Spokane County Zoning Code

Hearing
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Chapter 14.700
Overlay Zones

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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:

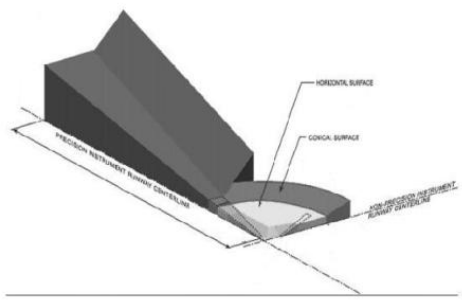
1. Surface Overlay Zones
   a. Five airport land use Airport Compatibility Zones (ACZ) are based upon Washington State Department of Transportation (WSDOT) Division of Aviation guidelines. These are further based on federal aviation accident data from the National Transportation Safety Board (NTSB) and are shown on the Airfield Overlay Zone official zoning map maintained by the Department of Building and Planning.

   b. Airfield Noise Zone
   Those areas within one eighth of a mile of where it has been determined that existing or potential noise levels exceed sixty five LdN (day-night average sound level). The Department of Building and Planning maintains the official map that

shows where substantial noise impact areas occur or are anticipated and shall be amended when conditions change or as new information becomes available.

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 avigation 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:

3. 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.

4. 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.

5. 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.

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.

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 Permitted Uses

Use is: **P** – Permitted **N** – Not Permitted **L** - Allowed, but with Special Limitations **CU** – Conditional Use Review Required	**Felts Field, Deer Park and Spokane International Airport Compatibility Zones (ACZ)**					**Airfield Noise Zone (ANZ)**
	ACZ-1	**ACZ-2**	**ACZ-3**	**ACZ-4**	**ACZ-5**	
Residential Uses	L[1]	L[1]	L[1]	L[1]	L[1]	L[1][6]
High Intensity Uses	N	L[2]	L[2]	L[2]	L[2]	L[3][6]
Vulnerable Occupant Uses	N	N	N	N	L[4]	L(4)
Critical Community Infrastructure	N	N	L[5]	L[5]	P	L[6]
Hazardous Uses	N	L/CU[7]	L/CU[7]	N	L/CU[7]	L[6]
Low Intensity Uses	L[8]	P	P	P	P	L[6]

Notes:
- The use categories are described in chapter 14.702.250
  Standards that correspond to the bracketed numbers [ ] are specified in chapter 14.702.270
- Standards applicable to conditional uses are stated in Chapter 14.404

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 Airfield Noise Zones and ACZ-1, 2, 3, 4 and 5 one single family home is permitted on each existing lot where the underlying zoning is a Residential Zone or a Rural Zone that allows residential use. Residential uses are not permitted where the underlying zoning is commercial or industrial in the West Plains/Thorpe UGA/JPA. Subdivisions and/or Binding Site Plans that result in additional residential lots or zoning changes that allow for further residential densification are not permitted after the adoption date of this chapter. Residential uses are permitted in ACZ-5 only when the underlying zone is Rural and/or Residential, except that mobile and manufactured home parks are not permitted. Residential uses are not permitted where the underlying zoning is commercial or industrial.

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 to 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.

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. High Intensity Uses

This regulation applies to all parts of Table 14.702.260 that have a note [3]. High Intensity Uses are allowed when permitted by the underlying zoning except for religious institutions, libraries and outdoor amphitheaters.

D. Vulnerable Occupant Uses

This regulation applies to all parts of Table 14.702.260 that have a note [4]. 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. Provided further, in those areas located within Airfield Noise Zone (ANZ), uses with vulnerable occupants shall only be permitted on property zoned Light Industrial (LI) when the use is allowed or permitted in the underlying LI zone and does not exceed a net density of 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) and day cares are not permitted, and further provided that said use has been subject to compliance with the Essential Public Facility Siting Process.

E. Critical Community Infrastructure

This regulation applies to all parts of Table 14.702.260 that have a note [5]. Police fire stations and ambulance service uses are not allowed when permitted in the underlying zone. No other Critical Community Infrastructure is permitted.

F. Sound Insulation requirements

This regulation applies to all parts of Table 14.702.260 that have a note [6]. Structures intended for human occupancy shall be designed to achieve an interior noise level not exceeding 45 decibels.

G. Hazardous Uses

This regulation applies to all parts of Table 14.702.260 that have a note [7].

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.

H. Clear Zone and ACZ-1

This regulation applies to all parts of Table 14.702.260 that have a note [8]. 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.

14.702A Fairchild Air Force Base Overlay Zones (FOZ)

See Attached Codified Hearing Version.