


SPOKANE COUNTY
BUILDING AND PLANNING DEPARTMENT
1026 W. BROADWAY AVENUE
SPOKANE WA, 99260

August 27, 2019

Rick Eichstaedt
Bricklin & Newman
25 W. Main, Suite 234
Spokane, WA 99201

RE: Request for Administrative Determination

Dear Mr. Eichstaedt:

I received your July 9, 2019 letter and attachments in which you request an Administrative Interpretation of the Spokane County Zoning Code (Section 14.504.200) regarding the meaning, intent, and impact of the Zoning Code as it relates to definitions in Section 14.300.100 as they are applicable to Spokane Youth Sports Association proposed sports field/complex.

In response to your request, I reviewed the file for 5814 E. 37th Avenue and have determined that the Department of Building and Planning (Department) previously ruled that use of the subject property for a multipurpose sports field/complex as described in the project file is consistent with the definition of a "Community Recreation Facility" This determination was made on June 17, 2008 in a predevelopment meeting with this department as noted in the attached plan review comments. Any appeal period associated with the 2008 determination in classifying the project as a community recreation facility has long since expired.

The determination by the Department to classify the project as "Community Recreation Facility" is further referenced and supported by the Spokane County Hearing Examiner in a related matter (see appeal of BP# 08002934) in Finding of Fact #69 that states "The Department characterized the proposal the proposal as a community recreation facility which use is permitted outright in the Urban Reserve Zone". In Finding of Fact #70 the Examiner notes the appeal characterized the proposal as either a "commercial recreational area" or similar type use not mentioned in the matrix and therefor prohibited. The Examiner made additional Findings of Fact which cite to various Spokane County Code sections which incorporate various statutes to establish his jurisdiction.

The Department is not in receipt of or currently processing any land use or building permit application for the proposal. Based on my review of the County file, I cannot say the sports field complex referenced in your letter as proposed by SYSA is substantially changed in scope, scale, or intensity from the multipurpose sports field/complex before the Examiner in BP# 08002934, in which the principal appellant was the "Glenrose Community Association" as configured at that time.

Based on all the preceding, I find the previous determination binding as to classification of use.


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Nonetheless, while the determination as to use was made in 2008, then as now the Department was not in receipt of a building permit application. Under Section 14.410.020 (Criteria) of the Spokane County Zoning Code, 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 Division.

To summarize Section 14.410.020 SCC, any proposal will have to conform to the provisions of the code and development standards for community recreation facility as well as any special conditions imposed.

As outlined in this letter, I find your request for an administrative interpretation as to use of the property was previously made and is binding. Therefore, I have elected to return your request and fee for an Administrative Interpretation and have enclosed the same.

Any future permit application may be appealed consistent with applicable statutory requirements.

If you have any questions or need additional information or assistance, please contact me at your convenience.

Sincerely,


John Pederson
Planning Director

cc: Dan Catt, Deputy Prosecuting Attorney
Project file

Spokane County Building and Planning Department
Plan Review Comments
June 17, 2008

Reference No: BP-08002934
Applicant: Brian Gosline
Proposal: Baseball/Football Field Complex
Parcel No.: 35354.9039 - .9044
Address: 5814 E. 37th Avenue
Zoning: Urban Reserve (UR)

The Spokane County Building and Planning Department has completed review of the above referenced project. The following information must be submitted in order for this office to proceed with our review to determine compliance with all applicable ordinances, regulations and conditions. Please submit all revised information to the **Project Coordinator** for circulation of the information to all implementing departments.

Community Recreation 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.

A. A Certificate of Exemption pursuant to the Spokane County Subdivision Ordinance shall be obtained for this parcel(s) prior to issuance of a building permit. Regulations, which govern the County Assessor, allow land to be segregated (divided) for the purpose of receiving separate tax statements. These laws, however, do not allow the segregated property to be sold, leased or transferred to another person. Transfers of ownership are governed by different regulations, which include the Spokane County Subdivision Ordinance. Certain divisions of land are exempt from these regulations and a Certificate of Exemption verifies that a parcel was created consistent with the exemptions identified in the Subdivision Ordinance. A Certificate of Exemption shall be obtained from the Spokane County Building and Planning Department for those exemptions in Section 12.100.110 of the Spokane County Subdivision Ordinance. Any person considering themselves to be exempt shall apply for a Certificate of Exemption, which includes a minimum review for conformance to adopted county regulations and ordinances.

B. A DNR-rated Type 2 (Fish Habitat) stream exists in the southwestern portion of the site. A one hundred (100)-foot riparian buffer area is required on both sides of the stream. Provide location and detail illustrating the buffer area on the face of the site plan.

C. The applicant shall comply with Section 11.20.075 of the Spokane County Critical Areas Ordinance with regards to Wastewater Disposal Standards.

- a. Nonresidential uses and activities that produce more than 90 gallons of wastewater per acre, per day, and any Critical Material Use Activity that

produces sanitary wastewater discharge, shall have a disposal system that protects the aquifer equal to or greater than one of the following:

- i. treatment utilizing sealed lagoons;
 - ii. treatment utilizing holding tanks with transport and disposal at a site licensed for disposal of the particular effluent;
 - iii. treatment in compliance with a valid surface water discharge permit obtained from the Washington State Department of Ecology; or
 - iv. connection to an existing public or private collection/treatment facility when allowed pursuant to the concurrency requirements established in the Spokane County Comprehensive Plan and the Spokane County Code.
- b. Nonresidential uses and activities not involving Critical Use Activities and which produce less than 90 gallons of wastewater per acre, per day may utilize on-site disposal subject to approval by the Spokane Regional Health District.

D. The required number of parking stalls for the proposal has not been determined. The Building and Planning Department will evaluate the project to determine the number of parking spaces that will be required for this proposal.

Off-street parking requirements will be based on the following ratios:

- a. **Sports Field (soccer, baseball, etc.):** Twenty (20) spaces per acre of site.
- b. All other uses depend upon specific uses within the building(s).

___ 1. Please submit the uses and square footage of each use for the proposal so that the exact number of required parking spaces can be calculated.

___ 2. Note the paving of all parking areas and traveled areas as required by the Zoning Code.

___ 3. Dimension a typical off-street parking stall and all travel aisles as per the Zoning Code Standards.

___ 4. Locate and describe all traffic control devices (painted parking stalls on asphalt, directional arrows at points of ingress/egress, wheel stops, curbing, etc.)

___ 5. Pedestrian walkways shall be installed and/or marked according to Section 14.802.120.

- a. 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.

- b. 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:
- i. 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.
 - ii. Walkways running perpendicular to the parking rows shall be not further than 20 parking spaces apart.
 - iii. Walkways that cross vehicle lanes shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.

___ 6. Bicycle racks shall be provided when 25 or more parking spaces are required, at a ratio of 1 rack for every 25 parking spaces. Illustrate location and detail for the required number of bike racks.

___ 7. 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.

C. A detailed landscape plan shall be submitted indicating the following:

___ 1. A five (5)-foot-wide strip of Type III landscaping is required along 37th Avenue and Glenrose Road.

Note the location, size and type of species at the time of installation so that the definition of a Type III landscape strip is met.

Definition of a Type III landscape strip is subject to the following standards.

- 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 1 ¾ 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 III 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.

___ 2. A ten (10)-foot-wide strip of Type I landscaping is required along the south and east property lines.

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 1 ¾ 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.**

Landscaping Plan Requirements: 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 as 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 street and alleys.

___ 3. At least ten percent (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 shall be less than 100 square feet in area;
- b. No parking stall shall be located more than sixty (60) feet from a landscaped area when installed.
- c. All landscaping must be located between parking stall, at the end of parking columns, or between the stall 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 pursuant to Section 14.810.010 (2).
- e. Commercial loading and truck maneuvering areas may be excluded from calculations.

Materials used:

- a. Planting areas shall include liberal landscaping used 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 1 3/4 inches at the time of planting. Staking is required.**
- c. Evergreen and deciduous trees shall be planted at intervals no greater than 35 feet on center.

___ 4. Illustrate and call out the 6-inch-high protective curbing around all landscaped areas adjacent to parking lots and travel surfaces.

___ 5. Note an approved automatic irrigation system will be installed to maintain the plantings.

___ 6. A **nursery estimate** shall be submitted for review which itemizes the cost of all landscape materials, labor and the automatic irrigation system as illustrated on the approved landscape plan.

D. Although the submitted site plan is generally acceptable, the Division of Building and Planning is requesting a revised site plan with additional information in order to confirm compliance of the proposal with all applicable zoning code standards. This information includes:

1. The property size (include **all parcel boundaries** and the **legal description** on the site plan).
2. Note building(s) size in square feet.
3. Note building(s) height in feet and stories.
- 4.
5. Provide calculations verifying no more than twenty percent (20%) of the site is covered by building footprint.
6. **Clearly illustrate, label and dimension all property lines.**
7. **Clearly illustrate and dimension building setbacks to all property lines.**
Front/flanking street yard setback – 25 feet from property line
Side/rear yard setback – 5 feet plus 1 additional foot for each additional foot of structure height over 25 feet

___ **E.** Illustrate fencing (existing and proposed). Note the height and type of fencing. Fences over six (6) feet in height require a building permit and/or zoning variance.

F. Parking lots shall have lighting capable of providing 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 of public rights of way.** Lighting resembling or conflicting with traffic signals, emergency vehicles or otherwise creating safety hazards for pedestrian/vehicular traffic is prohibited.

G. All storage on the premises shall be maintained within a completely enclosed building or shall be screened from view from surrounding properties, and shall be accessory to the permitted use on the site. Storage shall not be located within any required front or flanking street yard.

H. 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 5-1/2-foot-high concrete block, masonry wall or sight-obscuring fence with a sight-obscuring gate for access.

___ 1. If outdoor trash, garbage or refuse storage areas are being proposed, please indicate these areas on the revised site plan. Note the height and type of screening.

When all the information and requirements listed above have been supplied and completed and the necessary review has been accomplished your building permit will be released.

I. The proposal lies in the Felts Field Airport Conical Area.

1. No use shall be made of any land in the conical area that would cause any one of the following circumstances.

- a. The use creates or causes interference with the operations of radio or electronic facilities at the airport or with radio or electronic communications between airport and aircraft.
- b. The use makes it difficult for pilots to distinguish between airport lights and other lights.
- c. The use results in glare in the eyes of pilots using the airports.
- d. The use impairs visibility in the vicinity of the airport.
- 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 airport, could interfere with aircraft operations.

___ 2. Prior to issuance of a building permit, the applicant shall provide a copy of a **recorded Aviation Easement** awarded to **Felts Field Airport** by the property owner(s). Building height is limited to **35 feet** within 3,500 of a runway.

The above listed requirements are to provide the applicant with primary agency comments to assist the applicant and aid in the process of receiving building permit approval. The above listed information provides a review of the proposal as shown on the

submitted site plan. Alterations to that site plan may affect Building and Planning Department requirements.

If you have any questions or concerns, please feel free to contact this office at (509) 477-7155.

Jim Millgard
Associate Planner
Spokane County Department of Building and Planning