

LC
04.20.2011



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
(509) 625-6350

April 19, 2011

City Clerk File Nos.:
ORDS C34693 –
C34698

COUNCIL ACTION MEMORANDUM

RE: EMERGENCY ORDINANCES C34693, C34695 and C34696 and FINAL READING ORDINANCES C34694, C34697, AND C34698

During its 6:00 p.m. Legislative Session held Monday, April 4, 2011, the Spokane City Council continued its hearing (from February 21, 2011) on Emergency Ordinances C34693, C34695 and C34696 and Final Reading Ordinances C34694, C34697 and C34698 relating to the pending West Plains Annexation and Airfield Influence Areas. City Planner Louis Meuler provided an overview of the ordinances and presented proposed amendments for Ordinances C34697 and C34696.

Subsequently, the following actions were taken:

Motion by Council Member McLaughlin, seconded by Council Member Rush, to approve the changes to SMC Sections 17C.210.085(B), 17C.210.085(C) and 17C.210.085(E) in Ordinance C34697 as recommended by Mr. Meuler; **carried unanimously (with Council Member Waldref voting in the affirmative via the telephone).**

[As amended, SMC Section 17C.210.085(B) reads: A non-conforming structure in the Clear Zone or ACZ-1 shall not be expanded in height or bulk. When a non-conforming structure in the Clear Zone or ACZ-1, because of damage, destruction, deterioration or other reason, is determined to be unfit and needs to be demolished under SMC 17F.070.410, 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 to an extent less than sixty percent of its value, 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.

As amended, SMC Section 17C.210.085(C)(4) reads: When a building containing a Hazardous Use, because of damage, destruction, deterioration or other reason, is an unfit building which needs to be demolished under SMC 17F.070.410, 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 the destruction and continues to make substantial progress as required by the building permit.

As amended, SMC Section 17C.210.085(E) reads: *Vacant tenant spaces in commercial buildings permitted prior to the adoption of the Airfield Overlay Zones may be leased to 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.*]

Motion by Council Member McLaughlin, seconded by Council Member Rush, to approve the removal of the word “tenant” from (the sentence) “Vacant tenant spaces in commercial buildings permitted prior...” [under SMC Section 17C.210.085(E) in Ordinance C34697], as requested by Mr. Meuler. **Motion carried unanimously (with Council Member Waldref voting in the affirmative via the telephone).**

Mr. Meuler further explained a proposed amendment for Ordinance C34696. He recommended Alternative 2 and removing the words “benefit from and” (from third paragraph, last sentence, under Section 1, “LU 1.15 Airfield Influence Areas”) and leaving the rest of that sentence. Subsequently, the following action was taken:

Motion by Council Member Rush, seconded by Council Member Snyder, to amend (Alternative) 2 to the recommended language (thereby deleting the words “benefit from and” and accepting the Alternative 2 language); **carried unanimously (with Council Member Waldref voting in the affirmative via the telephone).**

The opportunity for public testimony followed and further Council and staff comment was held. Subsequently, the following actions were taken:

Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”), the Spokane City Council passed Emergency Ordinance C34693 relating to the pending West Plains Annexation; amending the Spokane Comprehensive Plan Land Use Map, Map LU 1, to include updated land use designations for the area within the pending West Plains Annexation; and declaring an emergency.

Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”), the Spokane City Council passed Final Reading Ordinance C34694 relating


to zoning for the area within the pending West Plains Annexation; authorizing amendments to the City of Spokane Official Zoning Map pursuant to Spokane Municipal Code Section 11.19.220; and setting an effective date.

Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”), the Spokane City Council passed Emergency Ordinance C34695 relating to the Airfield Influence Areas; amending the Spokane Comprehensive Plan to include a new map in Chapter 3 entitled “Airfield Influence Areas, Map LU 2;” and declaring an emergency.

Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”), the Spokane City Council passed Emergency Ordinance C34696, as amended, relating to Airfield Influence Areas; adopting a new policy to Spokane Comprehensive Plan Chapter 3 Land Use and amending Spokane Comprehensive Plan Policy TR8.4 Airports; and declaring an emergency.

Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”), the Spokane City Council passed Final Reading Ordinance C34697, as amended, relating to airfield overlay zones; adopting a new Chapter 17C.180 [Spokane Municipal Code]; and a new Spokane Municipal Code Section 17C.210.085 to Title 17C Land Use Standards of the Spokane Municipal Code.

Upon 6-1 Roll Call Vote (with Council Member Waldref voting “aye” via the telephone and Council Member Apple voting “no”), the Spokane City Council passed Final Reading Ordinance C34698 relating to Airfield Overlay Zoning; authorizing amendments to the City of Spokane Official Zoning Map pursuant to Spokane Municipal Code Section 11.19.220.



Terri L. Pfister, MMC
Spokane City Clerk

02/26/11



Agenda Sheet for City Council Meeting of*

02/14/2011

Date Rec'd (Clerk use only) 01/26/2011

Clerk's File # ORD C34697

Status: **CLERK REVIEW**

Renews #

Submitting Dept*: PLANNING SERVICES

Cross Ref #

Contact Name & Phone*: KATHLEEN WEINAND 6146

Project #

Contact E-Mail*: KWEINAND@SPOKANECITY.ORG

Bid #

Add'l Docs Attached? First Reading Ordinance

Requisition #

Agenda Item Name: Begin with Dept # 0650 AIRFIELD OVERLAY ZONING DEVELOPMENT CODE 5 OF 6

Agenda Wording*: (71 character max) Additional attached?

An ordinance relating to airfield overlay zones; adopting a new chapter 17C.180; and a new SMC section 17C.210.085 to title 17C Land Use Standards of the Spokane Municipal Code.

Summary (Background)*: (1 character max.) Additional attached?

In preparation for the pending West Plains Annexation the Plan Commission has recommended adopting Airfield Overlay Zones and corresponding development regulations for areas impacted by operations at Spokane International Airport, Fairchild Air Force Base and Felts Field. The proposed Airfield Overlay Zoning was developed in consultation with Airport, Base and WSDOT Aviation staff and is based upon WSDOT Aviation and FAA land use guides and the 2007 Air Installation Compatible Use Zone (AICUZ)

Fiscal Impact Budget Account Additional attached?

Select	\$		#	
Select	\$		#	
Select	\$		#	
Select	\$		#	

Approvals

Council Notifications (Date)

Dept Head	WRIGHT, JO ANNE
Division Director	TAYLOR, MIKE
Finance	LESESNE, MICHELE
Legal	BURNS, BARBARA
For the Mayor	FEIST, MARLENE

Study Session	
Other	

Additional Approvals

Distribution List (Emails preferred) Additional?

Purchasing	
Select Dept 1	
Select Dept 2	
Select Dept 3	

FIRST READING OF THE ABOVE ORDINANCE WAS HELD ON 2/14/11 AND FURTHER ACTION WAS DEFERRED

Levi K. Goble
CITY CLERK

PASSED BY SPOKANE CITY COUNCIL

APRIL 4, 2011

Levi K. Goble
City Clerk

00034697

Continuation of Wording, Summary, and Distribution

Agenda Item Name: 0650 AIRFIELD OVERLAY ZONING DEVELOPMENT CODE 5 OF 6

Agenda Wording (630 character max)

Summary (Background) (870 character max)

Study for Fairchild Air Force Base.

Fiscal Impact

Select	\$	
Select	\$	
Select	\$	
Select	\$	

Budget Account

#	
#	
#	
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Distribution List

ORDINANCE NO. C34697

An ordinance relating to airfield overlay zones; adopting a new chapter 17C.180; and a new SMC section 17C.210.085 to title 17C Land Use Standards of the Spokane Municipal Code.

WHEREAS, a portion of the Urban Growth Area / Joint Planning Area located to the west of the limits of the City of Spokane known as the West Plains Annexation Area is proposed to be annexed into the City of Spokane; and

WHEREAS, Spokane International Airport and areas impacted by the airport and Fairchild Air Force Base are located in the proposed West Plains Annexation area; and

WHEREAS, areas within the current limits of the City of Spokane and areas that might reasonably be expected to be annexed into the City of Spokane are impacted by Felts Field; and

WHEREAS, State law authorizes local jurisdictions to prepare a proposed zoning regulation to become effective upon the annexation of any area which might reasonably be expected to be annexed; and

WHEREAS, RCW 14.12.030 allows local jurisdictions to adopt zoning controls to protect critical airspace from buildings, structures, or other airspace obstructions.

WHEREAS, RCW 36.70.547 General Aviation Airports mandates that:

Every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport. Such plans and regulations may only be adopted or amended after formal consultation with: Airport owners and managers, private airport operators, general aviation pilots, ports, and the aviation division of the department of transportation. All proposed and adopted plans and regulations shall be filed with the aviation division of the department of transportation within a reasonable time after release for public consideration and comment. Each county, city, and town may obtain technical assistance from the aviation division of the department of transportation to develop plans and regulations consistent with this section;

and

WHEREAS, pursuant to the requirements of RCW 36.70.547 above, the proposal addressed herein has been developed after formal consultation with airport owners and the aviation division of the department of transportation and this proposal has been filed with the aviation division of the department of transportation; and

WHEREAS, the City of Spokane Comprehensive Plan policy - TR 8.4 Airports states, *“Protect the operations of Spokane International Airport and Felts Field with compatible land use regulations and ensure planning is coordinated and consistent with the airports’ respective Master Plan”*; and

WHEREAS, the City of Spokane Comprehensive Plan policy - LU 5.1 Built and Natural Environment states, *“Ensure that developments are sensitive to and provide adequate impact mitigation so that they maintain and enhance the quality of the built and natural environment (e.g., air and water quality, noise, traffic congestion, and public utilities and service”*; and

WHEREAS, the City of Spokane Comprehensive Plan policy – LU 5.2 Environmental Quality Enhancement states, *“Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses”*; and

WHEREAS, RCW 36.70A.530 provides that a comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements; and

WHEREAS, pursuant to the requirements of RCW 36.70A.530, the commander of the Fairchild Air Force Base has been notified of this proposal and has been asked to submit a written recommendation and supporting facts relating to the proposal. Fairchild Air Force Base planning staff was also consulted and was given the opportunity to comment; and

WHEREAS, the Plan Commission held workshops on the proposed Comprehensive Plan Land Use and Zoning Map amendments on August 11, 2010, October 13, 2010 and October 27, 2010; and

WHEREAS, the Plan Commission and the City Council discussed the proposal at a joint meeting on September 30, 2010 and December 16, 2010; and

WHEREAS, an open house meeting was held on October 12, 2010 in the West Plains area and another open house meeting was held on October 14, 2010 in the Felts Field Area to receive public feedback on the proposal. Postcards were mailed to property owners, property tax payers, business owners and residents in the proposed Airfield Influence Area. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the open house meetings, and

WHEREAS, the Washington State Department of Community Trade and Economic Development (CTED) and appropriate state agencies were given the required 60-day notice before adoption of the proposal on October 19, 2010. CTED acknowledged the notice on October 20, 2010; and

WHEREAS, a State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 26th 2010. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 27th and November 3rd of 2010; and

WHEREAS, notice of the proposal and of the Plan Commission's November 10, 2010 hearing was published in the Spokesman Review on October 27th and November 3rd; and;

WHEREAS, postcards were mailed to property owners, property tax payers, business owners, and residents notifying them of the Plan Commission's November 10, 2010 hearing. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the hearing; and

WHEREAS, during the Plan Commission deliberations the public comments received during the hearing process were reviewed and changes to the draft products were made when deemed necessary by the Plan Commission.

WHEREAS, after consideration of the issues and public testimony that is a part of the record and summarized in the City Plan Commission Findings of Fact, Conclusions, and Recommendations adopted on December 8, 2010, the Plan Commission has forwarded their recommended amendments to the zoning map, development standards, and the Comprehensive Plan.

WHEREAS, post cards were mailed to property owners, property tax payers, business owners , and residents notifying them of the City Council's hearings; and

WHEREAS, notices of the City Council's hearings were posted in the Spokesman Review and the City's official Gazette; and

WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development standards; and

WHEREAS, the City of Spokane is adopting amendments to the Comprehensive Plan to include a new "Airfield Influence Area" Comprehensive Plan map and supporting policy; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 17C.180 to title 17C of the Spokane Municipal Code to read as follows:

**Chapter 17C.180
Airfield Overlay Zones**

Sections:

17C.180.010	Purpose and Intent
17C.180.020	Applicability
17C.180.030	Exemptions
17C.180.040	Airfield Overlay Zone Boundaries
17C.180.050	General Use Restrictions
17C.180.060	Height Restrictions
17C.180.070	Compatibility Use Categories
17C.180.080	Airfield Overlay Compatible Uses
17C.180.090	Limited Use Standards
17C.180.100	Development Standards

17C.180.010 Purpose and Intent.

- A. The purpose of the Airfield Overlay Zones is to protect the viability of the Spokane International Airport and Felts Field as significant resources to the community and preserve the operational and mission capabilities of Fairchild Air Force Base by encouraging compatible land uses and densities, reducing hazards to lives and properties, and ensuring a safe and secure flying environment.
- B. These overlay zones are in addition to existing zoning districts. Where the overlay zones and/or portions thereof are shown outside of the current City limits it is meant to be advisory to adjacent jurisdictions until such time as said areas are annexed into and become part of the City.
- C. The Airfield Overlay Zones modify the density and land use standards of the underlying zoning districts. These modifications provide protection to the public, health, safety and general welfare of the community, airport users, and citizens working and residing within the Airfield Overlay Zones.

17C.180.020 Applicability.

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 Airfield Overlay Zones designated on the Official Zoning Map unless otherwise exempted pursuant to SMC 17C.180.030 Exemptions. Provided, the provisions of this chapter shall have not regulatory effect in areas located outside of the City until such time as said areas are annexed into and become part of the City.

17C.180.030 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 Airfield 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 or Base Commander.

17C.180.040 Airfield Overlay Zone Boundaries.

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 the City of Spokane and Spokane County, the following air space and land use safety areas are established.

A. Spokane International and Felts Field Overlay Zones:

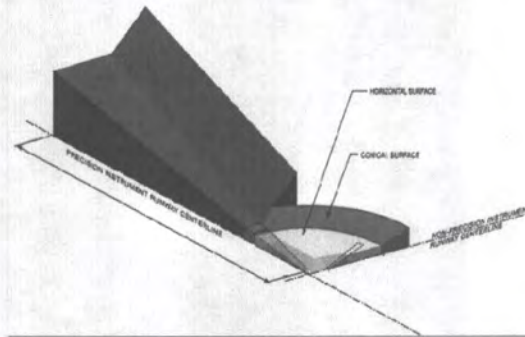
1. Surface Overlay Zones.

- 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 map maintained by the planning services department.
- 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 planning services department 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 planning services department shall make available to the public upon request up to date maps and descriptions of the FAR 77 Civil Airport Imaginary Surfaces.



B. Fairchild Air Installation Compatible Use Zones.

1. Surface Overlay Zones.

- a. **Clear Zone.** The clear zone at each end of the Fairchild Air Force Base runway is three thousand feet wide (one thousand five hundred feet wide on each side of the runway centerline) by three thousand feet long.
- b. **Accident Potential Zone (APZ) I.**
The APZ-I is three thousand feet wide (one thousand five hundred feet wide on each side of the runway centerline) by five thousand feet long extending to eight thousand feet from the runway threshold.
- c. **Accident Potential Zone (APZ) II.**
The APZ-II is three thousand feet wide (one thousand five hundred feet wide on each side of the runway centerline) by seven thousand feet long extending to fifteen thousand feet from the runway threshold.
- d. **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 planning services department 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 military 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 planning services department shall make available to the public upon request up to date maps and descriptions of the FAR 77 Military Airport Imaginary Surfaces.

17C.180.050 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 and/or Fairchild Air Force Base 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.

17C.180.060 Height Restrictions.

Structures or vegetation may not be constructed, altered, maintained, or allowed to grow into any Airspace Overlay Zones as defined in SMC 17C.180.040 A2 and SMC 17C.180.040 B2. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. No structure shall be erected so high 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 airport operator approves of such action. 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, or an appropriate military service at military airports, with a fixed location and height.
- C. Structures necessary and incidental to airport operations.

17C.180.070 Compatibility 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 considered 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 planning services director may determine that a proposed use has similar incompatible characteristics as other uses that are permitted or not permitted in the respective Airfield 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 Uses 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, arenas, outdoor amphitheaters, 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 aboveground 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 material 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, 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.

17C.180.080 Airfield Overlay Compatible Uses.

A. Permitted Uses (P).

Uses permitted in the Airfield Overlay Zones are listed in Table 17C.180-1 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 Airfield

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 17C.180-1 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 17C.180-1.

C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.180-1 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 17C.320 SMC, Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.180-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

**Table 17C. 180-1
Airfield Overlay Zones Permitted Uses**

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

Notes:

- The use categories are described in chapter 17C.180.070 SMC.
- Standards that correspond to the bracketed numbers [] are specified in SMC 17C.180.090.
- Standards applicable to conditional uses are stated in chapter 17C.320 SMC.

17C.180.090 Limited Use Standards.

A. Residential Living.

This regulation applies to all parts of Table 17C.180-1 that have a note [1].

1. In the Airfield Noise Zones and ACZ-1, 2, 3 and 4 one single family home is permitted on each existing lot where the underlying zoning is RSF, RTF, RMF or RHD. Residential uses are not permitted where the underlying zoning is commercial or Industrial. More than one residential unit may be permitted in the RMF and RHD zones. The density shall not exceed the existing average density on the adjoining properties. The average density of the adjoining properties shall be calculated by dividing the combined number of residential units on all the adjoining properties by the combined acreage of the adjoining properties excluding property dedicated as right-of-way. Subdivisions that result in additional residential lots or zoning changes that allow for further densification are not permitted after the adoption date of this chapter.

2. Residential uses are permitted in ACZ-5 only when the underlying zoning is RSF, RTF, RMF, RHD 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 17C.180-1 that have a 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 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.

C. High Intensity Uses.

This regulation applies to all parts of Table 17C.180-1 that have a note [3]. High Intensity Uses are allowed when permitted by the underlying zoning except for religious institutions, libraries and outdoor amphitheatres.

- D. **Vulnerable Occupants Use.**
This regulation applies to all parts of Table 17C.180-1 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.
- E. **Critical Community Infrastructure.**
This regulation applies to all parts of Table 17C.180-1 that have a note [5]. Police, fire stations and ambulance service uses are 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 17C.180-1 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 17C.180-1 that have a note [7].
1. Mining may be permitted in APZ-II, ACZ-2 and ACZ-3 with type III conditional use permit if the hearing examiner, after consulting airport and base 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 type III conditional use permit if the hearing examiner, after consulting airport and base personal, 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 17C.180-1 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 to 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.

17C.180.100 Development Standards.

The following standards shall apply to all development within the Airport Compatibility Zones 1-5 and the Fairchild Air Force Base Accident Potential Zones:

- 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.

Section 2. That there is adopted a new section 17C.210.085 to title 17C of the Spokane Municipal Code to read as follows:

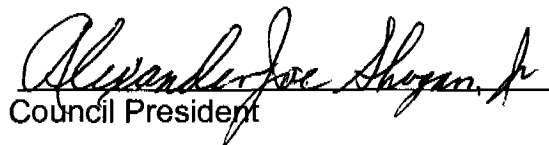
17C.210.085 Nonconforming Situations- Resulting from the Airfield Overlay Zoning

- A. The intent of this section is to allow retention of uses rendered nonconforming solely as a result of the adoption of chapter 17C.180 SMC 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 17C.210 SMC as a whole, this section shall control.
- B. A non-conforming structure in the Clear Zone or ACZ-1 shall not be expanded in height or bulk. When a non-conforming structure in the Clear Zone or ACZ-1, because of damage, destruction, deterioration or other reason, is determined to be unfit and needs to be demolished under SMC 17F.070.410, 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 to an extent less than sixty percent of its value, 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 SMC 17C.180.070:
 - 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, is an unfit building which needs to be demolished under SMC 17F.070.410, 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 the destruction and continues 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.
- D. Any building intended for human occupation located in the Airfield 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 Airfield Overlay Zones may be leased to 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.

PASSED BY THE CITY COUNCIL ON APRIL 4, 2011.


Council President

Attest:

[Handwritten Signature]

City Clerk

May B. Sever

Mayor

Approved as to form:

[Handwritten Signature]

Assistant City Attorney

04/13/2011

Date

MAY 13, 2011

Effective Date

