gt;100' street frontage</i>	<i>Maximum Height</i>
Neighborhood Commercial	50 ft <sup>2</sup>	50 ft <sup>2</sup>	20 feet
Community Commercial Regional Commercial Mixed Use	100 ft <sup>2</sup>	200 ft <sup>2</sup>	30 feet
Light Industrial Heavy Industrial	40 ft <sup>2</sup>	80 ft <sup>2</sup>	20 feet

3. Freestanding Signs (pole or monument design) – Multiple Businesses

- a. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, area, and height limits as shown in Table 804-4.
- b. Freestanding signage allowed for an individual business under 14.804.080(2) shall not be combined with the signage allowed for multiple businesses under 14.804.080(3).
- c. The minimum separation between signs shall be 500 feet, as measured from the center of the sign.

Table 804-4 – Standards for on-premises signs for multiple businesses

<i>Zone</i>	<i>Maximum Signs</i>	<i>Maximum Area</i>	<i>Maximum Height</i>
Neighborhood Commercial	1	100 ft <sup>2</sup>	20 feet
Community Commercial Regional Commercial Mixed Use	1 per 500 feet of street frontage*	200 ft <sup>2</sup>	30 feet
Light Industrial Heavy Industrial	1 per 500 feet of street frontage*	80 ft <sup>2</sup>	20 feet

\*One freestanding sign is permitted on parcels with less than 500 lineal feet of street frontage.

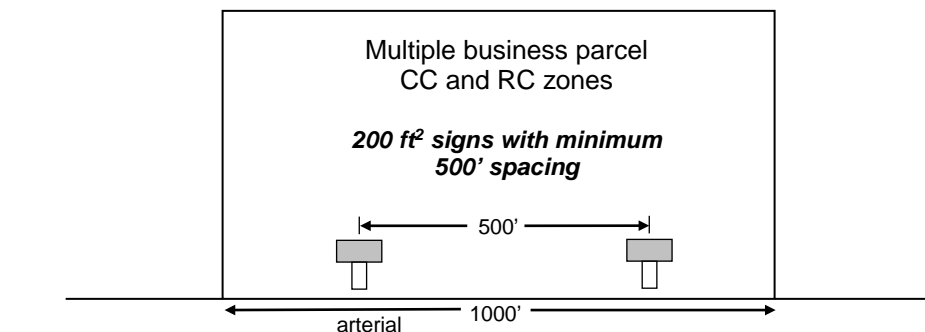


Figure 804-1 – Example of allowed signage on a parcel with 1000 feet of frontage.

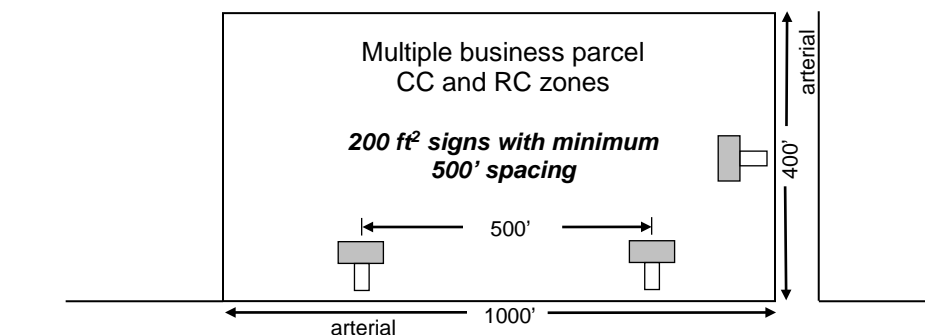


Figure 804-2 – Example of allowed signage on a parcel with dual frontage.

4. Incentive to Substitute Height Restricted Monument Sign(s) for Freestanding Sign(s)

- a. Monument signs, not to exceed 7 feet in height, may substitute for individual and multiple business signs under 14.804.080(2 and 3) with maximum sign number(s) and area(s) as provided in Tables 804-5 and 804-6. There is no minimum separation requirement between signs shown.

Table 804-5 – Standards for on-premises monument signs for individual businesses

Zone	Maximum Signs	Maximum area/each sign
Neighborhood Commercial	1	75 ft²
Community Commercial Regional Commercial Mixed Use	2	90 ft²
Light Industrial Heavy Industrial	2	90 ft²

Table 804-6 – Standards for on-premises monument signs for multiple businesses

Zone	Maximum Signs	Maximum area/each sign
Neighborhood Commercial	2	75 ft²
Community Commercial Regional Commercial Mixed Use	2 per 500 feet of street frontage*	90 ft²
Light Industrial Heavy Industrial	2 per 500 feet of street frontage*	90 ft²

\*Two freestanding signs are permitted on parcels with less than 500' of lineal street frontage.

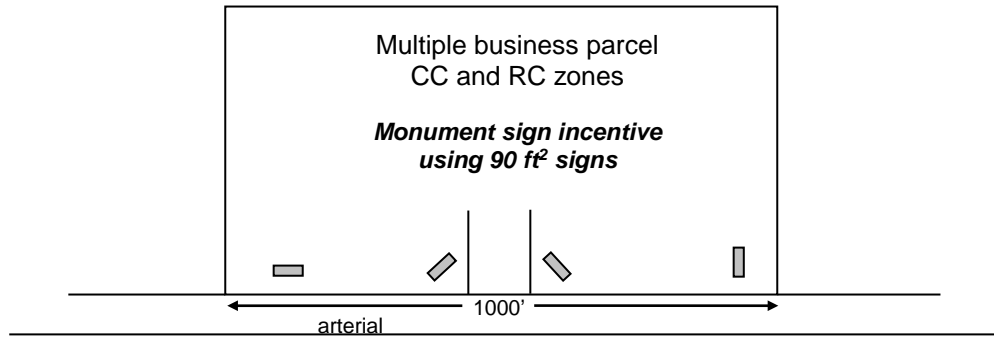


Figure 804-3 – Example of allowed signage using the incentive for monument signs.

5. Multiple Arterials

In the event the use or group of uses is adjacent to more than one arterial (including through and corner lots), they will be allowed a freestanding sign(s) exclusively oriented to the additional arterial(s). The above allowance shall be calculated independently, using only the additional arterial(s) frontage. However, in no instance shall the square footage allowance from one arterial be transferred to the other(s).

6. Entrance Sign for Industrial Park or Planned Industrial Area

An industrial park or planned industrial area may have one entrance/identification monument sign not to exceed 150 ft<sup>2</sup> in area and 7 feet in height above grade.

**14.804.085 Modification To Sign Standards (Neighborhood Commercial, Community Commercial, Regional Commercial, Light Industrial and Heavy Industrial Zones)**

For shopping centers, industrial parks, mixed-use developments, hotel conference centers, and truck stops; the Director may approve a comprehensive sign plan that deviates from the provisions set forth in section 14.804.080 above, provided the following standards and conditions are met:

1. The development exceeds the following minimum square foot floor area requirements:
  - a. 250,000 ft<sup>2</sup> for a shopping center or hotel conference center.
  - b. 250,000 ft<sup>2</sup> of commercial/industrial floor space for a mixed-use development.
  - c. 300,000 ft<sup>2</sup> for an industrial park.
  - d. 35,000 ft<sup>2</sup> for a truck stop, on a site exceeding 20 acres.
2. The applicant shall submit a sign plan that includes the size, location, height, lighting, construction materials and orientation of all proposed signs in addition to any other information deemed necessary by the staff.
3. The sign plan shall conform to the following standards:
  - a. Except as provided herein, signage shall conform to the standards of section 14.804.080, except that a maximum of 3 of the allowed signs under 14.804.080 may be allowed an increase of 20% in sign height and area over the maximum allowed in the underlying zone.
  - b. The cumulative sign area of all signs, including 3a above, shall not exceed the maximum that would be allowed under 14.804.080.
  - c. The maximum number of signs shall not exceed the maximum that would be allowed under 14.804.080.
  - d. Where the applicant submits evidence that a greater area or height is necessary due to the location of the property and the proposed use, signs may be allowed with a greater area and a greater height than provided under 14.804.080 and 3a above, provided the same do not exceed the cumulative area of all signs which would be permitted under 14.804.080 and the height does not exceed the maximum building height permitted in the zone.

4. The sign plan shall be consistent with the Spokane County Comprehensive Plan and the purpose and intent of this chapter, as determined by the Director.
5. Signage shall be installed in conformance with the approved sign plan.
6. The applicant/owner(s) shall sign a binding agreement ensuring compliance with the approved sign plan. The agreement shall be filed as a deed restriction and shall run with the land and shall apply to present as well as future property owners.
7. Modifications to the approved sign plan shall require reapplication and approval by the Director.

**14.804.090 Sign Standards for the Aesthetic Corridor Overlay Zone**

1. The standards of 14.804.090 shall apply to parcels that are contiguous to the rights-of-way of the following roadways:
  - a. Interstate 90
  - b. U.S. 2
  - c. State Route 902
  - d. State Route 290
  - e. U.S. 395
  - f. State Route 27
  - g. Little Spokane Drive
  - h. Nine Mile Road/State Route 291
2. Wall signs shall be as per Section 14.804.070 or 14.804.080, respective of zoning.
3. Freestanding signs shall be as per Section 14.804.070, or 14.804.080, respective of zoning, except the following additional limitations shall apply:
  - a. Freestanding signs located within the Urban Growth Area shall in no case exceed 20 feet in height or 150 square feet in area. Should the underlying zone be more restrictive, the standards of the underlying zone shall govern.
  - b. Freestanding signs located outside the Urban Growth Area shall in no case exceed 15 feet in height or 100 square feet in area. Should the underlying zone be more restrictive, the standards of the underlying zone shall govern.

**14.804.100 Sign Standards for Mineral Lands (M)**

Any sign that pertains only to the identification of a permitted use in the Mineral Lands (M) and is located entirely on the property of such use is permitted, provided that it complies with the following conditions:

1. An individual establishment may have 1 permanent freestanding sign not to exceed 32 square feet in area.
2. No sign shall project more than 15 feet above grade.
3. In the event a use is nonconforming but could be outright permitted in the Community Commercial and/or Regional Commercial zones, the Mineral Lands signage requirements will follow those for the Community Commercial/Regional Commercial zones under Section 14.804.080.

**14.804.110 Sign Location and Setback**

1. All signs shall be located so that they:
  - a. Do not interfere with vehicular/pedestrian accessibility or sight distance.
  - b. Conform to the provisions of chapter 14.812, Fences/Clear View Triangle.
  - c. Do not overhang, or are not located in any public right-of-way.
  - d. Comply with any restrictions of the Federal Aviation Administration (FAA) and Airport Overlay (AO) Zone.
2. All signs shall be located and set back as follows:
  - a. Any portion of a sign (including structural supports) that is higher than 3 feet and less than 7 feet above grade shall be located a minimum of 10 feet back from any public right-of-way, unless it can be demonstrated that the location of a structural support or monument sign will not create an adverse impact with regard to sight distance of vehicles entering and exiting the site.

- b. Structural supports less than 2 feet in width, measured at any point on the support, and 3 to 7 feet above grade, shall be exempted from (a) above.
- c. Signs are exempt from setback provision per zone classification.

**14.804.120 Sign Area and Calculation**

1. Sign area for wall signs is equal to the message area of a sign, including graphics, letters, figures, symbols, trademarks or written copy as shown in Figure 804-4.

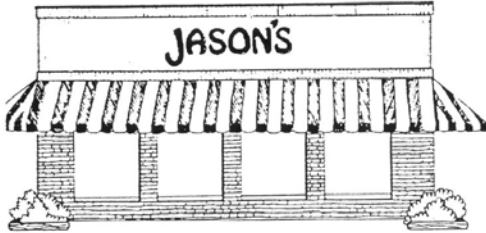


Figure 804-4

2. The sign area of a freestanding sign consisting of one sign shall be calculated as shown in Figure 804-5 below. The sign area of a freestanding sign consisting of more than 1 sign shall be computed by adding together the total area(s) of all signs as shown in Figure 804-6 as follows. Any portion of the sign not necessary for structural support of the sign or any structural support greater than 2 feet in width shall be considered in the determination of the square footage of the sign. A 10% increase in sign area is allowed for decorative framing or borders. Area calculation does not include decorative rocks or landscaping adjacent to a monument sign.

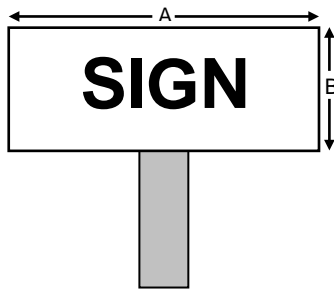


Figure 804-5

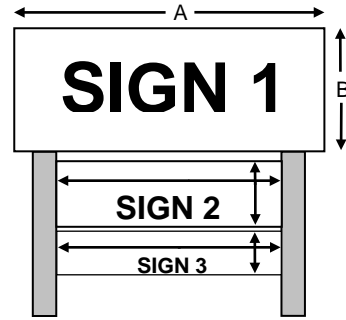


Figure 804-6

3. The sign area for multiple-sided signs shall be calculated as follows:
  - a. The total sign area for a two-sided sign shall be calculated using 1 face, therefore allowing both faces to be of equal size (for example a two-sided sign has 2 faces with 18 square feet per side, therefore the sign area is 18 square feet).
  - b. The sign area for a three-sided sign shall be equal to the total amount of sign area a one-sided or two-sided sign is allowed (for example, in item 3a above, a two-sided sign is allowed 18 square feet of sign area per side which equals 36 total square feet. If a three-sided sign is used instead of a one-sided or two-sided sign, the three-sided sign may allocate the 36 total square feet among three sides, therefore allowing three sides with 12 square feet per face for a total of 36 square feet of sign area).

**14.804.130 Maintenance of Signs**

1. The owner or person in possession of the property on which a sign is located shall maintain any signage that has been approved or that has been issued a permit. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
2. Any damaged sign base shall be repaired within 60 days.

3. Any signage that has been damaged to such an extent that it may pose a hazard to passersby shall be repaired or removed immediately.

**14.804.140 Nonconforming Signs**

Nonconforming signs (those that were permanently installed and legally erected prior to the adoption of this Code) shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. Signs over 40 years old that are classified as historically significant by the historic preservation officer shall not be considered as nonconforming signs.

**14.804.150 Landscaping for Freestanding and Monument Signs**

All freestanding and monument signs shall be located in a required landscape area if landscaping is required as part of the development proposal. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

**14.804.160 Sign Illumination**

Externally illuminated signs shall have low intensity lighting, confined to the sign, and be positioned and shielded to minimize impacts to the surrounding area(s). Internally illuminated signs shall have low intensity lighting.



## **Chapter 14.806**

### **Landscaping and Screening Standards**

#### **14.806.000 Purpose and Intent**

The purpose of the landscaping and screening standards is to recognize the importance of the aesthetic, ecological, economic and quality of life issues that landscaping and screening address in our community. It is the intent of these standards to require planting and maintenance of vegetation that enhances developed areas, aids in energy conservation, and preserves and promotes urban wildlife habitats. This section requires the use of landscaping to provide compatibility between different land uses by reducing visual, noise and lighting impacts from one use to another and providing visual separation and physical buffers between land uses. Whenever possible, native vegetation should be used and existing vegetation in the natural and man-made landscape should be retained. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding potential in areas with high groundwater levels. These requirements support the integration of landscaping into the overall design plan of commercial and industrial building sites, parking lots, planned unit developments, multiple-family developments, public and semi-public land uses, and drainage plans which help unify the development and enhance and define public and private spaces.

#### **14.806.020 Applicability of Standards**

1. Developments involving additions or alterations to existing structures in which the cost of the additions or alterations exceeds 50% of the assessed value of the existing structure(s) or improvements shall be subject to the provisions of this chapter. The value shall be determined from official County records. In the absence of an appropriate assessed value in the official County records, an appraisal performed by a licensed appraiser may be accepted.
2. These standards do not apply to individual single-family or two-family (duplex) residences on individual lots.
3. Subarea plans, approved by the Board of County Commissioners, may include requirements other than those provided in this chapter.

#### **14.806.040 Modification of Landscaping Requirement**

1. The Director may permit alternative landscaping as set forth in Section 14.806.040 when the overall site development plan, as proposed by the applicant, provides as good or better results than required by this section. Application of Section 14.806.040 may apply to, but is not necessarily limited to, the following circumstances.
  - a. Where only a portion of the parcel is being developed, landscaping and screening standards may be reduced so that they only apply to the land area that is developed.
  - b. Where landscaping would interfere with the adequate storage, conveyance, treatment or control of stormwater runoff or would interfere with the maintenance of stormwater facilities or natural drainage systems (natural drainage ways and natural infiltration areas), as determined by the Spokane County Division of Engineering and Division of Utilities.
  - c. Where xeriscape landscaping is utilized as follows.
    - i. In designated stormwater control areas.
    - ii. In areas designated by the County Engineer as areas with a potential for high ground water.
    - iii. Where the availability of water is limited (primarily for developments or sites served by wells).
  - d. When landscaping is planned to serve as a visual connector and/or connector of drainage features between abutting, compatible land uses, planned as one unit or as complementary units.
  - e. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are 12" or more in diameter, they shall be equivalent to 3 required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

- f. In areas where existing structures or improvements are situated so as to preclude installation of required landscaping.
2. The Director may allow reduced width of plantings or waive some of the landscaping requirements in the following instances:
  - a. When application of requirements of this section would result in more than 15% of the site area being landscaped. In such case the Director shall modify those requirements so that not more than 15% of the site must be landscaped, provided that the landscaping and corresponding setbacks required are those most beneficial to the public.
  - b. When the topography of the site naturally provides visual relief between adjacent uses.
3. The decision of the Director regarding modification of landscape requirements shall be final unless an aggrieved person appeals that decision to the Hearing Body under the procedure outlined in chapter 14.502.060.

#### **14.806.060 Location of Required Landscaping**

Landscaping shall be provided in all developments as set forth in this section. When the width of a required planting strip exceeds the setback requirement, the setback shall be increased to provide the full width of the planting strip.

1. Table 806-1 and 806-2 provide landscaping requirements for uses that are adjacent to a particular zoning classification. The tables indicate the type and width of landscaping required along side and rear property lines not abutting public streets. The requirements are determined by comparing the proposed use (in the left hand column) to the zoning of adjacent parcels (in the top column). Landscape requirements for mineral lands are considered separately and can be found in chapter 14.620.

Table 806-1 Zone Buffering Urban Zones		Adjacent Zone															
		Low Density Residential Low Density Residential Plus		Medium Density Residential		High Density Residential		Regional Commercial		Community Commercial Mixed Use		Neighborhood Commercial		Light Industrial		Heavy Industrial	
		Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type
Proposed Use	Commercial/Light Industrial	20'	I	20'	I	20'	I	~	~	~	~	~	~	~	~	10'	I
	Heavy Industrial	20'	I	20'	I	20'	I	10'	I	10'	I	20'	I	10'	I	~	~
	Manufactured Home Park	10'	I	10'	I	10'	I	10'	I	10'	I	10'	I	20'	I	20'	I
	Multi-Family	10'	I	~	~	~	~	10'	I	10'	I	10'	I	10'	I	10'	I
	Public / Semi-Public <sup>1</sup>	10'	I	10'	I	10'	I	~	~	~	~	10'	I	10'	I	10'	I
	1. Except Parks and Playgrounds																

Table 806-2 Zone Buffering Rural Zones		Adjacent Zoning											
		Rural Traditional and Rural-5		Limited Development Area Commercial		Rural Conservation		Rural Activity Center		Forest, Small and Large Tract Agricultural		Urban Reserve	
		Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type
Proposed use	Commercial/Light Industrial	10'	I	~	~	10'	I	20'	I	10'	I	10'	I
	Heavy Industrial	20'	I	10'	I	20'	I	20'	I	20'	I	20'	I
	Manufactured Home Park	20'	II	10'	I	20'	II	5'	III	20'	II	20'	II
	Multi-Family	20'	II	10'	I	20'	II	5'	III	20'	II	20'	II
	Public / Semi-Public <sup>1</sup>	10'	II	~	~	10'	I	10'	I	10'	I	10'	I
	1. Except Parks and Playgrounds												

2. Table 806-3 provides landscaping requirements for proposed uses that are adjacent to an existing use. The table indicates the type and width of landscaping required along side and rear property lines not abutting public streets. The requirements are determined by comparing the proposed use (in the left hand column) to the existing use (in the top column). Should there be a conflict in required landscaping between the zone buffering tables (Tables 806-1 or 806-2) and the use buffering table (Table 806-3), then the table that requires the most landscaping shall apply. Landscape requirements for mineral lands are considered separately from the standards in this chapter and can be found in chapter 14.620.

Table 806-3 Use Buffering		Adjacent Use													
		Single-Family and Duplex		Multi-family or Manufactured Home Park		Commercial		Light Industrial		Heavy Industrial		Public and Semi-public		Agriculture and Forestry	
		Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type	Width	Type
Proposed Use	Commercial Light Industrial Uses	20'	I	20'	I	~	~	~	~	10'	I	10'	II	10'	I
	Heavy Industrial Uses	20'	I	20'	I	10'	I	10'	I	~	~	10'	I	20'	I
	Manufactured Home Park	10'	I	10'	I	10'	I	20'	I	20'	I	20'	II	20'	II
	Multi-Family	10'	I	~	~	10'	I	10'	I	10'	I	10'	II	20'	II
	Public / Semi-Public <sup>1</sup>	10'	I	10'	I	~	~	10'	I	20'	I	~	~	10'	I
	1. Except Parks and Playgrounds														

3. Landscaping is required adjacent to all public and private roadways as indicated in the Frontage Landscaping Table 806-4, except where permitted structures and driveways are proposed. Landscape requirements for mineral lands are considered separately from the standards in this chapter and can be found in chapter 14.620. Aesthetic corridors include the following roadways:

- |                    |                         |
|--------------------|-------------------------|
| a. Interstate 90   | e. U.S. 395             |
| b. U.S. 2          | f. State Route 27       |
| c. State Route 902 | g. Little Spokane Drive |
| d. State Route 290 | h. Nine Mile Road       |

Table 806-4 Frontage Landscaping		Public or Private Road		Aesthetic Corridor	
		Width	Type	Width	Type
Zone/Use	Low Density Residential	5'	III	5'	III
	Low Density Residential Plus	5'	III	5'	III
	Medium Density Residential	20'	III	25'	II
	High Density Residential	20'	III	25'	II
	Neighborhood Commercial	5'	III	25'	II
	Community Commercial Mixed Use	5'	III	25'	II
	Regional Commercial	5'	III	25'	II
	Light Industrial	5'	III	25'	II
	Heavy Industrial	5'	III	25'	II
	Planned Unit Development	5'	III	25'	II

4. When perimeter fencing is proposed within the developments identified in this section, the landscaping shall be located between the fence and the public/private road right(s)-of-way.
5. Landscaping may be included within stormwater facilities, providing it does not impede on functionality and is consistent with stormwater guidelines.

**14.806.070 Public Utilities - Species Selection Guidelines**

Landscaping that is coincident with utilities shall be consistent with species selection guidelines as maintained and administered by the Division. The guidelines shall allow only those plantings whose growth or root systems will not negatively affect the utility. Tree selection under power lines shall be limited to trees that have a mature height of 25 feet or less.

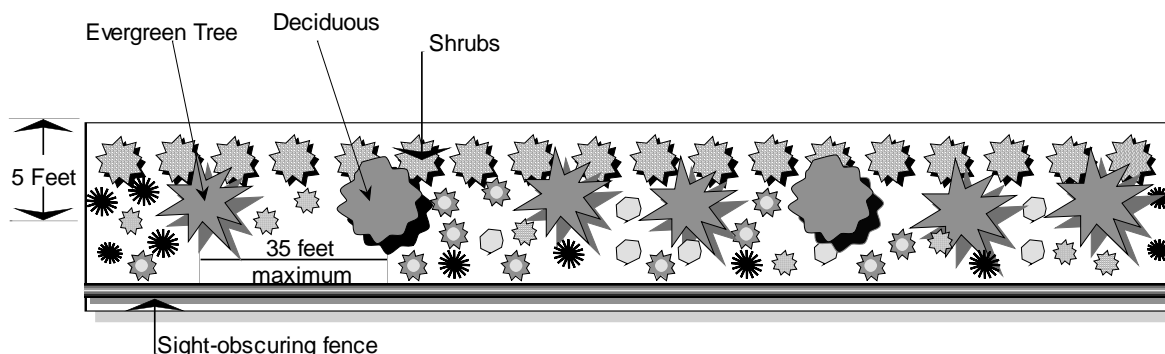
**14.806.080 Types of Landscaping**

The following definitions describe the types of landscaping required in this chapter. All proposed plant material, sizes, and characteristics shall be in accordance with the American Association of Nurserymen Standards. Landscaping shall be installed in a manner that does not encroach upon drainage features, drainage easements or drainage facility access easements and does not impede the functioning of such features.

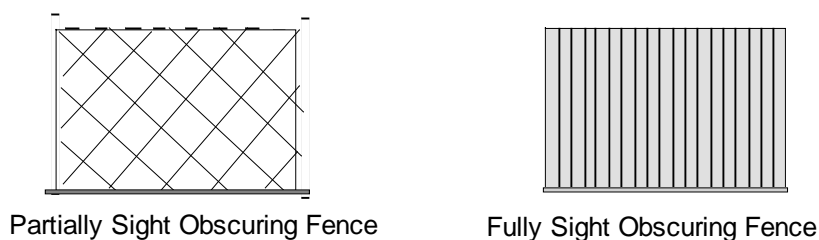
**1. TYPE I: VISUAL SCREEN.**

Type I landscaping is intended to provide a very dense, year-round, fully sight-obscuring barrier to significantly separate incompatible land uses and zoning designations. Type I landscaping is subject to the following specifications:

- a. Type I landscaping shall include a mix of evergreen and deciduous trees, with a maximum of 50% of the trees being deciduous. Staking of trees is required.
- b. Deciduous trees shall have a minimum trunk diameter of 1¾ inches at the time of planting (trunk diameter shall be measured at 42 inches above grade).
- c. Evergreen trees shall be a minimum of 5 feet in height at the time of installation.
- d. Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.
- e. Type I landscaping shall include evergreen and deciduous shrubs, lawn and other approved landscaping materials. The planting of shrubs shall comply with all of the following standards.
  - i. Evergreen shrubs shall comprise at least 75% of the plantings.
  - ii. The required number of shrubs shall be equal to 4 shrubs per 100 square feet, calculated for the entire required landscape area. For example, if the required type I landscape area were 10 feet by 40 feet (400 sq. ft.), then the total number of shrubs would equal 16.
  - iii. Shrubs shall have a minimum container size of 2 gallons at the time of installation.
  - iv. Plantings of shrubs and groundcovers shall be chosen and spaced to result in a total covering of the landscape strip. The landscape area may include grass or other approved groundcovers, provided the required number of shrubs are installed.
- f. The entire planting strip shall be landscaped; however, those plantings used to achieve the sight-obscuring screen shall be located within a 5-foot strip within the buffer area.
- g. The sight-obscuring screen shall consist of plantings that are layered and/or combined to obtain an immediate dense sight-obscuring barrier of 2-3 feet in height, selected to reach 6 feet in height at maturity. They should be spread no greater than 6 feet on center.
- h. A fully sight-obscuring fence shall be installed consistent with the requirements for a clear view triangle. The fence shall be at least 6 feet high and 100% sight-obscuring. Fences may be made of wood, metal, bricks, masonry, or other permanent materials. For required frontage landscaping, the fence shall be located at the rear of the landscape strip, farthest away from the road. Chain link with slats shall not be considered a fully sight-obscuring fence.



**Figure 806-1 - Example of Type I Landscaping with Sight-Obscuring Fence (not to scale)**

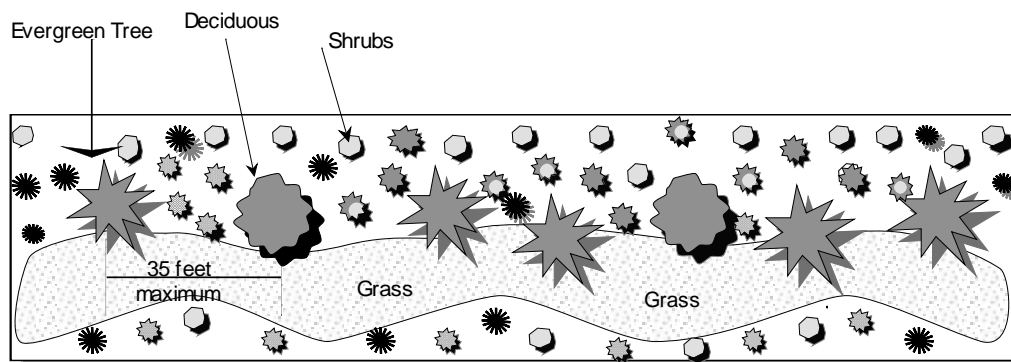


**Figure 806-2 – Examples of Partially and Fully Sight-Obscuring Fences**

## **2. TYPE II: VISUAL BUFFER.**

Type II landscaping is intended to create a year-round visual separation between incompatible land uses and zoning designations. Type II landscaping is subject to the following specifications:

- a. Type II landscaping shall include a mix of evergreen and deciduous trees, with a maximum of 75% of the trees being deciduous. Staking of trees is required.
- b. Deciduous trees shall have a minimum trunk diameter of 1¼ inches at the time of planting (trunk diameter shall be measured at 42 inches above grade).
- c. Evergreen trees shall be a minimum of 5 feet in height at the time of installation.
- d. Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.
- e. Type II landscaping shall include evergreen and deciduous shrubs, lawn and other approved landscaping materials. The planting of shrubs shall comply with the following standards.
  - i. Evergreen shrubs shall comprise at least 50% of the plantings.
  - ii. The required number of shrubs shall be equal to 3 shrubs per 100 square feet, calculated for the entire required landscape area. For example, if the required type II landscape area were 10 feet by 40 feet (400 sq. ft.), then the total number of shrubs would equal 12.
  - iii. Shrubs shall have a minimum container size of 2 gallons at the time of installation.
- f. Plantings of shrubs and groundcovers shall be chosen and spaced to result in a total covering of the landscape strip. The landscape area may include grass or other approved groundcovers, provided the required number of shrubs are installed.
- g. If a fully or partially sight-obscuring fence is installed it shall be consistent with the requirements for a clear view triangle.



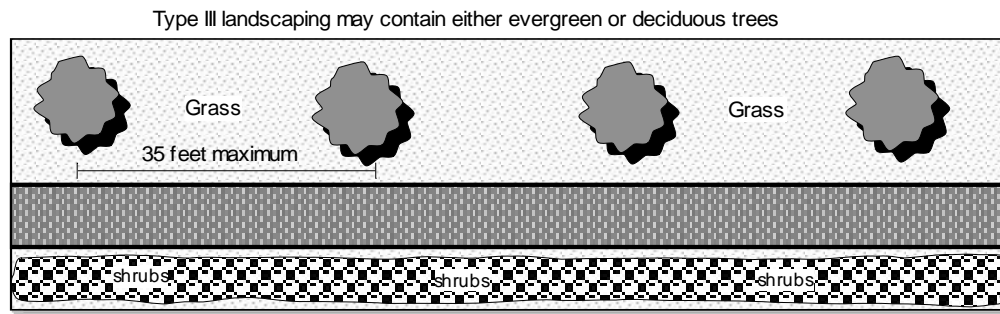
**Figure 806-3 - Example of Type II Landscaping**

### **3. TYPE III: SEE-THROUGH BUFFER.**

Type III landscaping is intended to provide street frontage aesthetics by softening the appearance of streets, parking areas and building elevations. Type III landscaping is also intended to provide visual relief where incompatible land uses and zoning designations are separated by distances rather than dense landscaping. Type III landscaping is subject to the following specifications:

- a. Type III landscaping shall include evergreen and/or deciduous trees or a mix of the two tree types. Staking of trees is required.
- b. Deciduous trees shall have a minimum trunk diameter of 1¾ inches at the time of planting (trunk diameter shall be measured at 42 inches above grade).
- c. Evergreen trees shall be a minimum of 5 feet in height at the time of installation.
- d. Trees shall be planted at intervals no greater than 35 feet on center.
- e. Type III landscaping shall include evergreen and deciduous shrubs; lawn and other approved landscaping materials. The planting of shrubs shall comply with the following standards.
  - i. The required number of shrubs shall be equal to 2 shrubs per 100 square feet, calculated for the entire required landscape area. For example, if the required type II landscape area were 10 feet by 40 feet (400 sq. ft.), then the total number of shrubs would equal 8.
  - ii. Shrubs shall have a minimum container size of 2 gallons at the time of installation.
- f. Plantings of shrubs and groundcovers shall be chosen and spaced to result in a total covering of the landscape strip. The landscape area may include grass or other approved groundcovers, provided the required number of shrubs are installed.





**Figure 806-4 - Example of Type III Landscaping**

#### **14.806.100 Landscaping Requirements for Parking Areas**

Landscaping requirements for parking areas are intended to soften the visual effect created by large expanses of barren asphalt, encourage the preservation of mature trees which presently grow throughout the County, and increase the aesthetic effect of landscaping in parking lots by encouraging alternative design schemes.

1. Landscaping on street frontage: Unless otherwise stated herein, a parking area or outdoor display area fronting on a street right-of-way shall provide Type III landscaping of at least 5 feet in width along the entire street frontage except for driveways, provided that the plantings shall not obstruct the sight distance at street intersections or driveway approaches.
2. Additional plantings: Additional plantings may be placed in the street right-of-way between the sidewalk and the property line. Spokane County is not responsible for maintenance or any damages to the planting area or landscape features caused by public use of right-of-way or road construction, widening, or maintenance.
3. Amount and location: At least 10% of the parking area shall be devoted to landscaping, provided that required buffer and frontage landscaping shall not be included in this calculation.
  - a. No landscaping area shall be less than 100 square feet in area.
  - b. No parking stall shall be located more than 60 feet from a landscaped area when installed.
  - c. All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered as satisfaction of these requirements.
  - d. All required landscaping shall meet the "clear view triangle" requirements in Chapter 14.812.
  - e. Commercial loading and truck maneuvering areas may be excluded from calculations.
4. Materials used:
  - a. Planting areas required under sub-section 14.806.100(3) above shall include liberal landscaping using combinations of such materials as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, benches or lawn.
  - b. Each landscape area shall contain evergreen or deciduous trees with a minimum trunk diameter of 1¾ inches at the time of planting (trunk diameter shall be measured at 42 inches above grade). Staking is required.
  - c. Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.
5. Modifications to protect drainage features, easements, or facilities shall be allowed in accordance with Section 14.806.040.

6. Internal property lines: When a parking area abuts residentially-zoned property along any interior property line, a minimum 6-foot-high, fully sight-obscuring fence is required or a minimum 5-foot wide planting area with Type I landscaping shall be installed along the perimeter property line.
7. Protective curbing: All landscaped areas shall be protected from vehicle damage by a 6-inch high protective curbing.
8. Exceptions: Parking lots containing less than 20 parking spaces need provide only street frontage and screening along perimeter property lines as required in this section.

#### **14.806.120 Landscaping Requirements for Planned Unit Developments**

Landscaping provisions for planned unit developments (chapter 14.704) are intended to ensure an environmental quality that complements the objectives of the residential development, and to encourage the preservation of mature trees that presently grow throughout the County.

1. A preliminary planned unit development plan may not be presented to the Hearing Examiner until a landscape plan has been submitted and accepted by the Division that identifies proposed planting areas and/or types. A final planned unit development plat shall not be recorded until the Division approves a landscape plan, consistent with this chapter.
2. Landscaping requirement for common open space: The common open area required per chapter 14.704 shall be landscaped as provided below.
  - a. Fifty percent of the required common open area shall contain irrigated plantings to support the aesthetics and function of said common open area. If a common area contains a critical area, such as wetlands, flood plain, geohazard or wildlife habitat, modifications may be approved in accordance with Section 14.806.040.
  - b. Landscaping within common open areas shall consist of canopy-type deciduous trees or deciduous ground covers and low shrubs. Planting areas shall be a minimum of 32 square feet in area, with the narrowest dimension not less than 4 feet. Deciduous trees shall have a minimum trunk diameter of 1¾ inches at time of planting (trunk diameter shall be measured at 42 inches above grade). Evergreen trees shall be a minimum of 5 feet tall at time of planting. Existing vegetation shall be incorporated into the landscape design and shall be considered acceptable in lieu of new plantings, if it contributes to achieving the intent of this section. A minimum of 10% of the required landscaped area shall be planted with trees and shrubs.
  - c. All required landscaping shall be consistent with the requirements for a clear view triangle.
3. Street frontage landscaping shall be provided in accordance with Section 14.806.060.
4. When perimeter fencing is used with a planned unit development design, a minimum of 5 feet of landscaping is required between such fences and public/private pedestrian or roadway rights-of-way.
5. Modifications to protect drainage features, easements, or facilities shall be allowed in accordance with Section 14.806.040.

#### **14.806.130 Landscaping Requirements for Multi-family, Small Scale Infill Development**

Landscaping provisions for infill multi-family development (Chapter 14.606) are intended to ensure an environmental quality that complements the objectives of the residential development and to provide screening to adjacent uses.

1. A multi-family infill development project shall not be approved until the Department approves a landscape plan, consistent with this chapter.
2. Required landscaping shall be consistent with the requirement for a clear view triangle.
3. Rear/side lot lines shall require installation of a 6-foot sight obscuring fence and 5 feet of Type 1 landscaping. Street frontage shall require five feet of Type 3 landscaping which includes installation of street trees. The fencing and landscaping improvements shall be installed prior to issuance of a certificate of occupancy. In the case of delays caused by weather conditions, appropriate arrangements with the Department shall be made to ensure construction of landscape improvements.
4. Modifications to protect drainage features, easements, or facilities shall be allowed in accordance with Section 14.806.040.

**14.806.140 Landscaping Plan Requirements and Security**

1. The landscaping plan shall include all of the following information.
  - a. Proposed landscaping including location, common, and botanical name of each species and size at time of installation.
  - b. Location, common name and size of existing vegetation that is being retained.
  - c. Location of all buildings and accessory structures.
  - d. Location and height of any existing and proposed berms, walls, fences, retaining walls and similar architectural barriers.
  - e. Location of critical areas and their buffers.
  - f. Location of existing and proposed hardscape such as trellises, decks, patios, signs and similar landscape features.
  - g. The location of clear view triangles per chapter 14.812.
  - h. Location of all exterior project lighting, including streetlights.
  - i. Location of proposed and existing water features.
  - j. Location of existing and proposed stormwater drainage features, including but not limited to biofiltration swales, detention ponds, drainage ways, ditches, drainage easements and drainage facility access easements.
  - k. Cost estimate including the name and cost of each species to be planted.
  - l. Location of all existing and proposed overhead and underground utilities, including electric and gas lines.
  - m. North arrow, title block, name and phone number of contact person.
  - n. Location of all streets and alleys.

The plans/information required above may be combined on one drawing if the required information remains legible. The plan shall be accurately drawn using an appropriate engineering or architectural scale.

2. The Director may require the submittal of a letter of intent from the property owner(s) guaranteeing the installation and maintenance of all landscaping illustrated on the approved landscape plan as well as a cost estimate providing the common name and cost of each species to be planted, or by performance bonds (or other appropriate security) including letters of credit or other suitable guarantee to ensure the landscaping will be installed and maintained, according to the approved landscaping plan and specifications. Suitable financial security, as determined by the Director, shall not exceed 150% of the estimated cost.

**14.806.160 Installation, Maintenance, and Enforcement**

1. Required landscaping must be installed before issuance of a Certificate of Occupancy and must be maintained pursuant to this chapter. The Director may authorize a delay where planting season conflicts would produce high probability of plant loss. In the event the Director authorizes a delay, a temporary certificate of occupancy may be issued for a reasonable period to complete the installation of required landscaping.
2. Landscaping requirements that are required in conjunction with short subdivisions, subdivisions, large lot subdivisions, binding site plans and /or planned unit developments shall be installed or security provided per Section 14.806.140(2) prior to the recording of any final plat/planned unit development.
3. Maintenance of landscaping shall be the responsibility of the property owner. All landscaping required by this chapter shall be permanently maintained in a healthy growing condition. Trees that become diseased, severely damaged or die shall be removed by the owner. All trees removed under this section shall be replaced consistent with the approved landscaping plan for the property. Lack of maintenance shall constitute a violation of this Code and/or the provisions of the certificate of occupancy.
4. All required landscaping trees shall be staked at the time of installation.

**14.806.180      Irrigation and Water Conservation**

1. Property owners shall keep the required planting area maintained with an automatic irrigation system unless modifications, in accordance with Section 14.806.040, are approved for xeriscapes or naturalized landscapes.
2. When appropriately installed and maintained, xeriscaping and associated irrigation systems intended to conserve water or mitigate the effects of irrigating in stormwater control areas are considered to meet the intent of this chapter.

## **Chapter 14.808**

### **Manufactured Home Standards**

#### **14.808.000 Purpose and Intent**

The purpose of the manufactured home standards is to establish standards for the development of manufactured home parks and for the location of manufactured homes on individual lots. Such standards are necessary to ensure the development of well-planned manufactured home facilities.

#### **14.808.020 Manufactured Home Parks - Establishment**

1. Manufactured home parks shall require approval of a binding site plan, which includes a detailed site development plan in compliance with the development standards of this chapter and chapter 12 of the Spokane County Code. The site development plan will be reviewed and approved for compliance with ordinances and standards by the Spokane County Public Works Department, Spokane County Regional Health District and other appropriate agencies.
2. Modifications
  - a. Modifications that represent a substantial change to the approved plan shall require a new application for a manufactured home park. Any increase in the site development plan density shall be deemed substantial change.
  - b. Minor modifications to a site development plan may be approved by the Director if it is determined that such alterations do not represent a substantial change in the previously approved site development plan.
3. Failure to comply with the requirements of this code, the Division, or other agencies' conditions of approval shall be sufficient grounds to revoke the site development plan approval.

#### **14.808.040 Manufactured Home Parks - Development Standards**

1. Density
  - a. The density of the underlying zone shall govern the density of manufactured home spaces, provided that there shall be a maximum of 7 manufactured home spaces per acre having a minimum of 3,600 square feet per space.
  - b. The maximum building coverage for each manufactured home space shall be 50%. Open patio covers, awnings, and/or carports shall not be considered buildings when calculating coverage.
  - c. Each manufactured home space shall be a minimum of 45 feet in width and shall have frontage on a public or private road.
  - d. The site development plan shall include a phasing schedule for manufactured home parks that are to be developed in stages.
2. Minimum setbacks for manufactured homes at park perimeter are as follows.
  - a. Twenty-five feet from all public rights-of-way.
  - b. Side Yard - 10 feet from park perimeter at the overall site lot side line.
  - c. Rear Yard - 10 feet from park perimeter at the overall site lot rear line. Three feet for any accessory structure such as patio covers, awnings and/or carport.
3. Minimum setbacks for individual in-park spaces:
  - a. Front and Flanking Yards - 4 feet.
  - b. Side Yard - 5 feet. - Three feet for any accessory structures such as patio covers, awnings, and/or carport.
  - c. Rear Yard - 5 feet. Three feet for any accessory structure such as patio covers, awnings, and/or carport.

4. Minimum Parking Standards:
  - a. Every manufactured home site shall have 2 off-street parking spaces. One parking space must be on the individual in-park space. The additional space may be located in a satellite parking area in the park, not more than 200 feet from the manufactured home space it is serving.
5. Minimum street standards and traffic circulation:
  - a. Manufactured home parks shall be served by public or private roads consistent with Spokane County Road Standards.
6. Landscaping:
  - a. All areas other than ingress and egress, parking and circulation shall be landscaped in conformance with chapter 14.806.
  - b. All manufactured homes shall be skirted to conceal the undercarriage within 30 days of occupancy.
7. Utility lines:
  - a. All utility lines in manufactured home parks shall be underground.
8. Storm drainage/sewage system:
  - a. A detailed combined on-site sewage system and surface water disposal plan for the entire project shall be approved by the Director of Utilities, County Engineer, and the Spokane Regional Health District, as appropriate, prior to the issuance of any building permit.
9. Fire hydrants and emergency access:
  - a. Fire hydrants and emergency vehicle circulation and access shall be approved by Spokane County Division of Building and Code Enforcement.

**14.808.060      Manufactured Home Establishment on Individual Lots**

A building permit is required for the establishment of a manufactured home or a mobile home on an individual lot or in a manufactured home park in accordance with Title 3 of the Spokane County Code. An individual manufactured home shall conform to the minimum residential development standards of the zone in which it is located.

## **Chapter 14.810**

### **Modifications to Development Standards**

#### **14.810.200      Yards Setbacks**

Buildings may not be constructed in any required yard, except as follows.

1. Eaves, cornices, chimneys, fireplaces and similar ornamentations may project over a required yard not more than 2 feet.
2. Platforms, terraces, and steps may not extend more than 2 feet into a required side yard.
3. Structures less than 120 square feet may be located on a side or rear lot line.
4. If a residence on a corner lot maintains the required front yard setback from both the front and flanking streets, the required rear yard shall be that area included within a 25-foot radius measured from the inside lot corner.
5. The flanking yard setback may be reduced or eliminated if the flanking street is a state highway to which access is prohibited and the Washington State Department of Transportation agrees in writing to the requested setback reduction or elimination. If approved, normal side yard setbacks of the zone apply.

#### **14.810.220      Setbacks from Private Roads or Easements**

1. Structure setbacks for uses that are adjacent to private roads shall be established from the inner edge of the private road easement and calculated the same as a front yard setback in the underlying zone.
2. Structures that are adjacent to a recorded driveway easement may maintain a side yard setback.
3. Structure setbacks to an easement for future right of way shall have setbacks that are established from the inner edge of the easement and calculated the same as a front yard setback in the underlying zone.

#### **14.810.230      Height of Structures and Roof Structures**

The following structures may be erected above the height limits of this Code, provided that the livable floor areas within the structure do not exceed the height limit prescribed for the zone.

1. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
2. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples and belfries, wireless masts, and similar structures.
3. Silos, barns, windmills, and equipment used in harvesting agricultural and forest products.

#### **14.810.240      Building Line Variations**

Where there is an established building which is less than the minimum setback required by this zone, the building may be built on the established building line. The established building line cannot be determined by a single existing structure, but rather shall be determined by the setback of at least 2 existing structures constituting a minimum of 65% of the existing structures 300 feet in each direction on the same side of the street in the same block as the proposed building.

#### **14.810.260      Canopies**

Canopies for commercial uses may extend into the front or flanking street yards provided that:

1. The canopy is cantilevered or projected from the building, support columns are located in the service islands, or support columns are no greater than 2 feet in any horizontal dimension.
2. No such canopy shall extend closer than 5 feet to any property line.

## **Chapter 14.812**

### **Fences/Clear View Triangle**

#### **14.812.100 Fences**

1. Fence height shall comply with the following standards.
  - a. Residential fences are allowed up to 6 feet in height.
  - b. Nonresidential fences are allowed up to 8 feet in height.
  - c. Fences within a front or flanking street yard of a residential lot are limited as follows.
    - i. The maximum height for a sight-obscurer fence shall be 3 feet.
    - ii. The maximum height for a non-sight-obscurer fence shall be 4 feet. A residential fence exceeding a height of 6 feet requires a variance from the Hearing Body.
  - d. Within a Planned Unit Development, a fence may exceed the height limit specified herein if designated on an approved preliminary site plan. Hedges, shrubbery, or other materials serving the same function as a fence may be used in lieu of a fence, provided they are not a part of the required landscaping.
  - e. Fences shall be constructed consistent with requirements for the clear view triangle.
2. Electric fences shall be permitted in all zones outside of the urban growth area boundary in accordance with the following standards.
  - a. Electric fences shall be for the confinement of animals and control of predators only.
  - b. Electric fences shall conform in all respects to the Washington State Rules and Regulations for electrical wiring, chapter 19.28 RCW, as to voltage, amperage, safety factors, and shall be energized with Underwriters Laboratories-approved exciting equipment only.
  - c. Electric fences shall be marked with warning signs at least 24 square inches in area located every 150 feet. In the Large Tract Agricultural and Small Tract Agricultural zones when the area of the property concerned is 20 acres or more and, providing further, where the fences are not adjacent to a public highway or platted area, the use of conspicuous insulators shall be considered sufficient warning when approved by the State Electrical Inspector.
  - d. Electric fences shall be prohibited in all zones within urban growth areas.
3. Barbed wire fences shall be prohibited in the Rural Activity Center, Low Density Residential, Medium Density Residential, High Density Residential, and Mixed Use zones except that utility and institutional uses may use barbed wire fencing for health/safety purposes. In the Regional Commercial, Light Industrial, and Heavy Industrial zones, barbed wire may be used on the upper ¼ of the fence.

#### **14.812.200 Clear View Triangle**

1. Sight obstructions, including fencing or structures, shall not be permitted within a "Clear View Triangle", as determined by the Spokane County Division of Engineering. Clear view triangles are established according to the following standards.
  - a. Local access streets: The clear view triangle is determined by measuring 115 feet from the center of 2 intersecting local access streets along the centerlines of each local access street, then connecting the 2 points with a straight line forming the hypotenuse of the clear view triangle.
  - b. Arterial intersections: The "clear view triangle" for arterial intersections can be determined by referencing "A Policy for Geometric Design of Highways and Streets," pages 654-680, published by the American Association of State Highway and Transportation Officials, 2110 edition (AASHTO). If the project designer does not have access to this engineering guide, the Spokane County Division of Engineering will assist them with determining requirements for the "clear view triangle."
2. Trees within the "clear view triangle" shall have their branches removed at the trunk from ground level to a minimum of 8 feet above ground level. Shrubs or other vegetation within the clear view triangle shall be maintained to be no higher than 3 feet above grade elevation of the centerline of the adjacent street.



## **Chapter 14.818**

### **Historic Property Preservation**

#### **14.818.000 Purpose and Intent**

The purpose of the Historic Property Preservation chapter is to protect and preserve historic properties in Spokane County that are important to the education, culture, traditions and economic values of the County. It is the intent of this section to encourage interested owners and historical societies/organizations to acquire and/or arrange for the preservation of such properties and to allow the Hearing Examiner to ensure the economic vitality of such properties.

#### **14.818.020 Criteria**

The Hearing Examiner, by conditional use permit in any zone, may allow appropriate residential, office, professional or business uses in or on historic properties when the Hearing Examiner finds that such uses are compatible with surrounding uses and not detrimental to the historic resource itself. Criteria for such findings shall include at a minimum the following:

1. That the site is a historic property that is designated and listed on the Spokane Register of Historic Places by the City/County Historic Landmarks Commission.
2. That the use is required to maintain the economic viability of the property which may be evidenced by the applicant submitting, at the request of the Hearing Examiner if necessary, an MAI economic report which explains the economics of the proposal.
3. That consideration of impacts, such as noise, safety, traffic, economics, neighborhood cohesion and compatibility and the proposed uses impact on the character of the historic property, have been addressed or mitigated by conditions imposed by the Hearing Examiner.
4. The Hearing Examiner may request the Historic Landmarks Commission or the Spokane City/County Historic Preservation Officer to provide a report on aspects of the proposal such as the impact of the proposed use on the integrity of a designated historic property.
5. The Hearing Examiner and the Landmarks Commission in their review of the impact of the proposed use on a designated historic property must consider the Spokane Register management criteria, which criteria stipulates that any possible action be reviewed that would affect the Spokane Register property's use, exterior appearance, demolition, or development or would add any new construction.

#### **14.818.040 Procedure**

Procedures for a conditional use permit for a use in or on designated historic properties shall be pursuant to chapter 14.404.

## **Chapter 14.820**

### **Rural Cluster Development**

#### **14.820.000 Purpose and Intent**

The purpose of rural cluster development (RCDs) is to provide for developments that encourage the grouping of residential lots on areas of the site that are best suited for development. The remainder of the site may then be used for open space or, in the case of urban reserve areas, explicitly designated for future development. Appropriately designed RCD's can preserve active agricultural and forestry uses. They can also provide a mechanism to maintain sensitive environmental areas as open space. In many cases, RCD's minimize impacts to necessary public services by decreasing the roadway needed to serve a development and by allowing for shared utilities. Rural fire protection may also be enhanced through the clustering of home sites. Rural cluster developments implement the Rural Element of the Spokane County Comprehensive Plan, particularly the provisions for utilizing innovative development techniques and incentives to conserve open space.

#### **14.820.020 Definitions**

1. "Residential Cluster" shall mean a grouping of residential lots within a rural cluster development that share a common outer boundary. A residential cluster may include lots on both sides of a public or private road.
2. "Frontage Residential Cluster" shall mean a residential cluster that has frontage on an existing County road.
3. "Internal Residential Cluster" shall mean a residential cluster that is set back from existing County roads by a prescribed distance.
4. "Remainder parcel," shall mean the remainder parcel of the cluster subdivision that contains the majority of the land within the development and is devoted to open space, wildlife habitat, resource uses, future urban development, or other authorized use.
5. For the purposes of Chapter 14.820, "unbuildable lands" shall be defined as land permanently covered by water, wetlands, slopes over 30% and/or land that is dedicated to open space use through conservation easements, deed restrictions or restrictive covenants.
6. For the purposes Chapter 14.820, "Open space" shall mean land and/or water areas retained in an essentially undeveloped state for conservation of habitat, passive recreation, resource protection, or future urbanization if located in the Urban Reserve zone. Structures are not allowed in the open space/remainder parcel except for a single family home (if permitted under 14.820.100(2)) and accessory structures that serve on-site uses.

#### **14.820.060 Process**

A rural cluster development shall comply with all applicable provisions of the Spokane County Subdivision Ordinance and Zoning Code, as amended. The preliminary plat for a rural cluster development (RCD) shall illustrate compliance with the requirements of this chapter and the concept of the development and the uses allowed shall be binding.

#### **14.820.080 Performance Standards**

Prior to the issuance of a land use approval, evidence of compliance with the provisions of Sections 14.820.100 through 14.820.160 and compliance with the requirements of the underlying zone, shall be provided to the Division.

**14.820.090 Rural Cluster Design Guidelines**

The purpose of the rural cluster design guidelines is to provide guidance for the design of rural clusters in situations where strict dimensional standards can not be applied or where competing interests require a broader perspective. Consideration of rural cluster design guidelines is important on development sites with features that are unique and specific to the site. These guidelines ensure that the relationship of resource lands, environmental features, rural character, and adjacent properties are considered and balanced to ensure a proposal that best meets the purpose and intent of this Chapter.

1. The following process shall be applicable to the review of rural clusters under this section:
  - a. During the application review process the Director shall review the preliminary design of the proposal, consistent with the rural cluster design guidelines. The Director may suggest modifications to the project design to ensure compliance with this Section.
  - b. For rural cluster subdivisions requiring approval by the Director, the Director must make a finding(s) that the proposal is consistent with the rural cluster design guidelines.
  - c. For rural cluster subdivisions requiring approval by the Hearing Examiner, the Director shall provide an analysis of the proposal addressing site design and consistency of the proposal as it relates to the rural cluster design guidelines. The analysis may include consideration of alternative plat designs.
2. Design Guidelines
  - a. Comprehensive Consideration of Design
    - i. Rural cluster design should be considered from a broad perspective that balances visual impacts, impacts to active agriculture, impacts to environmentally sensitive areas and the impact to adjacent property owners.
    - ii. The Department shall make available a design manual illustrating examples of rural cluster design.
  - b. Visual Impact
    - i. Intent - To retain rural character by considering the incompatible visual impact of development from public spaces and adjacent properties.
    - ii. Utilize topography, existing trees and/or vegetation to screen developed areas from public roadways/spaces and adjacent property.
    - iii. Consider incompatible visual impact to public roads/spaces and adjacent property when considering the design of ridgeline development and/or development along the edge of cliffs or steep drop-offs. Setbacks or sensitive building siting may be required to mitigate impacts.
  - c. Agricultural Lands
    - i. Intent - To protect the future viability of active agricultural land.
    - ii. Residential clusters shall be sited in a way that least impacts the viability of active agricultural uses. Clusters shall not be sited on designated prime agricultural farmland soils as defined by the Natural Resources Conservation Service; except that in certain cases siting clusters on prime agricultural farmland soils may be appropriate when considering and balancing the need to protect environmentally sensitive lands, ensure rural character or mitigate impacts to adjacent property owners.

d. Environmentally Sensitive Lands

- i. Intent - To protect sensitive environmental areas within a rural cluster development.
- ii. Residential clusters shall be sited to minimize the effect on critical areas, lakes, wildlife habitat and other sensitive natural features. Habitat management plans and/or site specific studies may be required in consideration of appropriate site design.
- iii. If possible, residential clusters should be located outside of identified wildlife corridors.

e. Rural Character and Adjacent Properties

- i. Intent - To maintain rural character and minimize impacts to existing residents when rural cluster developments are located on adjacent properties.
- ii. The design of the rural cluster development shall consider incompatible impacts to rural character and adjacent property owners. Appropriate mitigation may be necessary and may include, but is not limited to:
  - Screening by existing vegetation, topography and/or other methods.
  - Siting the residential clusters in areas that reduce visual impacts.
  - Siting of roads that serve rural cluster development in a manner that is sensitive to existing, adjacent residences.
- iii. Residential clusters shall not include irregular boundaries, such as flag lots or lots that are configured to share only small portions of common lot boundaries.

**14.820.100 Density**

1. Maximum density for rural cluster developments shall be 1 unit per 10 acres in the Rural Traditional (RT) and Rural Conservation (RCV) zones and 1 unit per 5 acres in the Urban Reserve (UR) and Rural-5 (R-5) zones.
2. The remainder parcel may include one residential dwelling unit or may be restricted to open space or other nonresidential uses as specified in the open space management plan and allowed within the underlying zoning category. If a residence is located on the remainder parcel, it shall be counted as a residential unit within the total allowed residential units for the subdivision.
3. Land with Limited Development Potential
  - a. Within all rural cluster developments, 100 percent of the land area that is dedicated to open space use through conservation easements, deed restrictions or restrictive covenants shall be subtracted from the gross land area when calculating density.
  - b. Rural Conservation Zone
    - i. Within the Rural Conservation zone, fifty percent of the land area for lands covered by water, wetlands and/or slopes over 30% shall be subtracted from the gross land area when calculating density. These lands shall be subtracted from the gross land area as shown in the following example:  
  
 For a 100 acre development in the RCV zone with 20 acres of land covered by water:  

$$[100 \text{ acres} - (20 \text{ acres} \times .5)] \times 1 \text{ unit}/10 \text{ acres} = 9 \text{ residential lots}$$
    - ii. Lots 40 acres or less, created prior to January 19, 2010 are exempt from 14.820.100(3)(b).

**14.820.110 Lot Standards for Rural Cluster Developments**

Lot standards for rural cluster developments shall be as provided in Table 820-1.

**Table 820-1, Lot Standards, Internal Residential Cluster Lots, Rural Cluster Development**

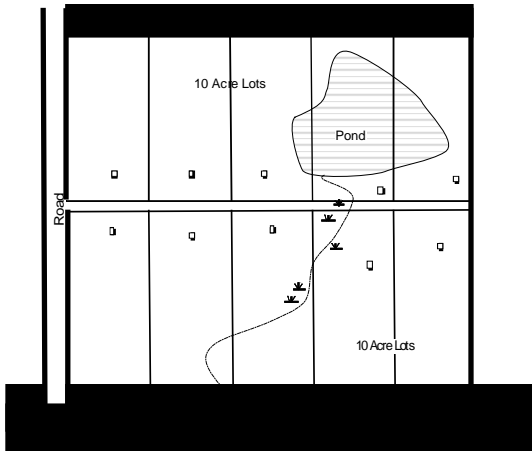
	<i>Rural-5 (R-5)</i>	<i>Rural Traditional (RT)</i>	<i>Urban Reserve (UR)</i>	<i>Rural Conservation (RCV)</i>
<b>Maximum building coverage</b>	35% of lot area	35% of lot area	50% of lot area	35% of lot area
<b>Minimum frontage</b>	125 feet <sup>1</sup>	125 feet <sup>1</sup>	80 feet <sup>1</sup>	125 feet <sup>1</sup>
<b>Minimum lot area</b>	2 acres <sup>2</sup>	2 acres <sup>2</sup>	10,000 sq. ft.	2 acres <sup>2</sup>
<b>Maximum lot area</b>	Not applicable	Not applicable	1 acre	Not applicable
<b>Minimum lot width</b>	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage
<b>Minimum front/flanking street yard setback</b>	25 feet from property line	25 feet from property line	25 feet from property line	25 feet from property line
<b>Minimum side/rear yard setback</b>	For all residential cluster lots within a rural cluster development, setbacks from property shall be: Five feet plus 1 additional foot for each additional foot of structure height over 25 feet			
Notes: 1. The minimum frontage for lots whose access is at the terminus of a public (private) street shall equal the minimum right of way or easement width as required by the adopted public or private road standards, as amended. 2. A minimum lot area of 1 acre may be allowed for internal residential cluster lots provided the lots within the subdivision are served by a Class A public water supply.				

**Table 820-2, Lot Standards, Frontage Residential Cluster Lots, Rural Cluster Development**

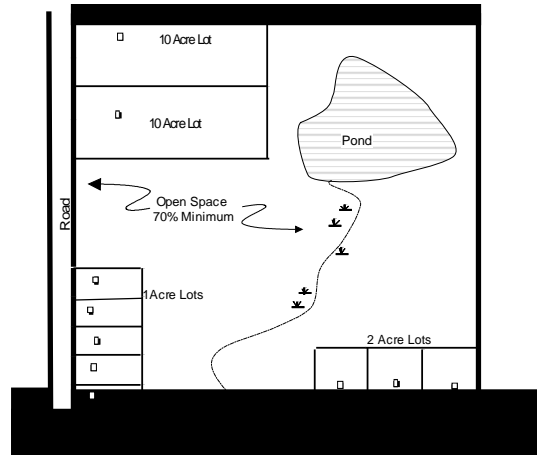
	<i>Rural-5 (R-5)</i>	<i>Rural Traditional (RT)</i>	<i>Urban Reserve (UR)</i>	<i>Rural Conservation (RCV)</i>
<b>Maximum building coverage</b>	35% of lot area	35% of lot area	50% of lot area	35% of lot area
<b>Minimum frontage</b>	300 feet <sup>1</sup>	300 feet <sup>1</sup>	80 feet <sup>1</sup>	300 feet <sup>1</sup>
<b>Minimum Depth</b>	290 feet	290 feet	none	290 feet
<b>Minimum lot area</b>	2 acres	2 acres	10,000 sq. ft.	2 acres
<b>Maximum lot area</b>	Not applicable	Not applicable	1 acre	Not applicable
<b>Minimum lot width</b>	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage	Same for entire depth as minimum frontage
<b>Minimum front/flanking street yard setback</b>	100 feet from property line	100 feet from property line	25 feet from property line	100 feet from property line
<b>Minimum side/rear yard setback</b>	For all residential cluster lots within a rural cluster development, setbacks from property line shall be: Five feet plus 1 additional foot for each additional foot of structure height over 25 feet			
Notes: 1. The minimum frontage for lots whose access is at the terminus of a public (private) street shall equal the minimum right of way or easement width as required by the adopted public or private road standards, as amended.				

**14.820.120 Residential Clusters**

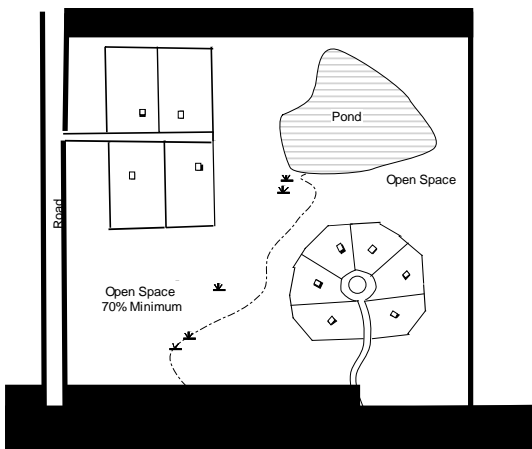
1. Within an internal residential cluster, there shall be a minimum of 4 and a maximum of 8 lots except that existing parcels that are 40 acres or less in size may reduce the minimum number of lots in a residential cluster to 2 lots.
2. Within a frontage residential cluster, there shall be a minimum of 2 and a maximum of 4 lots.
3. Residential clusters shall be physically separated from one another by open space buffers. The minimum buffer between residential clusters shall be 300 feet for internal clusters and 500 feet for frontage clusters. The buffer width may be reduced if the requirements of 14.820.120(5) cannot be achieved without reducing the overall maximum density of the development. Buffer reductions shall only be reduced to the minimum necessary to allow full development of the site, but in no case shall be less than 150 feet.
4. The requirements of 14.820.120(1)(2)(3) above shall not apply to rural cluster developments within the Urban Reserve category, provided a minimum of 85% of the site is retained as open space.
5. Residential clusters shall be sited to retain rural character and minimize conflicts between dwelling units, adjacent agricultural/forest lands, shorelines, and critical areas.
6. Buildings and structures shall be setback 100 feet from the side/rear perimeter boundaries of the rural cluster development. The setback requirement shall apply to all structures, including accessory structures that may not require a building permit. Streets and driveways shall not be located within the setback area; except where a street or driveway may cross perpendicular to the lot line to provide access to an adjacent parcel.
7. Internal Residential clusters shall be physically separated from existing county public roads by open space buffers and shall not occur as strip development along existing county public roads. The minimum buffer/setback between an internal residential cluster and an existing public roadway shall be 200 feet, except there shall be no buffer requirement when a cluster is located at the terminus of an existing county public road. An exception to the buffer setback requirement shall allow a two lot cluster within the 200 foot buffer area for developments less than 40 acres that have an existing residence located within the buffer area.
8. Consistent with the wildfire protection plan, the Fire District and/or the Department may require the establishment of a wildfire defensible space within the rural residential cluster(s). The defensible space and the modification/removal of wildfire fuels within the defensible space must be completed prior to issuance of a certificate of occupancy for each structure.



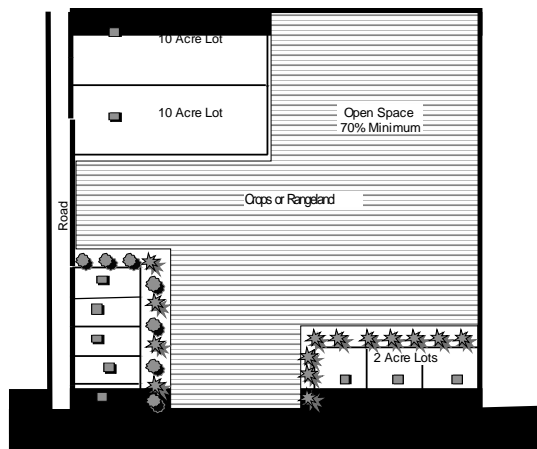
**Figure 820-1**  
Example of a traditional rural subdivision



**Figure 820-2**  
Example of rural cluster development



**Figure 820-3**  
Example of a rural cluster development with residential clusters set back from the road



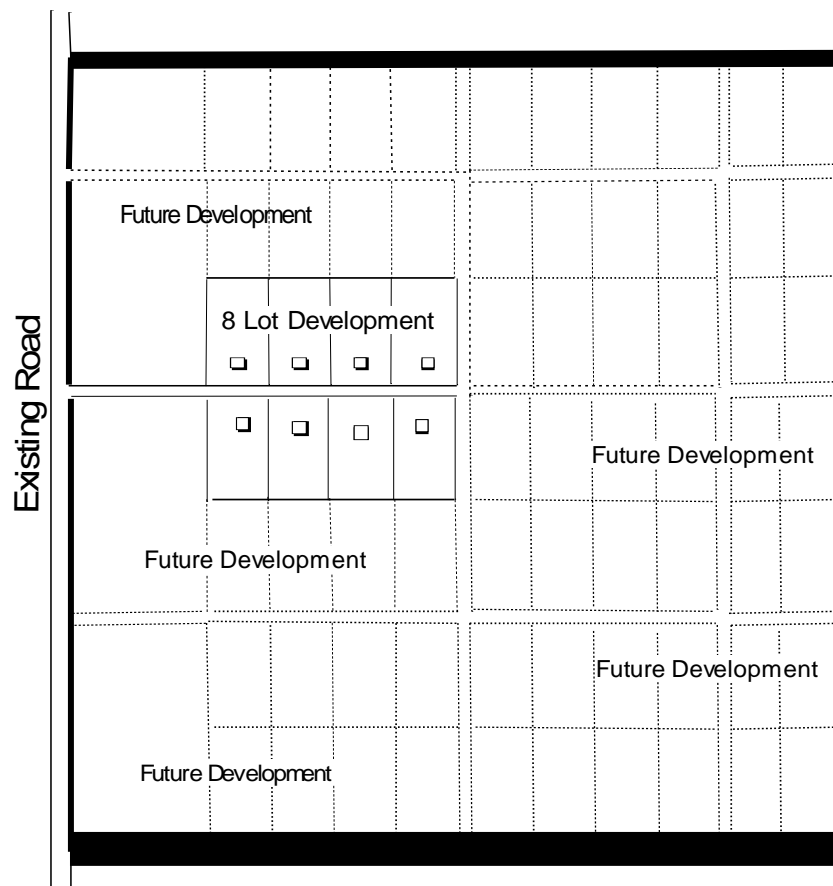
**Figure 820-4**  
Example of rural cluster development used to conserve crop or rangeland

#### **14.820.140      Remainder Parcel**

1. Remainder parcels shall be designed to best accommodate their intended open space use (small scale agriculture/forestry, habitat, or future urbanization). The use of the remainder parcel shall be consistent with the purpose and intent of this chapter and the underlying zone category. The use of the remainder parcel shall be limited to agriculture, forestry, habitat or undeveloped land. Structures shall be prohibited on the remainder parcel; except for a single family residence (if allowed under 14.820.100(2)) and accessory structures that support on-site uses. The remainder parcel shall not include existing improvements or existing uses other than those listed above. Proposed future structures on the remainder parcel shall be identified in the open space management plan. Use of the remainder parcel shall be included in the open space management plan. A reference shall be placed on the face of the plat and a title notice shall be recorded that clearly states that only the use(s) defined in the open space management plan are permitted on the remainder parcel.



2. In the Rural Conservation (RCV), Rural Traditional (RT) and Rural-5 (R-5) zones the remainder parcel shall be permanently protected as open space as defined under 14.820.020.
3. The remainder parcel shall contain to the maximum extent possible forested areas, prominent hillsides, meadows, ridges and environmentally sensitive areas.
4. The remainder parcel must have feasible, legal access to public roads.
5. The remainder parcel within a rural cluster development (RCD) shall include a minimum of 70% of the total site area.
6. The remainder parcel within a rural cluster development (RCD) shall be one contiguous parcel; except that multiple noncontiguous parcels may be allowed provided the Director finds that multiple noncontiguous parcels provide more beneficial protection of the open space based on unique attributes of the site such as topography, geology or soils.
7. The remainder parcel(s) shall be owned in common by the owners of the residential cluster lots; except that a remainder parcel(s) may be owned as a single ownership provided:
  - a. The parcel is located in the Urban Reserve zone; or
  - b. The parcel includes a residential dwelling unit consistent with 14.820.100(2).



**Figure 820-5**

Example of 40-acre rural cluster development in the Urban Reserve zone.  
The zone is intended to reserve land for future urban development.

**14.820.160 Open Space Management**

1. An open space management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary plat application. The plan shall include all of the following items.
  - a. Details concerning ownership, tax liability, and responsible parties for maintenance of open space.
  - b. Use of the remainder site, which shall be consistent with 14.820.140.
  - c. Details concerning permanent protection of open space if located in the Rural Conservation (RCV), Rural Traditional (RT) or Rural-5 (R-5) zones.
  - d. Details on interim use if located in the Urban Reserve (UR) zone.
  - e. Details on maintenance of the open space, including control of noxious weeds.
  - f. Any construction activities (trails, fencing, agricultural buildings) and vegetative clearing that may occur on site.
  - g. A wildfire protection plan, where applicable, addressing the creation and maintenance of wildfire defensible spaces within rural clusters consistent with nationally recognized standards. The wildfire protection plan shall be developed in consultation with the Fire District or a forestry consultant that is recognized and approved by the Department.
2. All subsequent activities must be conducted in conformance with the approved open space management plan. Open space management plans may be modified through amendment procedures within the zoning code and/or a plat alteration, but in no case shall perpetually dedicated open space be revoked.
3. The open space management plan, as described above, shall be referenced on the face of the final plat and shall be filed as a title notice.
4. If the remainder parcel is within an urban reserve area, the following title notice shall be filed on the property and adjacent properties within the plat and the wording shall additionally be placed on the face of the plat:

Lot \_\_, Block \_\_, of \_\_\_\_\_ is an open space parcel reserved for future development when the Urban Growth Area Boundary is expanded to include the open space parcel. Future development of this parcel may include small lot residential uses and/or commercial/industrial uses commonly found in an urban area. The open space parcel **is not** intended to be preserved in perpetuity.

5. Applicants for rural cluster developments should be encouraged to review Spokane County's Open Space taxation program for applicability to their development.
6. If the remainder parcel is within the Rural Conservation (RCV), Rural Traditional (RT), or Rural-5 (R-5) zones, the following title notice shall be filed on the property and the wording shall additionally be placed on the face of the plat:

Lot \_\_, Block \_\_ (or Tract \_\_), of \_\_\_\_\_ is an open space parcel and uses on the parcel are restricted. The open space parcel is permanently preserved as open space and future subdivision of the parcel to allow increased residential density is prohibited. Only those uses identified in the open space management plan shall be allowed.

## Chapter 14.822

### Wireless Communications Facilities

#### **14.822.100 Purpose and Intent**

The Wireless Communications Facilities chapter includes provisions for wireless communication antenna arrays, wireless communication support towers, and small cell facilities. Small Cell facilities are regulated under Chapter 14.822A, Small Cell Facilities Deployment.

1. **Wireless Communication Support Tower:** A wireless communication support tower is a structure designed specifically to support a wireless communication antenna array, and may include a guyed tower, self-supporting tower, a single pole structure (or monopole), lattice tower, and other similar structures.
2. **Wireless Communication Antenna Array:** A wireless communication antenna array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish). Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.
3. **Small Cell Facilities:** means a personal wireless services facility that meets both of the following qualifications:
  - a. Each antenna is no more than three cubic feet; and
  - b. The primary equipment enclosures are no larger than twenty-eight (28) cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecom demarcation box, ground based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cut-off switch as defined as set forth in 47 CRF1.6002.

#### **14.822.200 Types of Uses**

Wireless communications uses for the Residential, Commercial, Mixed Use, Industrial, Rural, and Resource Zones shall be as permitted in table 822-1, Wireless Communications Facilities Matrix. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 822-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 822-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards.
3. **Conditional Uses:** Conditional uses are designated in table 822-1 with the letters "CU". These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Some of the conditional uses listed in table 822-1 are also subject to specific standards and criteria as required in this chapter.

**14.822.210 Wireless Communications Facilities Matrix****Table 822-1, Wireless Communications Facilities Matrix**

<b>Zone</b>	<b>Antenna Array</b>	<b>Support Tower</b>	<b>Small Cell Facilities Deployment</b>
<b><i>Residential</i></b>			
Low Density Residential (LDR)	L	CU	L
Low Density Residential Plus (LDR-P)	L	CU	L
Medium Density Residential (MDR)	L	CU	L
High Density Residential (HDR)	L	CU	L
Mixed Use (MU)	L	CU	L
<b><i>Commercial</i></b>			
Neighborhood Commercial (NC)	L	CU	L
Community Commercial (CC)	L	P	L
Regional Commercial (RC)	L	P	L
Limited Development Area (LDA)	L	P	L
<b><i>Industrial</i></b>			
Light Industrial (LI)	L	P	L
Heavy Industrial (HI)	L	P	L

<b>Zone</b>	<b>Antenna Array</b>	<b>Support Tower</b>	<b>Small Cell Facilities Deployment</b>
<b><i>Rural</i></b>			
Rural Traditional (RT)	L	CU	L
Rural-5 (R-5)	L	CU	L
Rural Conservation (RCV)	L	CU	L
Urban Reserve (UR)	L	CU	L
Rural Activity Center (RAC)	L	CU	L
<b><i>Resource Lands</i></b>			
Large Tract Agricultural (LTA)	L	CU	L
Small Tract Agricultural (STA)	L	CU	L
Forest Lands (F)	L	CU	L
Mineral Lands (M)	L	CU	L

**14.822.220 Permitted Uses**

1. **Support Tower** – Community Commercial and Limited Development Area.
  - a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein.
  - b. Application for the support tower is approved as an Administrative Determination by the Director pursuant to the requirements of chapter 14.506, Administrative Permits and in accordance with the specific standards set forth herein.
  - c. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.
  - d. The facility shall meet the minimum landscaping requirements for the underlying zone.
  - e. The facility shall be enclosed by a site obscuring secured fence not less than 6 feet in height with a locking gate; however, no barbed wire or razor wire shall be permitted.
  - f. Support tower foundations, equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high. The Director may waive the site obscuring secured fence requirement provided the applicant has secured all on the ground ancillary equipment in

- a locked cabinet designed to be compatible with and blend into the setting and provided that when a locked fence is not required the means of access for the support tower is located a minimum of 12 feet above the ground.
- g. The height of the support tower above grade does not exceed the maximum height of a support tower for the underlying zone as outlined in table 822-2. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.
  - h. All support structure(s) for wireless communication antennas shall have their means of access located a minimum of 8 feet above the ground; however, any support structure for which the requirement of a locked fence has been waived shall have its means of access located a minimum of 12 feet above the ground.
  - i. The support tower shall meet the minimum primary structure setback requirements for the underlying zone.
  - j. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.
  - k. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
  - l. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
  - m. The applicant shall have performed and provided documentation of a visual simulation of the site plan.
  - n. The applicant have met and provided documentation of all requirements of SEPA.
  - o. No new support tower shall be permitted within 1 mile, for support towers inside the Urban Growth Area, or 2 miles, for support towers outside the Urban Growth Area, of an existing support tower unless the applicant shall have demonstrated a good faith effort to co-locate on an existing support tower or other structure. Evidence submitted to demonstrate that no existing support tower or other structure can accommodate the applicant's proposed antenna array may consist of the following:
    - i. No existing support towers or other structures are located within the geographic areas required to meet the applicant's engineering requirements.
    - ii. Existing support towers or other structures are not of sufficient height to meet applicant's engineering requirements.
    - iii. Existing support towers or other structures do not have sufficient structural strength to support applicant's proposed antenna array and related equipment.
    - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support towers or other structures, or the antenna on the existing support towers or other structures would cause interference with the applicant's proposed antenna.
  - p. The support tower, antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
  - q. No advertising or display shall be located on any support tower or antenna array; however, the owner of the support tower and/or antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
  - r. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and installed to be consistent with chapter 14.826 of this Code.
  - s. The facility may be located on the same lot as one or more other structures and uses. Any land division shall conform to chapter 58.17 RCW.

- t. The owner of the facility for wireless communication shall notify the Division when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within 6 months of the date the facility ceases to operate as part of an authorized system, either the facility must be removed from the site, or a building permit must be obtained to allow another permitted use of the facility.

2. **Support Tower** – Regional Commercial, Light Industrial, and Heavy Industrial.

- a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein.
- b. Application for the support tower is approved as an Administrative Determination by the Director pursuant to the requirements of chapter 14.506, Administrative Permits and in accordance with the specific standards set forth herein.
- c. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.
- d. The facility shall meet the minimum landscaping requirements for the underlying zone.
- e. The facility shall be enclosed by a site obscuring secured fence not less than 6 feet in height with a locking gate; however, no barbed wire or razor wire shall be permitted.
- f. Support tower foundations, equipment shelters, cabinets or other on-the ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high. The Director may waive the site obscuring secured fence requirement provided the applicant has secured all on the ground ancillary equipment in a locked cabinet designed to be compatible with and blend into the setting and provided that when a locked fence is not required the means of access for the support tower is located a minimum of 12 feet above the ground.
- g. The height of the support tower above grade does not exceed the maximum height of a support tower for the underlying zone as outlined in table 822-2. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. The Director by Administrative Determination may provide for a bonus height of 20 feet for each additional antenna array co-located on the support tower, up to a maximum tower height of 100 feet, including the height of all antennas.
- h. All support structure(s) for wireless communication antennas shall have their means of access located a minimum of 8 feet above the ground; however, any support structure for which the requirement of a locked fence has been waived shall have its means of access located a minimum of 12 feet above the ground.
- i. The support tower shall meet the minimum primary structure setback requirements for the underlying zone.
- j. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.
- k. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
- l. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
- m. The applicant shall have performed and provided documentation of a visual simulation of the site plan.
- n. The applicant shall have met and provided documentation of all requirements of SEPA.
- o. No new support tower shall be permitted within 1 mile, for support towers inside the Urban Growth Area, or 2 miles, for support towers outside the Urban Growth Area, of an existing support tower unless the applicant shall have demonstrated a good faith effort to

co-locate on an existing support tower or other structure. Evidence submitted to demonstrate that no existing support tower or other structure can accommodate the applicant's proposed antenna array may consist of the following:

- i. No existing support towers or other structures are located within the geographic areas required to meet the applicant's engineering requirements.
- ii. Existing support towers or other structures are not of sufficient height to meet applicant's engineering requirements.
- iii. Existing support towers or other structures do not have sufficient structural strength to support applicant's proposed antenna array and related equipment.
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support towers or other structures, or the antenna on the existing support towers or other structures would cause interference with the applicant's proposed antenna.
- p. The applicant shall have co-located at least 1 additional provider of wireless communication services on the support tower for each 20 feet of bonus height.
- q. The support tower, antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
- r. No advertising or display shall be located on any support tower or antenna array; however, the owner of the support tower and/or antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
- s. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and installed to be consistent with chapter 14.826 of this Code.
- t. The facility may be located on the same lot as one or more other structures and uses. Any land division shall conform to chapter 58.17 RCW.
- u. The owner of the facility for wireless communication shall notify the Division when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within 6 months of the date the facility ceases to operate as part of an authorized system, either the facility must be removed from the site, or a building permit must be obtained to allow another permitted use of the facility.

#### **14.822.230 Limited Uses**

1. **Antenna Arrays** – Rural-5, Low Density Residential, Low Density Residential Plus, Medium Density Residential, High Density Residential, Neighborhood Commercial, Community Commercial, Regional Commercial, Limited Development Areas, Light Industrial, Heavy Industrial, Large Tract Agricultural, Small Tract Agricultural, Forest Lands, Rural Conservation, Rural Traditional, Rural Activity Center, and Urban Reserve.
  - a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein.
  - b. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement used to calculate the maximum allowable height of the support tower.
  - c. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
  - d. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required avigation easements have been satisfied.
  - e. The applicant shall have performed and provided documentation of a visual simulation of the site plan.

- f. The applicant shall have met and provided documentation of all requirements of SEPA.
- g. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
- h. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
- i. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and installed to be consistent with chapter 14.826 of this Code.
- j. The owner of the antenna array shall notify the Division when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site.

## 2. **Antenna Arrays – Mineral Lands**

- a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein.
- b. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement used to calculate the maximum allowable height of the support tower.
- c. The applicant shall have secured from all mine operators a safety approval verifying that the operation of wireless communication antenna array(s) shall not adversely impact the operation of any mining activities, including, but not limited to blasting activities.
- d. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
- e. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
- f. The applicant shall have performed and provided documentation of a visual simulation of the site plan.
- g. The applicant shall have met and provided documentation of all requirements of SEPA.
- h. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
- i. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
- j. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded and installed to be consistent with chapter 14.826 of this Code.
- k. The owner of the antenna array shall notify the Division when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site.

## 3. **Small Cell Facility – All zoning districts**

- a. Small Cell Facilities are subject to the permitting and design standards found in 14.822A.



**14.822.240 Conditional Uses**

1. **Support Towers** – Rural-5, Low Density Residential, Low Density Residential Plus, Medium Density Residential, High Density Residential, Neighborhood Commercial, Rural Activity Center, Urban Reserve.
  - a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein
  - b. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.
  - c. The facility shall meet the minimum landscaping requirements for the underlying zone.
  - d. The facility shall be enclosed by a site obscuring secured fence not less than 6 feet in height with a locking gate; however, no barbed wire or razor wire shall be permitted.
  - e. Support tower foundations, equipment shelters, cabinets or other on-the ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high.
  - f. The height of the support tower above grade does not exceed the maximum height of a support tower for the underlying Zone as outlined in Table 822-2. Maximum Height in Feet for Wireless Communication Antenna Array and Wireless Communication Support Tower. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.
  - g. All support structure(s) for wireless communication antennas shall have their means of access located a minimum of 8 feet above the ground.
  - h. The support tower shall meet the minimum primary structure setback requirements for the underlying zone.
  - i. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.
  - j. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
  - k. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
  - l. The applicant shall have performed and provided documentation of a visual simulation of the site plan.
  - m. The applicant have met and provided documentation of all requirements of SEPA.
  - n. No new support tower shall be permitted within 1 mile, for support towers inside the Urban Growth Area, or 2 miles, for support towers outside the Urban Growth Area, of an existing support tower unless the applicant shall have demonstrated a good faith effort to co-locate on an existing support tower or other structure. Evidence submitted to demonstrate that no existing support tower or other structure can accommodate the applicant's proposed antenna array may consist of the following:
    - i. No existing support towers or other structures are located within the geographic areas required to meet the applicant's engineering requirements.
    - ii. Existing support towers or other structures are not of sufficient height to meet applicant's engineering requirements.
    - iii. Existing support towers or other structures do not have sufficient structural strength to support applicant's proposed antenna array and related equipment.
    - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support towers or other structures, or the antenna on the

- existing support towers or other structures would cause interference with the applicant's proposed antenna.
- o. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
  - p. No advertising or display shall be located on any support tower or antenna array; however, the owner of the support tower and/or antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
  - q. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and installed to be consistent with chapter 14.826 of this Code.
  - r. The facility may be located on the same lot as one or more other structures and uses. Any land division shall conform to chapter 58.17 RCW.
  - s. The owner of the facility for wireless communication shall notify the Division when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within 6 months of the date the facility ceases to operate as part of an authorized system, either the facility must be removed from the site, or a building permit must be obtained to allow another permitted use of the facility.
2. **Support Towers** – Large Tract Agricultural, Small Tract Agricultural, Forest Lands, Rural Conservation, and Rural Traditional.
- a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein.
  - b. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.
  - c. The facility shall meet the minimum landscaping requirements for the underlying zone.
  - d. The facility shall be enclosed by a site obscuring secured fence not less than 6 feet in height with a locking gate; however, no barbed wire or razor wire shall be permitted.
  - e. Support tower foundations, equipment shelters, cabinets or other on-the ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high.
  - f. The height of the support tower above grade does not exceed the maximum height of a support tower for the underlying Zone as outlined in Table 822-2. Maximum Height in Feet for Wireless Communication Antenna Array and Wireless Communication Support Tower. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. The Director by Administrative Determination may provide for a bonus height of 20 feet for each additional antenna array co-located on the support tower, up to a maximum tower height of 100 feet, including the height of all antennas.
  - g. All support structure(s) for wireless communication antennas shall have their means of access located a minimum of 8 feet above the ground.
  - h. The support tower shall meet the minimum primary structure setback requirements for the underlying zone.
  - i. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.
  - j. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
  - k. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.

- l. The applicant shall have performed and provided documentation of a visual simulation of the site plan.
  - m. The applicant have met and provided documentation of all requirements of SEPA.
  - n. No new support tower shall be permitted within 1 mile, for support towers inside the Urban Growth Area, or 2 miles, for support towers outside the Urban Growth Area, of an existing support tower unless the applicant shall have demonstrated a good faith effort to co-locate on an existing support tower or other structure. Evidence submitted to demonstrate that no existing support tower or other structure can accommodate the applicant's proposed antenna array may consist of the following:
    - i. No existing support towers or other structures are located within the geographic areas required to meet the applicant's engineering requirements.
    - ii. Existing support towers or other structures are not of sufficient height to meet applicant's engineering requirements.
    - iii. Existing support towers or other structures do not have sufficient structural strength to support applicant's proposed antenna array and related equipment.
    - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support towers or other structures, or the antenna on the existing support towers or other structures would cause interference with the applicant's proposed antenna.
  - o. The applicant shall have co-located at least 1 additional provider of wireless communication services on the support tower for each 20 feet of bonus height.
  - p. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
  - q. No advertising or display shall be located on any support tower or antenna array; however, the owner of the support tower and/or antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
  - r. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and installed to be consistent with chapter 14.826 of this Code.
  - s. The facility may be located on the same lot as one or more other structures and uses. Any land division shall conform to chapter 58.17 RCW.
  - t. The owner of the facility for wireless communication shall notify the Division when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within 6 months of the date the facility ceases to operate as part of an authorized system, either the facility must be removed from the site, or a building permit must be obtained to allow another permitted use of the facility.
3. **Support Towers – Mineral Lands**
- a. Prior to the issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein.
  - b. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.
  - c. The applicant shall have secured from all mine operators within the Mining Zone a safety approval verifying that the operation of the wireless communication support tower and wireless communication antenna array(s) located thereon shall not adversely impact the operation of any mining activities, including, but not limited to blasting activities.
  - d. The facility shall meet the minimum landscaping requirements for the underlying zone.
  - e. The facility shall be enclosed by a site obscuring secured fence not less than 6 feet in height with a locking gate; however, no barbed wire or razor wire shall be permitted.
  - f. Support tower foundations, equipment shelters, cabinets or other on-the ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high.
  - g. The height of the support tower above grade does not exceed the maximum height of a support tower for the underlying Zone as outlined in Table 822-2. Maximum Height in Feet

- for Wireless Communication Antenna Array and Wireless Communication Support Tower. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. The Director by Administrative Determination may provide for a bonus height of 20 feet for each additional antenna array co-located on the support tower, up to a maximum tower height of 100 feet, including the height of all antennas.
- h. All support structure(s) for wireless communication antennas shall have their means of access located a minimum of 8 feet above the ground.
  - i. The support tower shall meet the minimum primary structure setback requirements for the underlying zone.
  - j. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.
  - k. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
  - l. The applicant shall have met and provided documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
  - m. The applicant shall have performed and provided documentation of a visual simulation of the site plan.
  - n. The applicant have met and provided documentation of all requirements of SEPA.
  - o. No new support tower shall be permitted within 1 mile, for support towers inside the Urban Growth Area, or 2 miles, for support towers outside the Urban Growth Area, of an existing support tower unless the applicant shall have demonstrated a good faith effort to co-locate on an existing support tower or other structure. Evidence submitted to demonstrate that no existing support tower or other structure can accommodate the applicant's proposed antenna array may consist of the following:
    - i. No existing support towers or other structures are located within the geographic areas required to meet the applicant's engineering requirements.
    - ii. Existing support towers or other structures are not of sufficient height to meet applicant's engineering requirements.
    - iii. Existing support towers or other structures do not have sufficient structural strength to support applicant's proposed antenna array and related equipment.
    - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support towers or other structures, or the antenna on the existing support towers or other structures would cause interference with the applicant's proposed antenna.
  - p. The applicant shall have co-located at least 1 additional provider of wireless communication services on the support tower for each 20 feet of bonus height.
  - q. The the antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
  - r. No advertising or display shall be located on any support tower or antenna array; however, the owner of the support tower and/or antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
  - s. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and installed to be consistent with chapter 14.826 of this Code.
  - t. The facility may be located on the same lot as one or more other structures and uses. Any land division shall conform to chapter 58.17 RCW.
  - u. The owner of the facility for wireless communication shall notify the Division when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within 6 months of the date the facility ceases to operate as part of

an authorized system, either the facility must be removed from the site, or a building permit must be obtained to allow another permitted use of the facility.

#### **14.822.300 Maximum Height – Wireless Communications Facilities**

Table 822-2, Maximum Height in Feet – Support Tower and Antenna Array

<b><i>Zone</i></b>	<b><i>Support Tower</i></b>	<b><i>Antenna Array</i></b>
Rural-5 (R-5) Low Density Residential (LDR) Low Density Residential Plus (LDR-P) Medium Density Residential (MDR) High Density Residential (HDR) Mixed Use (MU) Neighborhood Commercial (NC) Community Commercial (CC) Limited Development Area (LDA) Rural Activity Center (RAC) Urban Reserve (UR)	60	20
Regional Commercial (RC) Light Industrial (LI)	60*	20
Heavy Industrial (HI) Large Tract Agricultural (LTA) Small Tract Agricultural (STA) Forest Lands (F) Mineral Lands (M) Rural Traditional (RT) Rural Conservation (RCV)	80*	20

\* The maximum support tower height is as indicated above; however, the Director by Administrative Determination may provide for a bonus height of 20 feet for each additional antenna array co-located on the support tower, up to a maximum height of 100 feet, including the height of all antennas.

1. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if the highest point is an antenna. Measurement of support tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.
2. The height of an antenna array mounted on a wireless communication support tower shall be included in the vertical measurement used to calculate the maximum allowable height of the support tower.

#### **14.822.310 Modifying Existing Wireless Facilities**

The following procedures apply when modifying existing wireless communication facilities:

1. **Eligible Facilities Request:** When modifying an existing wireless communication facility, a formal request shall be made to the department in writing. The request for modification of an existing wireless communication facility or associated base station that does not substantially change the physical dimensions of such a tower or base station, involving the following standards, shall be considered an Eligible Facilities Request.
  - a. Collocation of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment

2. **Substantial Change:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - a. For towers other than towers in the public right-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater
    - (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the spectrum act.
  - b. For towers other than towers in the public right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet
  - c. For any eligible support structure, it involves installation of more than the standards number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure
  - d. It entails any excavation or deployment outside the current site;
  - e. It would defeat the concealment elements of the eligible support structure; or
  - f. It does not comply with the conditions associated with the siting approval of the construction of modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-complaint only in a manner that would not exceed the thresholds identified in "a" through "f" of this section.
3. Eligible Facilities Request applications must be processed within 30 days from the submittal of the initial application. Failure to process the application within this time period results in the application being deemed granted by the county.

## Chapter 14.822A Small Cell Facilities Deployment

### **14.822A.100 Purpose and Intent**

The purpose and intent of this Chapter is to accommodate small cell facilities that balance the need for new and evolving technologies with the preservation of the natural and aesthetic environment. Chapter 14.822A provides guidance for the deployment of small cell and microcell technology, consistent with state and federal law. Those who wish to utilize a small cell facility deployment to establish or expand their existing services shall comply with the processes set forth in Chapter 14.822A. Small cell facility deployments shall only be made in compliance with all federal, state, and local small cell permitting requirements.

### **14.822A.110 Administration**

The Department is charged with administration of small cell deployment permitting and other wireless communication review processes established under chapter 14.822A.

### **14.822A.120 Applicability**

The construction, installation, placement, deployment, substantial change, microcell deployment, and/or minor deviation of small cells shall be implemented through the issuance of small cell permits, consistent with Chapter 14.500, Administrative Procedures.

1. The term “small cell facility” deployment shall include the deployment of small cell facilities, microcells and small cell networks as those terms are defined this Chapter.

### **14.822A.130 Definitions**

For the purpose of defining terminology for Chapter “14.822A,” the following words and terms shall apply:

Alternative Mounting Structure: A water tower, manmade tree, clock tower, church steeple, bell tower, utility pole, light standard, freestanding sign, flagpole, or similar structure designed to support and camouflage or conceal the presence of telecommunications antennas.

Antenna: Any exterior apparatus designed for telephonic, radio, data, internet, or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, pole, light standard, utility pole, building or other structure for the purpose of providing wireless services. Types of antennas include:

1. Omni-directional Antenna: Receives and transmits radio frequency signals in a 360-degree radial pattern.
2. Whip Antenna: Omni-directional antenna that is up to 15 feet in height and no more than six inches in diameter.
3. Directional or Panel Antenna: Receives and transmits radio frequency signals in a specific directional pattern of less than 360 degrees.

Antenna Height: The vertical distance measured from average structure grade to the highest point of the antenna, or on a rooftop or other structure, whichever is the highest point. For replacement structures, antenna height is measured from the top of the existing structure to the highest point of the antenna or new structure, whichever is greater.

Approved Small Cell Facility: Any small cell facility that has received all required permit approvals.

Array: An arrangement of antennas and their supporting structure.

Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower, or eligible support structure as defined herein. Base stations includes, without limitation:

1. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (DAS) and small cell networks).
3. Any structure other than a tower that, at the time of the relevant application is filed with the County, supports or houses equipment described above that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

Collocation: Locating wireless communication equipment on an existing or replacement structure and/or eligible support structure, at a single site. For purposes of Eligible Facilities requirements, the term collocation shall not apply to the initial placement of a small cell facility on a utility pole or on any other base station or small cell tower that was not constructed for the sole or primary purpose of an FCC licensed antenna and their associated facilities.

Concealment: A tower, wireless communication support tower, or eligible support tower that is designed to look like some feature other than a wireless facility or base station, which minimizes the visual impact of an antenna by use of nonreflective materials, appropriate colors, and/or concealment canister or enclosure.

Dish: A parabolic or bowl-shaped device that receives and/or transmits signals in a specific directional pattern.

EIA-222: Electronics Industries Association Standard 222, "structural standards for Steel Antenna Towers and Antenna Support Structures."

Eligible Support Structure: Any tower or base station as defined in this section; provided that, at the time the relevant application is filed with the county, houses or supports an antenna, microcell or small cell deployment.

Existing: A constructed tower, small cell, and/or base station facility as defined in this section; provided, that it, at the time of the relevant application is filed with the County, houses or supports an antenna, microcell or small cell deployment.

Microcells: A wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length; as defined as set forth in RCW80.36.375, as now adopted or hereafter amended.

Other Support Structure: A structure used to support small cell facilities or equipment structures, excluding buildings, utility poles, and water reservoirs, Examples of "other support structures" include, but is not limited to, flagpoles, sports field lighting.

Panel: An antenna which receives and/or transmits signals in a directional pattern.



Prior Approval: Certification of approval(s) from the County authorizing the initial installation of a specific wireless carrier's small cell facilities on a base station nor tower. Prior approval may also include the subsequent approval(s) from the County authorizing modifications to the initial installation that have resulted in the existing state of the small cell facility including, but not limited to, the number and location of equipment, structures, antennas antenna support structures, and ancillary equipment.

Service: The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Service Provider: Every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town; as defined as set forth in RCW 35.99.010(6), as now adopted or hereafter amended. Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

Structure, Small Cell: Any structure build for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

Stealth: A telecommunications antenna, tower, pole, and or eligible support structure that is effectively camouflaged or concealed from view.

Telecommunications Antenna: An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 35-feet in height in residential, rural, and resource zoning districts.

Telecommunications Service: The transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purposes of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air-transmission of broadcast television or broadcast radio signals, as defined as set forth in RCW35.99.101(7), as now adopted or hereafter amended.

Transmission Equipment: Equipment facilities transmission for any FCC-licensed or authorized wireless communication service, including but not limited to radio transceivers, antennas, coaxial, fiber-optic cable, and regular backup power supply. The term includes equipment associated with wireless communications services including, but not limited to private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility Pole: A structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, and/or pedestrian paths.

Wireless Communication Support Structure Height: The distance measured from grade to the highest point of all components of the structure, including antennas, hazard lighting, and other appurtenances, if any.

**14.822A.200      Small Cell and Small Cell Deployment**

Small cell facilities are low-powered cellular radio access nodes which have a range from several feet to approximately one mile, and usually connect fewer calls or data sessions. A wireless service facility that meets both of the following qualifications shall be considered Small Cell, or Small Cell Deployment;

1. Each antenna is no more than three (3) cubic feet in volume.
2. The primary equipment enclosures are no larger than twenty-eight (28) cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecom demarcation box, ground based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cut-off switch as defined as set forth in 47 CFR 1.6002.

**14.822A.210      Permit Application**

1. A small cell permit application shall be processed per Chapter 14.500, Administrative Procedures, and shall contain the following:
  - a. Multiple may be specified in one small cell permit application for processing. The application shall include sufficient information about each site and facility in order for the County to determine that it complies with the design standards found herein.
  - b. If more than one application for a small cell permit is submitted by an applicant, they shall be considered in the order received. If multiple applications are submitted on the same date, the applicant shall indicate which application shall be considered first.
  - c. Any element of a deployment which qualifies as a Eligible Facilities Request shall be specifically designated by the applicant and may be addressed separately by the Department in order to comply with the applicable processing requirements established herein.
  - d. The applicant shall submit a sworn declaration under penalty of perjury signed by a Radio Frequency Engineer with knowledge of the proposed project affirming that the small cell deployment will be compliant with all FCC and any other applicable regulations in connection with human exposure to radio frequency emissions for every frequency which the small cell facility.
  - e. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
  - f. As applicable, the applicant shall provide proof from any utility provider authorizing the applicant to use the utility provider's utility poles for a small cell deployment.

**14.822A.220      Permit Review Process**

The following provisions relate to review of applications for small cell permit deployments.

1. Small cell facilities shall conform to design and concealment standards and be subject to design and concealment review as set forth in Chapter 14.822A.210.

2. Approval of a small cell permit, and/or other approvals referenced in Section 14.822A are conditioned on the following requirements:

- a. Satisfy all applicable bulk requirements including, but not limited to: Height, noise, light, or any other applicable zoning requirement.
- b. Provide written proof of the approval of the landowner and the owner of any utility pole for which the installation of small cell facilities on such utility pole.

**14.822A.230 Application Review Timeframes**

Accordingly, the County adopts the following time limits for review of applications for small cell permits.

- 1. Review Type: The Department shall prepare and make publicly available a small cell application form which shall be limited to the information necessary for the Department review the applicable standards.
- 2. Review Timeframe: Within 30 days of the date on which an applicant submits an application, the Department shall approve the application unless it determines that the application is not covered by chapter 14.822A. Furthermore, the 30-day review period begins to run when the application is filed, and may be stopped by mutual agreement by the Department and the applicant, or in cases where the Department determines that the application is incomplete.
  - a. To stop the timeframe for incompleteness, the Department shall provide written notice to the applicant within 10 days of receipt of the application, specifically delineating all missing documents or information required in the application. The notice of an incomplete application resets the review timeline to 30 days.
  - b. The timeframe for review begins running again when the applicant makes a compliant supplemental submission in response to the Department's notice of incompleteness.
  - c. Following a supplemental submission, the Department shall notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is stopped in the case of second or subsequent notices pursuant to the procedures identified in paragraphs one (1) and two (2) of this section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of completeness.

**14.822A.300 Design Standards**

Small cell facilities shall utilize stealth or concealment to the maximum extent possible. Stealth or concealment applies to all small cell components, including, but not limited to: Antennas towers, structures, and primary equipment enclosures. For any Small cell facility, stealth or concealment shall mean that the small cell facility is designed to resemble an object which is already present in the local environment, including but not limited to: Streetlights, trees, traffic signals, utility poles, or flagpoles. Stealth and concealment may also include techniques which enable the small cell wireless facility to blend into the surrounding environment. The following standards shall apply to all small cell deployments:

1. Requiring New Small Cell Structure:

- a. Small cell facilities requiring new installation of a small cell structure shall verify that an existing structure, small cell structure, utility pole, or facility cannot be utilized.
- b. Any new small cell structure height, including that of the antenna, shall be no taller than 50-feet above grade.
- c. Antennas shall be integrated within the small cell structure. The new small cell structure shall be subject to any applicable county or industry standards.
- d. Any equipment requiring a cooling fan, shall be located no closer than 15 feet to any place of residence.
- e. The primary equipment enclosures shall be no larger than 28 cubic feet, and shall utilize concealment and/or stealth technology.
- f. The structural engineering of the small cell facility shall conform to any applicable structural standards.
- g. The following associated equipment may be located outside of the primary equipment enclosure and if so located, are not included in the calculation of equipment volume. To be excluded from volume calculations the following items shall be concealed, camouflaged, or placed underground: electric meter, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch. Primary equipment enclosures shall be locked and integrated into the surroundings to the maximum extent feasible. This shall include incorporating the facilities into the base of the pole, integrating into concealed or camouflaged fixtures such as garbage enclosures, or other power boxes, and/or use of materials and colors that blend into the surrounding setting. Ground mounted facilities shall not be located in stormwater facilities, including stormwater swales.
- h. No artificial lights shall be fitted, unless integrated into the concealment efforts of the small cell structure.
- i. Advertising or display shall not be located on any small cell facility. However, the owner of the small cell facility shall place an identification plate indicating the name of the wireless service provider and the telephone number for an emergency contact.
- j. Small cell facilities shall be exempt from the front-yard and flanking setback requirements.

2. Utilizing Existing or Replacement Utility Poles For Small Cell Facilities:

- a. For existing poles, the antenna shall be integrated into the existing design of the pole to which it is attached, with external projections limited in size and scope to the greatest extent that is technically feasible.

- b. External projections shall employ colors that match the pole so they appear to be a part of the pole.
- c. The structural engineering of the pole to which the small cell facility is attached shall conform to any structural standards that do not degrade the pole to which it is attached.
- d. Any equipment requiring a cooling fan, shall be located no closer than 15 feet to any place of residence.
- e. There shall be no interference with the normal use for which the pole is intended, including but not limited to blocking any light from poles, interfering with power lines on power poles, and obscuring any portion of the applicable sign-face on signs.
- f. Each antenna for small cell facilities shall be no more than three (3) cubic feet in volume.
- g. The following associated equipment may be located outside of the primary equipment enclosure and if so located, are not included in the calculation of equipment volume. To be excluded from volume calculations the following items shall be concealed, camouflaged, or placed underground: electric meter, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch. Primary equipment enclosures shall be locked and integrated into the surroundings to the maximum extent feasible. This shall include incorporating the facilities into the base of the pole, integrating into concealed or camouflaged fixtures such as garbage enclosures, or other power boxes, and/or use of materials and colors that blend into the surrounding setting. Ground mounted facilities shall not be located in stormwater facilities, including stormwater swales.
- h. No artificial lights shall be fitted, unless integrated into the concealment efforts of the small cell facility.
- i. Advertising or display shall not be located on any small cell facility. However, the owner of the small cell facility shall place an identification plate indicating the name of the wireless service provider and the telephone number for an emergency contact.
- j. Small cell facilities shall be exempt from the front-yard and flanking setback requirements.

k. The overall height shall not exceed 50 feet.

### 3. Utilizing Existing Building Facades or Rooftops:

- a. For small cell facilities mounted on one or more building facades, stealth or concealment technology means use of color and materials such that the facility has architectural compatibility with the building. It shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project more than three (3) feet above the wall on which it is mounted.
- b. Any equipment requiring a cooling fan, shall be located no closer than 15 feet to any place of residence.
- c. Each antenna for small cell facilities shall be no more than three (3) cubic feet in volume.

d. The following associated equipment may be located outside of the primary equipment enclosure and if so located, are not included in the calculation of equipment volume. To be excluded from volume calculations the following items shall be concealed, camouflaged, or placed underground: electric meter, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch. Primary equipment enclosures shall be locked and integrated into the surroundings to the maximum extent feasible. This shall include incorporating the facilities into the base of the pole, integrating into concealed or camouflaged fixtures such as garbage enclosures, or other power boxes, and/or use of materials and colors that blend into the surrounding setting. Ground mounted facilities shall not be located in stormwater facilities, including stormwater swales.

e. The owner of the small cell facility shall place an identification plate indicating the name of the wireless service provider and the telephone number for an emergency contact.

f. Small cell facilities shall meet the minimum primary structure setback requirements for the underlying zone.

#### **14.822A.400      Modifying Existing Wireless Facilities**

The following procedures apply when modifying existing wireless communication facilities:

1. Eligible Facilities Request: When modifying an existing wireless communication facility, a formal request shall be made to the department in writing. The request for modification of an existing wireless communication facility or associated base station that does not substantially change the physical dimensions of such a tower or base station, involving the following standards, shall be considered an eligible Facilities Request.
  - a. Collocation of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment
2. Substantial Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
    - (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
  - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the

tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
  - d. It entails any excavation or deployment outside the current site;
  - e. It would defeat the concealment elements of the eligible support structure; or
  - f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in a through f of this section.
3. Eligible Facilities Request applications must be processed within 30 days from the submittal of the initial application. Failure to process the application within this time period results in the application being deemed granted by the county.

**14.822A.500 Minor Deviations**

- 1. The Department may authorize minor deviations in the small cell permit from the dimensional design and concealment technologies referenced in the exhibits to the design standards where such deviation is necessary to allow the applicant to provide coverage and/ or capacity where such deviations does not materially differ from the County's design and concealment standards.
- 2. Deviations in the dimensions or volume of small cell facilities which do not exceed the cumulative total provided by the definition of a small cell or microcell facility herein shall be considered a minor deviation. However, they do not supersede the concealment features set by the County's applicable design and concealment standards.

## **Chapter 14.824**

### **Top Soil Removal**

#### **14.824.100 Top Soil Removal and Land Leveling**

1. Top soil, sand, gravel and/or rock may be removed for commercial purposes provided that a Conditional Use permit is obtained consistent with the following standards.
  - a. Less than 5,000 cubic yards are removed and removal shall be completed within 6 months of permit approval.
  - b. Not more than 3 acres shall be disturbed.
  - c. No top soil, sand, gravel and/or rock removal shall be allowed exceeding a depth of 2 feet below the existing natural elevation.
  - d. The top 6 inches of soil shall be stockpiled and used for reclamation, which includes seeding of the site within 6 months after the top soil, sand, gravel and/or rock is removed.
  - e. Finished cut slopes shall not be steeper than 1 unit vertical in 1½ units horizontal.
  - f. Only one conditional use permit shall be allowed per parcel. Additional removal of material shall constitute a mining operation.
2. Top soil, sand, gravel and/or rock that is removed from a building site for normal construction of buildings and roads is exempt from this section. Any removal of top soil, sand, gravel and/or rock which does not conform to the provisions above may constitute a mining operation and require a mining zone classification.



## **Chapter 14.826 Illumination**

### **14.826.100 Illumination**

Any lights, whether freestanding or attached to a building or structure, which illuminate any outdoor area of a lot, shall be positioned, placed, constructed, shielded or used so as not to illuminate directly any building or structure or portion thereof on an adjacent lot containing a building or structure used as a residence.

## **Chapter 14.828**

### **Public Purpose Transfer of Development Rights**

#### **14.828.010 Purpose and Intent**

The purpose of this chapter is to establish procedures for the transfer of development rights from one property to another. The purpose of the transfer of development rights (TDR) program is to provide a voluntary incentive-based process for the acquisition of publicly owned sites for waste-water reclamation, regional stormwater management, regional stormwater conveyance system or publicly owned and operated waste-water treatment facilities.

The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space preservation and acquisitions and to encourage increased residential development and density where it can best be accommodated with the least impact on the natural environment and public services by:

1. Providing an effective and predictable incentive process for rural and resource lands property owners to preserve and protect lands with a public benefit.
2. Providing an efficient, effective and streamlined administrative review system to ensure that TDR's to receiving sites are evaluated in a timely way and balanced with other applicable county goals and policies.

#### **14.828.020 Definitions**

1. "Sending Density" shall mean the total number of residential dwelling units qualified for transfer under this Chapter.
2. "Eligible Sending Zone" shall include Large Tract Agriculture, Small Tract Agriculture, Forest Land, Rural Traditional and Rural Conservation.
3. "Eligible Receiving Zone" shall include Urban Reserve and Rural-5.
4. "Sending Site" is a site which transfers residential development density rights to a receiving site and has a restrictive covenant recorded on its title to prevent residential development.
5. "Receiving Site" is a site which receives residential development density rights from a sending site and is developed for residential purposes.

#### **14.828.030 Transfer of Development Rights – Qualification of Sending Sites**

Development rights shall be created and transferred by means of a TDR Certificate. In order to qualify for a TDR Certificate, the owner of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest. If the sending site consists of more than one tax parcel number, the lots must be contiguous. A sending site must meet all of the following criteria:

1. Must be at least forty (40) acres in size; and
2. Must be designated on the Spokane County Comprehensive Plan as Large Tract Agricultural, Small Tract Agricultural, Forest Land, Rural Traditional or Rural Conservation; and
3. Must be identified as a publicly owned site for waste-water reclamation, regional stormwater management, regional stormwater conveyance system or waste-water treatment facility; and
4. Must have a site specific receiving site to which the transfer of development rights will apply.

**14.828.040      Transfer of Development Rights – Receiving Sites**

1. Development rights may be transferred from an eligible sending zone to an eligible receiving zone. Eligible receiving zones shall be property zoned Urban Reserve (UR) or Rural-5 (R-5).
2. Urban Reserve and Rural-5 zoned areas that meet the criteria listed in this subsection may receive development rights transferred from a sending site and may be subdivided and developed at a maximum density of one dwelling unit per 2.5 acres. The receiving site shall be:
  - a. Located within the service area of a public water system; and
  - b. Located within one-half (1/2) mile of an existing predominant pattern of urban sized lots; or rural/semi-rural lots which are five acres or less in size.
3. Except as provided for in this chapter, development of a receiving site shall remain subject to all zoning code standards of the underlying zone, except that the maximum density standard shall be one dwelling unit per 2.5 acres.
4. A receiving site may accept development rights from one or more sending sites, up to the maximum density permitted in this chapter.

**14.828.050      Transfer of Development Rights – Calculation of Sending Density**

The amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax parcel, the square footage or acreage shall be determined as follows:
  - a. By the Spokane County Assessor's records; or
  - b. By a survey that has been prepared and stamped by a surveyor licensed in the State of Washington.
2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage within each zoning classification shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the Department.
3. For the purposes of the TDR program, the following TDR sending densities apply:

	Forest Land	Large Tract Ag	Small Tract Ag	Rural Conservation	Rural Traditional
Sending Density	1 unit per 20 acres	1 unit per 40 acres	1 unit per 10 acres	1 unit per 20 acres	1 unit per 10 acres

The sending density shall be documented in a TDR Certificate and shall be considered a final determination and may not to be revised if there is a subsequent change in the sending site's zoning classification.

**14.828.060 Transfer of Development Rights – Development Limitations of Sending Site**

Upon the issuance of a TDR Certificate residential development is prohibited on the portion of the lot or parcel identified as the sending site. If the sending site is part of a larger lot or parcel, that portion of the lot or parcel that is not identified as the sending site may be developed consistent with the development standards of the underlying zone.

**14.828.070 Transfer of Development Rights – Documentation of Restrictions**

Following the transfer of development rights from a sending site, a deed restriction permanently prohibiting residential development shall be recorded by the Department of Building and Planning on the title of the sending site. The deed restriction shall document the number of development rights that have been transferred.

**14.828.080 Transfer of Development Rights – Sending Site Certification and Review Process**

1. The responsibility for preparing a complete application for a TDR Certificate is the responsibility of the sending site owner and such application shall be submitted on forms provided by the Department and will include:
  - a. legal description of the sending site and tax parcel numbers; and
  - b. legal description of the receiving site and tax parcel numbers; and
  - c. a title report on the sending site; and
  - d. a brief description of the site resources and public benefit to be preserved; and
  - e. a site plan, when appropriate, showing existing and proposed dwelling units; and
  - f. Assessor's map(s) with the lot or lots of the sending site delineated in red; and
  - g. a statement of intent indicating whether the property ownership after TDR Certification will be retained in private ownership; be subject to a conservation easement; or be dedicated to another public or private non-profit agency; and
  - h. a completed density calculation worksheet for estimating the number of available residential development units; and
  - i. the application fee consistent with the adopted Fee Schedule
2. The Director shall be responsible for qualification of sending sites and preparation of a written report documenting the review and sending site certification decision. The Director shall issue a TDR Certification letter within sixty days of the date of submittal of a complete sending site certification application.
3. The Director's decision on TDR application sending site certification is considered a Type 1 application and is subject to appeal to the Hearing Examiner pursuant to Spokane County Code Chapter 13.900.106 or as amended.

**14.828.090 Transfer of Development Rights – Transfer Process**

TDR development rights shall be transferred using the following process:

1. Following internal review and approval of the sending site application, the Director shall issue a TDR Certificate which includes a legal description of the sending site and the approved sending density. The TDR Certificate shall be signed by the owner of the sending site and shall constitute an authorization to allow a deed restriction to be recorded against the sending site property which will prohibit residential development of the site. The sending density may be transferred to only the receiving site identified within the TDR application.
2. The transfer of development rights shall increase the permitted density for residential development of the receiving site as provided in this chapter. The transfer of development rights shall be submitted and considered only as part of an underlying land use application on the

receiving site, which shall be either a preliminary short plat or preliminary plat. The application need not be made at the same time as the issuance of a TDR Certification. Prior to approval of the preliminary plat or a preliminary short plat the applicant shall deliver the TDR Certificate, for the number of TDR development rights being used. The Notice of Application for the preliminary plat or preliminary short plat application shall contain a statement that density is being increased through a TDR Certificate. An increase in the density of the underlying zoning designation of the receiving site and use of a TDR Certificate shall not be a basis to deny the preliminary short plat or preliminary plat application.

3. Development rights from a sending site shall be considered used by a receiving site when:
  - a. a final decision is made on the receiving site development proposal; and
  - b. the sending site is permanently protected by a completed and recorded land dedication conservation easement; and
  - c. notification has been provided to the Spokane County Assessor's Office; and
  - d. a TDR extinguishment document has been provided to the Department of Building and Planning.

**14.828.100 Transfer of Development Rights Notice**

The Notice of Application for the preliminary plat or preliminary short plat application shall contain a statement that density is being increased through a TDR Certificate.

**Spokane County Zoning Code**

**Chapter 14.900  
Urban Design**

## **Chapter 14.900**

### **Urban Design Standards and Guidelines**

#### **14.900.100 Purpose and Intent**

The intent of the Urban Design Standards and Guidelines chapter is to provide for a design review process that implements urban design policies within the Mixed-use Comprehensive Plan categories including Mixed Use Areas, Community Centers, and Urban Activity Centers. This chapter should be used in combination with the provisions of chapter 14.608 (Mixed-Use Zone). More detailed design guidelines may be developed for specific areas through adopted subarea plans. The design review process is intended to provide for a fair, consistent, and predictable administration of urban design standards and guidelines.

#### **14.900.200 Applicability**

The provisions of this chapter shall apply to all new development and exterior remodeling, expansion and redevelopment within the Mixed-use Zone (chapter 14.608) valued at \$5,000 or greater, excluding routine painting and maintenance. Phased projects that are approved under this chapter shall comply with the original approval and reapplication for each phase shall not be required. Single-family and two-family residences, which are not part of a larger mixed use scale development, shall be exempt from the design review process and urban design standards required by this chapter.

#### **14.900.300 Administration**

1. Development proposals that are subject to the provisions of this chapter shall adhere to the application procedures for the underlying action (e.g., binding site plan, building permit, zone reclassification) and be consistent with chapter 13 of the County Code, Spokane County Public Works Application Review Procedures for Project Permits.
2. The Director shall review and may approve or deny all applications subject to the standards and guidelines in this chapter. Applications shall include adequate information to determine compliance with the urban design standards and guidelines.
3. A Design Review Board, identified in Section 14.900.310, shall review development proposals subject to the standards and guidelines in this chapter on parcels greater than 2 acres in size, or containing a gross interior floor area of 30,000 square feet or greater. The Design Review Board shall serve as an advisory body and make recommendations to the Director. The final decision on compliance with the urban design standards and guidelines shall rest with the Director.
4. The Design Review Board shall provide a recommendation to the Director within the required time frames of the underlying action. The Director may make a final decision on the application without a recommendation from the Design Review Board.
5. In cases where the Design Review Board is not established or does not make a recommendation, the Director shall have the authority to make a final decision on the application subject to the standards and guidelines of this chapter.

#### **14.900.310 Design Review Board**

1. The Design Review Board shall be comprised of six (6) members, drawn from the following sources.
  - a. One member from the Planning Commission, who shall serve as Chair.
  - b. One member who is a Washington State certified architect.
  - c. One member who is a certified landscape architect or an urban planner.
  - d. One member with expertise in real estate development.
  - e. Two members from the general public who are not required to have expertise in any of the above.

2. The administration of the Design Review Board shall be by the Division. Members of the Design Review Board shall be appointed by the Board of County Commissioners for a term of 4 years.

**14.900.320 Meetings**

The Director and/or the Design Review Board will generally have three (3) meetings for each application.

1. The first meeting is an initial meeting with the applicant to discuss the site issues and the relationship of the proposed development to surrounding development, existing and planned. The significant design issues and applicable design standards will be identified; therefore, no building design or plans are required or desired at the first meeting.
2. At the second meeting, the applicant will present preliminary designs. The applicant's response to the key issues identified in the initial meeting will be discussed.
3. A final meeting should be held to finalize the project design. This should include the applicant's response to any issues not resolved in previous meetings.

**14.900.330 Flexible Development Standards - Variations**

Except for floor area ratio, building height, or parking; the Director may approve variations from any numerical standard for developments that are subject to the urban design standards and guidelines. Written findings by the Director shall be provided indicating that the proposed design as a whole is consistent with the Comprehensive Plan.

**14.900.340 Assuring Performance**

To insure compliance with any aspect of this approval, performance bonds or other appropriate security, including letters of credit, to assure compliance with all conditions of the approval, may be required by the Director.



## **14.900.700 Design Review Standards and Guidelines**

### **14.900.720 - Site Design - Sidewalks and Trees**

#### **Intent:**

To establish a consistent character for street right-of-ways, improve pedestrian safety, and enhance the natural, aesthetic and urban environment.

#### **Standards and Guidelines:**

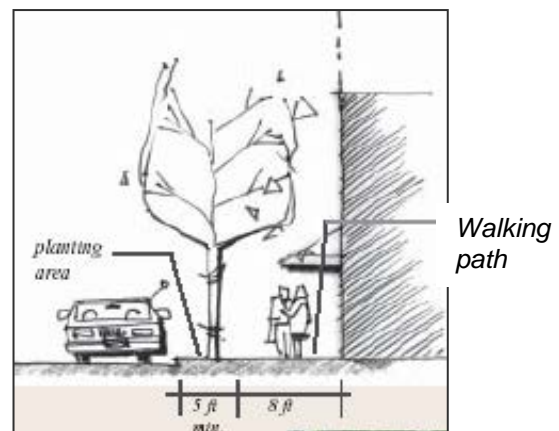
1. Sidewalks shall consist of a clear walking path at least 8 ft. wide (in addition to a planting zone for street trees). Along arterial streets, tree grates shall be used. On other streets, either tree grates or a continuous planting strip along the curb are acceptable.
2. Street trees shall be planted between the curb and the walking path of the sidewalk.
3. Large trees with overhanging canopies or branches are desirable. However, species of street trees shall be of a type approved by the County (See Appendix A).
4. Street trees should be located in a planting area with a minimum width of 5 ft.
5. Street trees shall be a minimum of 1 3/4" in diameter and shall be spaced no further apart than 25 ft.
6. When planting street trees, consideration should be given to the location of existing utilities, lighting and proposed signs.



*Tree grates for street trees along arterial streets*



*Continuous planting strip for street*



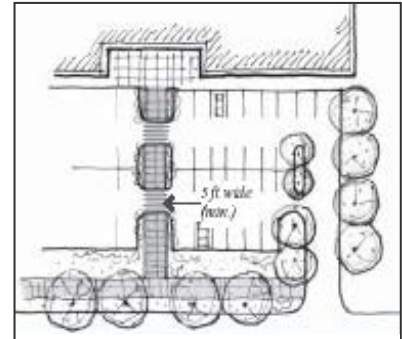
# **14.900.730 - Site Design - Pedestrian Connections**

## **Intent:**

To create a network of safe and attractive linkages for pedestrian travel.

## **Standards and Guidelines:**

1. Within parking lots containing more than 30 stalls, clearly defined pedestrian connections shall be provided:
  - Between a public right-of-way and building entrances
  - Between parking lots and building entrances
 Pedestrian connections can be counted toward the amount of required landscaping.
2. Pedestrian connections shall not be less than 5 feet wide.
3. Pedestrian connections shall be clearly defined by at least two of the following:
  - 6 inch vertical curb.
  - Textured paving, including across vehicular lanes.
  - A continuous landscape area at a minimum of 3 feet wide on at least one side of the walkway.
4. Pedestrian facilities shall comply with accessibility standards.



*Pedestrian connection through parking lot, enhanced by paving and*



*6-inch vertical curb*



*Continued paving for pedestrian*

**14.900.740 - Site Design - Overall Site Landscaping**

**Intent:**

To integrate the entire site into the overall landscape design and to provide variety and special interest within landscaped areas.

**Standards Guidelines:**

1. Living plants shall be used. If drought-tolerant plant material is not used, irrigation shall be required.
2. Low maintenance, living ground cover is to be used whenever possible, instead of grass.
3. Gravel, river rock, pavement or similar non-living materials shall not be used as groundcover substitutes, but may be allowed as accent features within landscape planting areas.
4. Plant material should be used to enhance corners and intersections but shall not interfere with the "site clear-view triangle" set forth in the Zoning Code.



*Variety of plant materials*



*Landscaping to enhance corners and intersections*

#### **14.900.750 - Site Design - Parking Lots**

##### **Intent:**

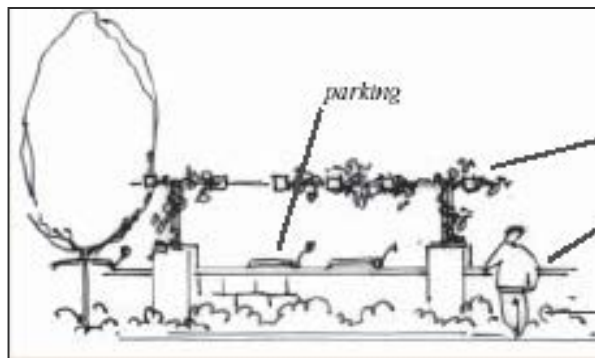
To make parking lots as visually unobtrusive as possible.

##### **Standards and Guidelines:**

1. Trees shall be used to break up large parking areas.
2. Berms, trellises, low decorative walls (max. 3 ft high) or raised planters, shall be used to screen parking lots from adjacent streets and walkways. Shrubs used adjacent to a street right-of-way shall not exceed a maximum height of 30 inches at maturity.
3. Wheel stops shall be used to prevent vehicles from overhanging into planting areas.



*Landscaped buffer between street and parking lot*



*Low wall and raised planters make the parking lot less visible from the street*



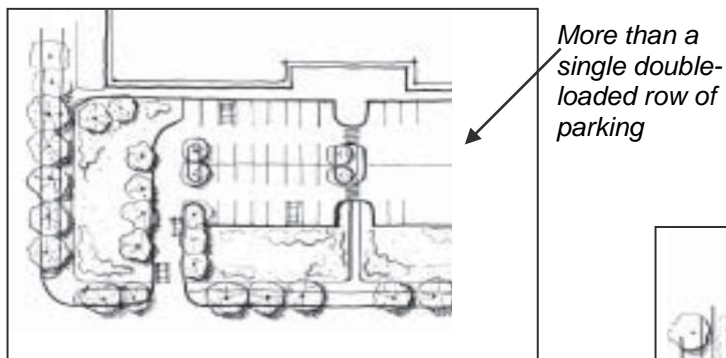
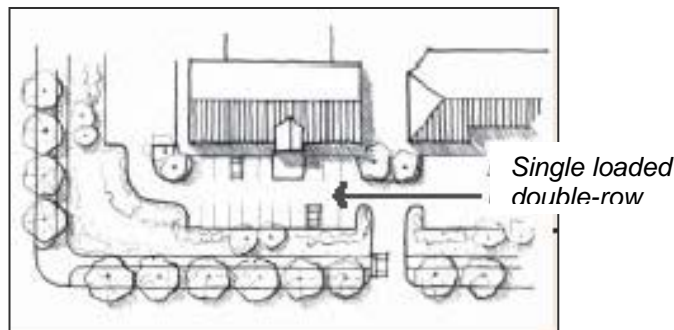
*Landscaping of parking lot*



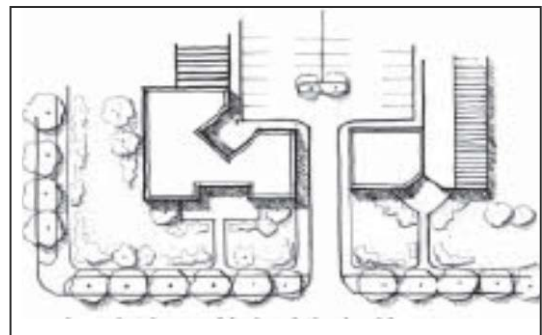
*Wheel stop and low walls with planters to screen parking lot and prevent vehicles into the planting area*

**14.900.750 - Site Design - Parking Lots - continued**

1. Where a single, double-loaded row of parking is located between a building and a street right-of-way, a 15-foot wide type III landscape area shall be provided between the parking lot and the street right-of-way. In addition, interior landscaping for that parking lot shall be increased to a minimum of 10% of the total square feet of the parking lot area. Note there may be additional parking lots located behind buildings where this guideline would not apply.
2. Where there is more than a single double-loaded row of parking located between a building and a street right-of-way, a 20-foot wide type III landscape area shall be provided between the parking lot and the street right-of-way. In addition, the amount of interior landscaping for the parking lot shall be increased by 50% over what is otherwise required by the County code.
3. New development and redevelopment should locate parking lots behind or beside buildings.



Parking lot with adequate landscape buffer



Parking lot located behind the building



## **14.900.760 - Site Design - Lighting**

### **Intent:**

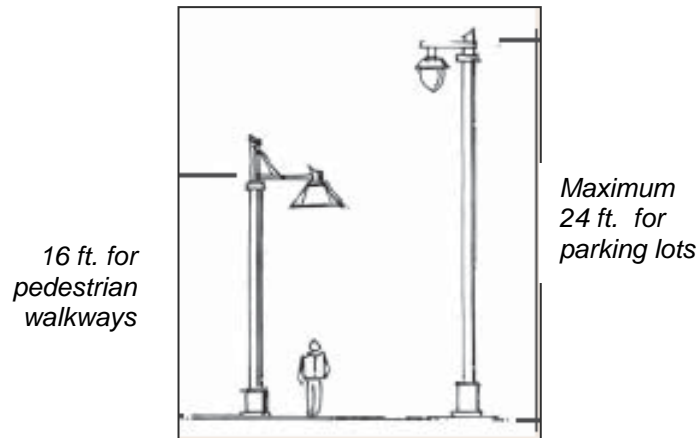
To ensure that site lighting contributes to the character of the site and does not disturb adjacent development.

### **Standards and Guidelines:**

1. Lighting shall be provided within parking lots and along pedestrian walkways.
2. Lighting intensity shall be 0.5 foot-candle minimum and 1.0 foot-candle maximum.
3. Lighting fixtures shall be limited to heights of 24 ft. for parking lots and 16 ft. for pedestrian walkways.
4. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, so that the direction of light is downward.



*Parking lot lighting*



*Pedestrian lighting*



*Shielded lighting*

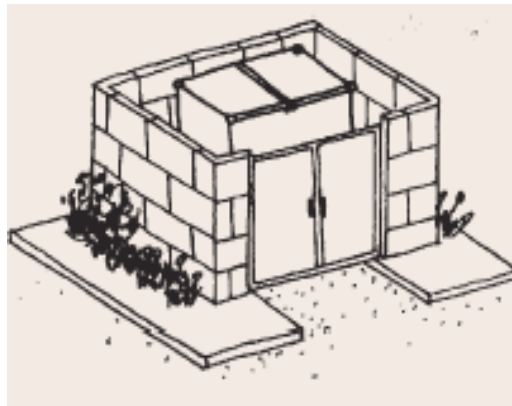
**14.900.770 - Site Design - Screening and Noise Control of Service Areas**

**Intent:**

To reduce the impact of service, loading and trash areas.

**Standards and Guidelines:**

1. All service, loading and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, vinyl, and planting.
2. Garbage bins shall be equipped with rubber lids to reduce noise impacts if residential uses are located nearby.



*Service and loading area behind wall with trellis and planting*



*Screening of service area*



*Screening of trash area by wall and planting*

**14.900.780 - Site Design - Spacing and Width of Curb Cuts**

**Intent:**

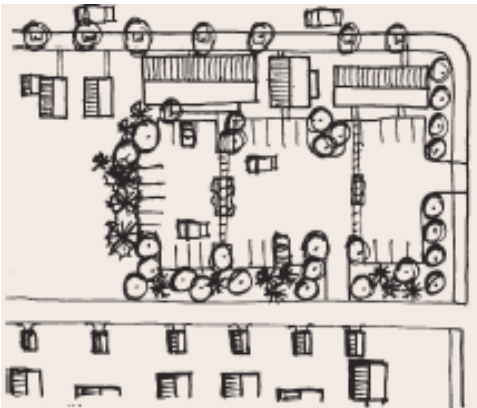
Maintain a continuous uninterrupted sidewalk by minimizing driveway access.

**Standards and Guidelines:**

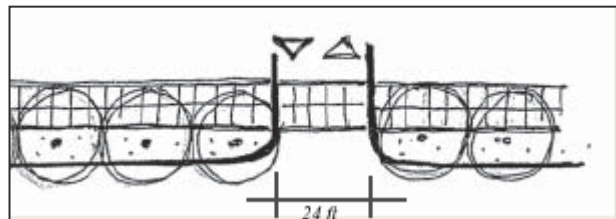
1. Curb cut for non-residential use shall not exceed 24 ft .for combined entry/exits.
2. The sidewalk pattern shall carry across the driveway.
3. Adjacent developments should share driveways to the greatest extent possible.



*Driveway is visibly continuous*



*Shared driveway reduces curb cuts*





**14.900.790 - Building Design - Prominent Entrances**

**Intent:**

To ensure that building entrances are easily identifiable and clearly visible from streets and sidewalks.

**Standards and Guidelines:**

1. The principal entry to a store / building shall be marked by at least one of the following:
  - Recessed entrance (recessed at least 3 ft)
  - Protruding entrance (protruding at least 3 ft)
  - Canopy (extending at least 5 ft)
  - Portico (extending at least 5 ft)
  - Overhang (extending at least 5 ft)
  - Gateway/ trellis



*Recessed entrance*



*Protruding entrance*



*Entrance with portico and ornamental treatments*



*Gateway entrance with trellis*



*Overhang entrance*

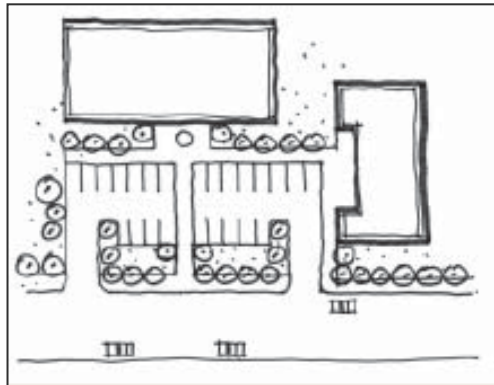
#### **14.900.800 - Building Design - Orientation to Street**

##### **Intent:**

To ensure that buildings add to the liveliness of streets and the overall community character.

##### **Standards and Guidelines:**

1. Buildings, along with trees and landscaping, should be predominant, rather than parking lots and large freestanding signs.
2. People traveling along arterial streets should be able to see storefronts, windows, merchandise, and other aspects of business activity.
3. Pedestrian access to the building should be visually and functionally clear.



*Major building – front facing the street*



*Storefront orientation responds to the street*



*Storefront oriented towards the street*

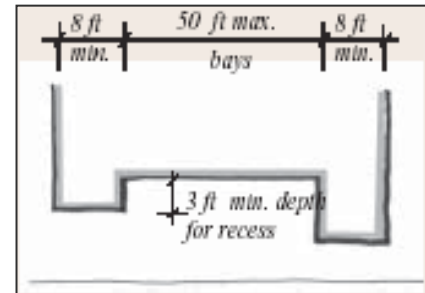
# **14.900.810 - Building Design - Bulk and Form**

## **Intent:**

To reduce the massive appearance of larger buildings.

## **Standards and Guidelines:**

1. Façades longer than 50 ft. shall be broken down into smaller units through the use of offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs and other elements of the building's mass. Simply changing materials or color is not sufficient to accomplish this.
2. Articulation shall be provided along façades visible from streets, as well as from any residential areas.
3. Buildings should convey a visually distinct "base" and "top". A sense of "base" can be produced by a different masonry pattern, more architectural detail, a visible "plinth" above which the wall rises, storefront, canopies or a combination.



## **Elements of articulation**

- step-backs
- decks
- offsets
- rooflines



top  
middle  
base



*Articulation of façade along the entrance*



*Breaking down the mass*

**14.900.820 - Building Design - Screening of Rooftop Equipment**

**Intent:**

To screen view of rooftop mechanical and communications equipment from the ground level of nearby streets and residential areas.

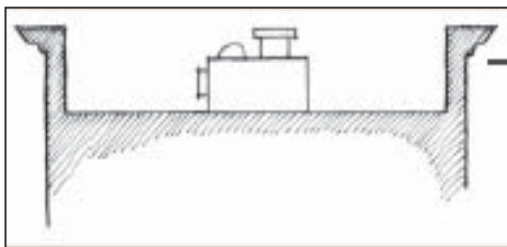
**Standards and Guidelines:**

1. Mechanical equipment shall be screened by extended parapet walls or other roof forms that are integrated with the architecture of the building.
2. Painting equipment, erecting fences, and using mansard-type roofs are not acceptable methods of screening.
3. Cell phone transmission equipment should be blended in with the design of the roofs, rather than being merely attached to the roof-deck.

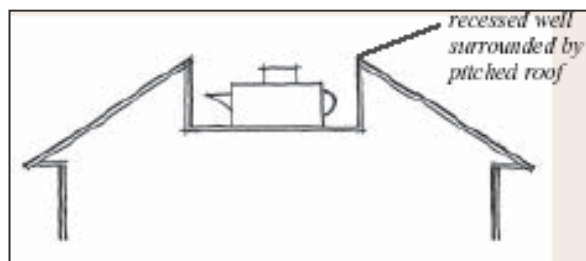
*Mechanical equipment behind  
the screen wall*



*Rooftop equipment*



*Raised  
parapet*



### **14.900.830 - Building Design - Transparency of Street-Facing Facades**

#### **Intent:**

To provide visual connection between activities inside and outside the building.

#### **Standards and Guidelines:**

1. A minimum of 15% of any ground floor façade\* that is visible from any abutting street shall be comprised of windows with clear, “vision” glass allowing views into the interior.
2. A minimum of 30% of any ground floor façade\* in a commercial building located closer than 60 ft to an abutting arterial street shall be comprised of windows with clear, “vision” glass allowing views into the interior. Display windows may be used to meet half of this requirement.
3. A minimum of 50% of any ground floor commercial building façade\* located closer than 20 ft to an abutting arterial street shall be comprised of windows with clear, “vision” glass allowing views into the interior. Display windows may be used to meet half of this requirement.
4. For portions of façades that do not have windows, see guidelines for Treatment of Blank Walls.

\* façade within 2 ft and 10 ft above the level of the adjacent sidewalk, walkway or ground level.



*30% windows located within 60 ft. of street*



*Visual connection between indoor and outdoor spaces*



*50% or more clear facades located within 20 ft. of street*



# **14.900.840 - Building Design - Treatment of Blank Walls**

## **Intent:**

To ensure that buildings do not display blank, unattractive walls to the abutting street.

## **Standards and Guidelines:**

Walls or portions of walls on abutting streets or visible from residential areas where windows are not provided shall have architectural treatment (see guidelines for Façade Transparency). At least four of the following elements shall be incorporated into any ground floor, street-facing façade:

- a. masonry (but not flat concrete block)
- b. concrete or masonry plinth at the base of the wall
- c. belt courses of a different texture and color
- d. projecting cornice
- e. projecting metal canopy
- f. decorative tilework
- g. trellis containing planting
- h. medallions
- i. opaque or translucent glass
- j. artwork
- k. vertical articulation
- l. lighting fixtures
- m. an architectural element not listed above, as approved, that meets the intent.

*Medallion*

*Belt course*

*Plinth*



*Projecting metal canopy*

*Lighting fixtures*



*Faux windows (back lighted at night)*

*Trellis*

*Architectural treatment of blank walls*



*Blank wall near the entrance treated with canopy, plinth, and horizontal belt courses*

# **14.900.850 - Building Design - Screening of Structured Parking**

## **Intent:**

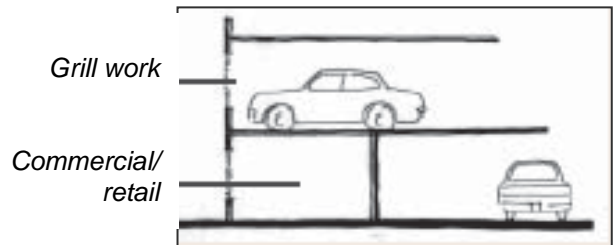
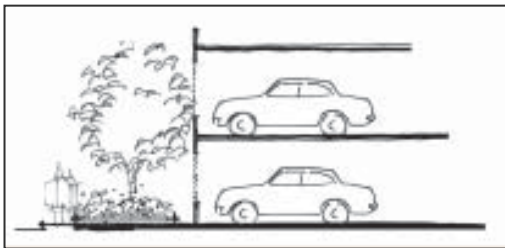
To integrate parking structure and/or ground level parking with the building and the surrounding.

## **Standards and Guidelines:**

1. Ground level of structured parking shall be screened from view by one or more of the following:
  - trees and shrubs
  - grillwork incorporating decorative metal artwork or panels.
  - for parking structures, commercial use facing the street
  - for building with ground level parking, walls containing architectural details, such as banding.



*Architectural detail, banding, and plant material at ground-level parking*



*Screening of ground level of parking structures*



*Decorative metal grillwork*



*Artwork at ground-level parking*

#### **14.900.860 - Building Design - Roof Form**

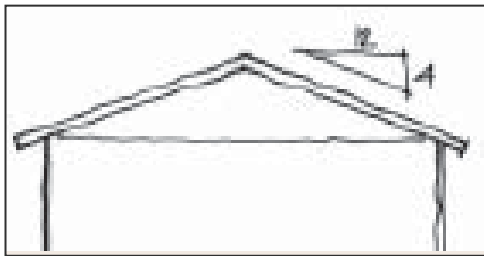
##### **Intent:**

To ensure that rooflines present a distinct profile and appearance for the building and expresses the neighborhood character.

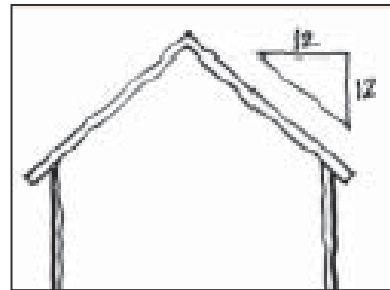
##### **Standards and Guidelines:**

1. Residential buildings shall have pitched roof\* with a minimum slope of 4:12 and maximum slope of 12:12.
2. Commercial/non-residential buildings shall incorporate one of the following roof forms:
  - pitched roofs with the slope ranging from 4:12 to 12:12
  - projecting cornices to create a prominent edge when viewed against the sky, especially to highlight major entrances.

\* exception can be made for unique, creative building design and shall be approved by the director.



*Minimum slope*



*Maximum slope*



*Prominent roofline with projecting cornice at the highlighted entrance*



*Pitched roof*



#### **14.900.870 - Sign Design - Integration with Architecture**

##### **Intent:**

To ensure that signage is part of the overall design of a project and not additive or an afterthought.

##### **Standards and Guidelines:**

1. The design of buildings and sites shall identify locations and sizes for future signs. As tenants install signs, such signs shall be in conformance with an overall sign program that allows for advertising which fits with the architectural character, proportions, and details of the development. The sign program shall indicate location, size, and general design.
2. Signs shall not project above the roof, parapet, or exterior wall.



*Sign integrated with the overall composition of facade*

#### **14.900.880 - Sign Design - Creative / Artistic Elements**

##### **Intent:**

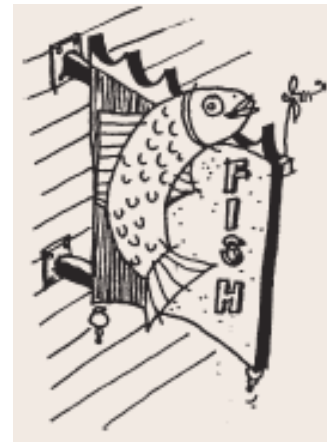
To encourage interesting, creative and unique approaches to the design of signs.

##### **Standards and Guidelines:**

1. Signs should be creative, expressive and individualized.
2. Sign should convey the product or service offered by businesses in a bold, graphic form.
3. Projecting blade signs up to 30 sq. ft. may be allowed if the sign is designed by a certified graphic designer and embodies the qualities above.



*Unique sign elements express creativity*



*Whimsical elements as signs*