

CITY OF SPOKANE VALLEY

Request for Council Action

Meeting Date: July 26, 2022

Department Director Approval:

Check all that apply: consent old business new business public hearing
 information admin. report pending legislation executive session

AGENDA ITEM TITLE: Second reading - Ordinance 22-010 amending chapters 7.05, 19.65, and 19.160 SVMC.

GOVERNING LEGISLATION: Chapters 7.05, 19.65, and 19.160 SVMC.

PREVIOUS COUNCIL ACTION TAKEN:

2003 - 2018: Adoption of chapter and amendments to 7.05 SVMC relating to nuisances;
2019 - SVMC 7.05.045 was added as a new section to address chronic criminal nuisance properties;
June 1, 2021 - code enforcement program overview;
June 29, 2021 - administrative report on code enforcement - policy discussion on Council preferences;
October 5, 2021 - administrative report on code enforcement program follow-up – Topic #1 Parking;
October 12, 2021 - administrative report on code enforcement program follow-up – Topic #2 Camping;
May 3, 2022 - administrative report on parking and related nuisances on private property;
June 14, 2022 - first reading of Ordinance 22-010;
June 28, 2022 - second ordinance reading of Ordinance 22-010 resulted in Council requesting additional discussion and opportunity for public feedback; and
July 19, 2022 – administrative report on additional options relating to camping on private property.

BACKGROUND: Following extensive discussions, the following proposed Ordinance 22-010 would amend the Spokane Valley Municipal Code in the following ways:

- (1) Amends SVMC 7.05.020 Definitions to add “unlicensed vehicle,” “vessel,” and a minor technical change to the junk vehicle definition;
- (2) Amends SVMC 7.05.040(D) Nuisances Prohibited to add broken/inoperable golf carts to the types of machinery and equipment as a prohibited nuisance;
- (3) Amends SVMC 7.05.040(N) Nuisances Prohibited to add a new section generally prohibiting camping on private property;
- (4) Amends SVMC 7.05.040(O) Nuisances Prohibited to add a new section regulating improper vehicle/vessel parking and storage on private property;
- (5) Amends SVMC 7.05.040(P) Nuisances Prohibited to change the prohibition on junk vehicles to also include vehicles unlicensed for more than 45 days; excludes application of this section to a licensed vehicle repair business; removes the old subsection (3) which currently allows the repair of junk vehicles at the exterior of a structure on private residential property; and amends the new subsection (3) to reduce the number of junk or unlicensed vehicles on residential property from up to two, to now one so long as it is completely sight-screened by maintained landscaping, berm, or fence;
- (6) Amends SVMC 7.65.130(J) Recreational Vehicles to limit camping in an RV or similar vehicle on private residential-zoned property to no more than 30 days, which would also require obtaining a temporary use permit (TUP) from the City. This would allow the City to finally track how long people are living in recreational vehicles on private residential property. This amendment also authorizes use of an RV associated with construction of a house under a current building permit from the City. Lastly, this section authorizes the City Manager to allow use of RVs as temporary dwelling units on private property for quarantine or similar emergency purposes for up to 180 days, or as

otherwise established by the City Manager. In such cases, a TUP will still be required but there would be no cost for the application; and

(7) Amend SVMC 19.160.040 by adding a new subsection (D) to establish a new TUP for temporary uses associated with residential visitation as contemplated in the other changes in Ordinance 22-010. It establishes that the limit shall be 30 days in any 12-month period, that the cost of the TUP shall be as established by Council in the Master Fee Schedule, that Council has indicated an amount for consideration at a later date of up to \$25, and also sets several criteria for issuance based on potential risk to the surrounding properties. Once Council has adopted Ordinance 22-010, staff will bring forward proposed amendments to the Master Fee Schedule to formally establish this TUP amount.

OPTIONS: (1) Approve Ordinance No. 22-010 as drafted; or (2) take other action as appropriate.

RECOMMENDED ACTION OR MOTION: I move we approve Ordinance 22-010 as drafted adopting amendments related to junk and unlicensed vehicles, vehicle and vessel parking/storage, and camping nuisances.

BUDGET/FINANCIAL IMPACTS: Not applicable.

STAFF CONTACT: Erik Lamb, Deputy City Manager; Bill Helbig, Community & Public Works Director; Jenny Nickerson, Building Official; Cary Driskell, City Attorney.

ATTACHMENTS: Ordinance 22-010.

**CITY OF SPOKANE VALLEY
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 22-010**

AN ORDINANCE OF THE CITY OF SPOKANE VALLEY, SPOKANE COUNTY, WASHINGTON, AMENDING CHAPTER 7.05 OF THE SPOKANE VALLEY MUNICIPAL CODE RELATING TO NUISANCES AND OTHER UPDATES, AMENDING CHAPTER 19.65 OF THE SPOKANE VALLEY MUNICIPAL CODE REGARDING RECREATIONAL VEHICLE USE, AMENDING CHAPTER 19.160 OF THE SPOKANE VALLEY MUNICIPAL CODE, AND OTHER MATTERS RELATING THERETO.

WHEREAS, pursuant to RCW 35A.11.020 and RCW 35.22.280(30), the City of Spokane Valley (City) is authorized to “declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist”; and

WHEREAS, the City previously adopted chapter 7.05 of the Spokane Valley Municipal Code (SVMC) in order to maintain a safe and healthy environment by regulating nuisance conditions that contribute to injury, illness, devaluation of property, and the incidence of crime; and

WHEREAS, pursuant to chapter 7.48 RCW, the City is authorized to obtain an order for a warrant of abatement of public nuisances that may exist within the City; and

WHEREAS, the City Council has identified certain other conditions, including but not limited to storage of unlicensed and junk vehicles on private property, camping on private property, improper vehicle parking and storage on private property, and recreational vehicle use on private property, which contribute to injury, illness, devaluation of property, and the incidence of crime and it desires to regulate such conditions as nuisances; and

WHEREAS, in establishing a temporary use permit requirement for RV use associated with residential visitation up to 30 days, Council may impose an application fee of up to \$25; and

WHEREAS, the City Council desires to amend the applicable nuisance provisions in the SVMC to provide necessary updates for the public health, safety, and welfare.

NOW THEREFORE, the City Council of the City of Spokane Valley, Spokane County, Washington, ordains as follows:

Section 1. Purpose. The City Council hereby finds it appropriate to amend the Spokane Valley Municipal Code provisions related to nuisances and to update other appropriate Code provisions related to nuisances and nuisance abatement procedures.

Section 2. Amendment. The following sections of chapter 7.05 SVMC are hereby amended as follows. Any section of chapter 7.05 SVMC not identified herein shall remain unchanged.

7.05.010 Purpose and intent.

The purpose and intent of Chapter 7.05 SVMC is to create and maintain a safe and healthy environment for the citizens of the City by identifying and eliminating the conditions that contribute to injury, illness, devaluation of property, and the incidence of crime through the existence of nuisance conditions on public and private property.

7.05.020 Definitions.

In addition to any definitions contained in Appendix A, the following words shall, for the purposes of Chapters 7.05 and 17.100 SVMC, be defined as:

“Days” are counted as business days when five or fewer days are allowed to perform an act required by Chapter 7.05 SVMC. “Days” are considered calendar days when more than five days are allowed to perform an act required by Chapter 7.05 SVMC. “Days” are counted by excluding the first day, and including the last day, unless the last day is a holiday, Saturday, or Sunday, pursuant to RCW 1.12.040, as now adopted or hereafter amended.

“Determination of compliance” means a written determination by the city manager or designee that the violation(s) stated in the warning, voluntary compliance agreement, notice and order, stop work order, or other applicable order have been sufficiently abated so as to comply with the SVMC.

“Graffiti” means an unauthorized marking, symbol, inscription, word, figure, design, or other inscribed material that has been placed upon any property through the use of paint, ink, dye, or any other substance capable of marking property.

“Impound” means to take and hold a vehicle in legal custody pursuant to law.

“Inoperable” means incapable of being operated legally on a public highway, including, but not limited to, not having a valid, current registration plate or a current certificate of registration.

“Junk vehicle” means a vehicle meeting at least three of the following criteria:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

“Nuisance” means a person’s unreasonable or unlawful use of real or personal property, or unreasonable, indecent, or unlawful personal conduct or omission of conduct which materially interferes with, obstructs, or jeopardizes the health, safety, prosperity, quiet enjoyment of property, or welfare of others, offends common decency or public morality, or obstructs or interferes with the free use of public ways, places, or bodies of water.

“Ongoing criminal activity related to the premises” means that (1) criminal activity is or has been occurring at the premises; or (2) criminal activity is or has been occurring near the premises and such activity has a reasonable and proximate connection to the premises, whether by owners, occupants, or persons visiting such owners or occupants. Examples of conduct or actions that constitute criminal activity occurring at or near the premises of the subject property include, but are not limited to, the following:

1. Service of a search warrant by law enforcement personnel; or
2. Arrest of one or more individuals by law enforcement personnel during any 24-hour period; or
3. Commission of a misdemeanor, gross misdemeanor, or felony at or near the premises and where there is a reasonable and proximate connection between the crime or criminal and the premises, including those visiting the owner or occupants of the premises; or

4. Visits by law enforcement personnel which occur based upon a reasonable belief by law enforcement that a crime is occurring or has occurred, but which do not result in any of the actions identified in subsections (1) through (3) of this definition; provided, that visits alone may not form the sole basis for determining a premises to be a chronic nuisance premises.

For purposes of this definition, service of warrants, arrests, or commission of misdemeanor or felony domestic violence shall not be considered criminal activity.

“Person” means any public or private individual, sole proprietorship, association, partnership, corporation, or legal entity, whether for-profit or not-for-profit, and the agents and assigns thereof.

“Person(s) responsible for a junk vehicle nuisance violation” means any one or more of the following:

1. The ~~land owner~~ [landowner](#) where the junk vehicle is located as shown on the last equalized assessment roll; or
2. The last registered owner of the vehicle, unless the owner in the transfer of ownership of the vehicle has complied with state law; or
3. The legal owner of the vehicle.

“Person(s) responsible for a nuisance violation” means the person or persons who caused the violation, if that can be determined, and/or the owner, lessor, tenant, or other person(s) entitled to control, use, and/or occupancy of the property and the abutting public rights-of-way.

[“Unlicensed vehicle” means a vehicle that is not displaying a valid license plate and/or current registration tabs, or which has a license plate but registration that has an expired registration of more than 45 days.](#)

“Vehicle,” for the purposes of SVMC 7.05.040~~(A)~~, includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks, pursuant to RCW 46.04.670.

[“Vessel” for purposes of SVMC 7.05.040 shall have the same meaning as set forth in RCW 79A.60.010.](#)

7.05.030 Compliance, authority and administration.

In order to discourage public nuisances and otherwise promote compliance with Chapter 7.05 SVMC, the city manager or designee may, in response to field observations, determine that violations of Chapter 7.05 SVMC have occurred or are occurring, and may utilize any of the compliance provisions set forth in Chapter 17.100 SVMC.

7.05.040 Nuisances prohibited.

No person, firm, or entity shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the City including on the property of any person, firm, or entity or upon any public rights-of-way abutting a person, firm, or entity’s property. Prohibited public nuisances include, but are not limited to:

A. Vegetation.

1. Any vegetation, or parts thereof, which hang lower than eight feet above any public walkway or sidewalk; or hang lower than 14 feet above any public street; or which are growing in such a manner as to obstruct or impair the free and full use of any public walkway, sidewalk, or street; or violate

City clearview triangle regulations. The City shall be responsible for maintaining all vegetation placed by the City adjacent to a public walkway, sidewalk, or street.

2. Any growth of noxious weeds or toxic vegetation shall be subject to Chapter 16-750 WAC as currently adopted and hereafter amended.

B. Buildings, Structures, Fences. Buildings or portions thereof which are deemed dangerous or unfit pursuant to the SVMC (including all building and property maintenance codes and regulations as currently adopted and hereafter amended).

C. Sidewalks.

1. Any protrusion, awning, or overhang that inhibits or obstructs use of a public walkway or sidewalk.

2. Any object, construction, or damage that inhibits or obstructs the surface use of a public walkway or sidewalk.

3. Accumulations of dirt or debris not removed from a public sidewalk.

D. Accumulations of Materials, Garbage, Recyclables, Furniture, Machinery.

1. Building and Construction Materials. Any accumulation, stack, or pile of building or construction materials, including but not limited to metal, wood, wire, electrical, or plumbing materials, not associated with a current, in-progress project and not in a lawful storage structure or container. This provision does not apply to a designated contractor's yard.

2. Garbage, Recyclables, Compost, and Infestations.

a. Garbage or recyclables not properly stored in a receptacle with a tight-fitting lid.

b. Any accumulation of broken or neglected items, litter, salvage materials, or junk not in an approved enclosed structure.

c. Creating or maintaining any accumulation of matter, including but not limited to foodstuffs or dead vegetation (excluding properly maintained residential compost piles).

3. Furniture, Appliances, Furnishings, and Equipment.

a. Any broken or discarded household furniture, furnishings, equipment, or appliance not in an approved enclosed structure.

b. Any enclosure which may entrap a human or an animal, including accessible refrigeration appliances that have not had the doors secured or removed.

4. Machinery and Equipment. Any broken or inoperable accumulation of, or part of, machinery or equipment not in an approved enclosed structure. SVMC 7.05.040(D)(4) shall include such machinery and equipment as boats, jet-skis, snowmobiles, aircraft, [golf carts](#), and the like, but shall not include junk vehicles, which are regulated pursuant to SVMC 7.05.040(~~NP~~).

E. Fire Hazards. Any stack or accumulation of newspapers, dead vegetation (excluding properly maintained compost piles), overgrown vegetation, cardboard, or any other paper, cloth, or wood products left in a manner that poses a substantial risk of combustion or the spread of fire, as determined by the fire marshal.

F. Toxic or Caustic Substances. Improper storage or keeping of any toxic, flammable, or caustic substances or materials.

G. Smoke, Soot, or Odors. Allowing the escape or emission of any harmful smoke, soot, fumes, gases, or odors which are offensive or harmful to a reasonable person.

H. Bodies of Water.

1. All stagnant, pooled water in which mosquitoes, flies, or other insects may multiply, excluding any City-approved structure related to storm drainage systems.

2. The polluting of any waterway, well, or body of water which is not subject to the jurisdiction of another federal, state, county, special purpose district or city agency.

I. Holes. Any excavated or naturally occurring uncovered holes which are not marked, guarded, or otherwise secured, and which constitute a concealed danger.

J. Attractive Nuisances. Any accessible nuisance which is attractive to children including, but not limited to, unattended machinery or equipment, unsecured abandoned or vacant buildings, open and unattended vehicle trunks, or other unguarded conditions or situations that could injure or trap a child.

K. Noise.

1. Any noise or sound that, originating within a residential zone, intrudes into the property of another person that exceeds the maximum permissible noise levels pursuant to Chapter 173-60 WAC, as currently adopted and hereafter amended. Such noise or sound may include, but is not limited to, noise or sound created by use of a radio, television set, musical instrument, sound amplifier, or other device capable of producing or reproducing noise or sound; or in connection with the starting, operation, repair, rebuilding, or testing of any vehicle, off-highway machinery or equipment, or internal combustion engine.

2. The following shall be exempt from the provisions of SVMC 7.05.040(K)(1):

a. Normal use of public rights-of-way;

b. Sounds created by motor vehicles when regulated by Chapter 173-62 WAC;

c. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;

d. Sounds created by surface carriers engaged in commerce or passenger travel by railroad;

e. Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, or carillons;

f. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible;

g. Sounds created by emergency equipment and work necessary in the interest of law enforcement or for health, safety or welfare of the community;

h. Sounds originating from officially sanctioned parades and other public events;

- i. Sounds created by watercraft, except to the extent that they are regulated by other City or state regulations;
- j. Sounds created by motor vehicles licensed or unlicensed when operated off public highways, except when such sounds are made in or adjacent to residential property where human beings reside or sleep;
- k. Sounds originating from existing natural gas transmission and distribution facilities;
- l. Sounds created in conjunction with public work projects or public work maintenance operations executed at the cost of the federal government, state or municipality;
- m. Sounds created in conjunction with the collection of solid waste;
- n. Sounds created in conjunction with military operations or training;
- o. Sounds originating from organized activities occurring in public parks, playgrounds, gymnasiums, swimming pools, schools, and other public facilities and public recreational facilities during hours of operation;
- p. Sounds originating from agricultural activities.

3. The following shall be exempt from provisions of SVMC 7.05.040(K)(1) between the hours of 7:00 a.m. and 10:00 p.m.:

- a. Sounds originating from residential property relating to temporary projects for the repair or maintenance of homes, grounds, and appurtenances;
- b. Sounds created by the discharge of firearms on authorized shooting ranges;
- c. Sounds created by blasting;
- d. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
- e. Sounds created by the installation or repair of essential utility services.

4. The following shall be exempt from the provisions of SVMC 7.05.040(K)(1) between the hours of 7:00 a.m. and 10:00 p.m., or when conducted beyond 1,000 feet of any residence where human beings reside and sleep at any hour:

- a. Sounds originating from temporary construction sites as a result of construction activity;
- b. Sounds originating from the quarrying, blasting and mining of minerals or materials, including, but not limited to, sand, gravel, rock and clay, as well as the primary reduction and processing of minerals or materials for concrete batching, asphalt mixing and rock crushers;
- c. Sounds originating from uses on properties which have been specifically conditioned to meet certain noise standards by an appropriate City hearing body.

L. Dust. Any disturbance of any land area, or permitting the same, without taking affirmative measures to suppress and minimize the blowing and scattering of dust, which unreasonably interferes with the peace,

comfort, or repose of a reasonable person. This provision does not include permitted agricultural activities.

M. Yard Sales. The holding or permitting of either:

1. A yard sale on the same lot for (a) more than seven consecutive days; (b) more than two consecutive weekends; or
2. More than three separate yard sale events in one calendar year.

The prohibition under this Section SVMC 7.05.040(M) shall only apply to dwellings, including but not limited to single family, multifamily, and duplex dwellings.

N. Camping on Private Property. Camping on private property, including the use of tents and similar membrane structures, sheds and similar rigid structures, trailers, vehicles, and recreational vehicles, and similar items for the purposes of sleeping, eating, cooking, sanitation, or other activities consistent with dwelling on private property. When determining whether an RV or trailer is being used for camping, the City may consider use of a power cord, use of a water or sewer hose, use of any awnings, use of retractable stairs, whether any sliders or other extensions are out, or other similar facts typically present when such vehicles are used for their intended purpose. SVMC 7.05.040(N) does not apply to:

1. Legally established campgrounds and RV parks.
2. Temporary use of recreational vehicle with a valid City of Spokane Valley Temporary Use Permit pursuant to SVMC 19.65.130 and SVMC 19.160.040.
3. Periodic short-term use of a tent for recreational camping purposes by minor children when a parent or legal guardian is the primary resident of a legally established habitable dwelling on the parcel.

O. Improper Vehicle/Vessel Parking and Storage. This section shall not apply to legally established parking lots, outdoor storage areas, self-storage facilities, and similar permitted uses pursuant to chapters 19.60 and 22.50 SVMC, nor where a Temporary Use Permit has been issued pursuant to chapter 19.160 SVMC. This section does not apply to junk vehicles or unlicensed vehicles, which are subject to SVMC 7.05.040(P).

1. Vehicle/vessel storage and parking areas are permitted on a parcel in a single-family residential zone as an accessory use to a legally established dwelling.
2. Except as provided in subsections 7.05.040(O)(3-4), parking or storing more than five total operable vehicles on a parcel with a single-family dwelling is prohibited. A property owner or a tenant may park or store more than five operable vehicles when they provide sufficient proof of more than five licensed drivers currently residing at the property.
3. Parking or storage of more than one recreational vehicle on a single-family residentially zoned property is prohibited, which is not included in the maximum of five allowable operable vehicles pursuant to SVMC 7.05.040(N)(2).
4. Parking or storage of more than one vessel on a licensed trailer on a single-family residentially zoned property is prohibited, which is not included in the maximum of five allowable operable vehicles pursuant to SVMC 7.05.040(N)(2).

~~PN~~. Junk Vehicles and Unlicensed Vehicles. All junk vehicles and unlicensed vehicles, or parts thereof, placed, stored, or permitted to be located on private property within the City limits. SVMC 7.05.040(~~PN~~) does not apply to:

1. Any vehicle or part thereof that is completely enclosed within a lawful structure so that it is not visible from the street or other public or private property;

2. Any vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, and the private property is fenced pursuant to RCW 46.80.130, or a legally established vehicle repair business;

~~3. A junk vehicle does not include a vehicle which is in the process of being repaired, as evidenced by the good faith efforts of the vehicle owner. This exception shall include having up to one "parts" vehicle, from which parts are being salvaged concurrent with the repair process for the vehicle being excepted from compliance in this section. Good faith efforts of repair may include producing invoices showing work or parts purchased for repair or renovation within 30 days prior to issuance of the notice of violation, or a declaration under penalty of perjury that the vehicle is in the process of being repaired and has been worked on within 30 days prior to issuance of the notice of violation. This exception allows up to 60 days for good faith repair. Upon good cause shown, the city manager or designee shall have the discretion to grant one additional 60-day exception period pursuant to SVMC 7.05.040(N). Under no circumstance shall any good faith efforts of repair extend for more than 120 days, after which time this exception shall no longer apply. This exception shall apply to one vehicle and one parts vehicle per parcel of land per calendar year;~~

~~43~~. There shall be allowed as exceptions to SVMC 7.05.040(~~NP~~) up to ~~two~~one total junk vehicle or unlicensed vehicles in R-1, R-2, ~~and R-3~~, and R-4 zones, so long as ~~they are it is~~ completely sight-screened by maintained landscaping, a maintained landscaped berm, or fencing, as allowed pursuant to any currently adopted SVMC landscaping, berm, or fencing requirements pursuant to chapter 22.70 SVMC.

~~QQ~~. Graffiti. Any graffiti on public or private property.

~~RP~~. Development Code Violations. Any violation pursuant to SVMC Titles 19, 20, 21, 22, 23, 24, and/or 25.

Section 3. Amending SVMC 19.65.130. SVMC 19.65.130, Supplemental Use Regulations, is hereby amended as follows:

19.65.130 Residential.

A. Accessory Structures.

1. The combined building footprint of all accessory permanent structures in residential zoning districts shall be:

- a. Up to 1,000 square feet for parcels up to 10,000 square feet in size; or
- b. Up to 10 percent of the lot size for parcels greater than 10,000 square feet in size.

2. Cargo shipping containers and similar enclosures are not a permitted accessory structure in any residential zoning district.

B. Dwelling, Accessory Units. Accessory dwelling units shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

C. Dwelling, Caretaker's Residence. A caretaker's residence is limited to custodial, maintenance, management, or security of a commercial property and is only allowed accessory to another permitted use on site.

D. Dwelling, Cottages. Cottages shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

E. Dwelling, Duplex. Duplex dwelling units shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

F. Dwelling, Industrial Accessory Dwelling Units. Industrial accessory dwelling units shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

G. Dwelling, Townhouse. Townhouse dwelling units shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

H. Manufactured Homes on Individual Lots. Manufactured homes on individual lots shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

I. Manufactured Home Park. Manufactured home parks shall comply with the provisions of Chapter 19.40 SVMC, Alternative Residential Development Options.

J. Recreational Vehicles.

1. Recreational vehicles shall not be used as permanent or temporary dwelling units in any residential zone, except as permitted pursuant to Chapter 19.40 SVMC;

2. A recreational vehicle shall not be parked within a required front yard setback for more than 15 consecutive days and not more than 30 days cumulative in any 12 consecutive months; and

3. [Upon issuance of a Temporary Use Permit pursuant to chapter 19.160 SVMC, g](#)Guests may park and/or occupy a recreational vehicle [on private property](#) while visiting the occupants of a dwelling unit located on the same lot for not more than [30](#) days in one consecutive 12-month period.

4. [Upon issuance of a Temporary Use Permit pursuant to SVMC 19.160.040, applicants may utilize a recreational vehicle as temporary living quarters over the duration of construction activities related to a residence or otherwise legally permitted use of right, provided the applicant has an active building permit on file with the City of Spokane Valley.](#)

5. [The City Manager or designee may temporarily allow the use of a recreational vehicle as a temporary dwelling unit on private property for quarantine or similar purposes during emergency events. A temporary use permit is still required pursuant to SVMC 19.160.040, but there shall be no charge for an application pursuant to this subsection \(5\) for up to 180 days, or as otherwise set by the City Manager.](#)

Section 4. Amending SVMC 19.160.040. SVMC 19.160.040, Decision Criteria, relating to temporary use permits is hereby amended as follows:

A. Interim Uses. The department may issue a TUP to allow an owner, developer, contractor, tenant, lessee, or other occupant to conduct an otherwise permitted use on their property at the same time they are improving the property to the required City standards pursuant to the following conditions:

1. The TUP may be issued for a period up to six months and may be extended for an additional three months if the applicant has acted in good faith towards compliance of the original permit.

2. The department may issue the permit only if the proposed use is consistent with the following findings of fact:

- a. The request is reasonable and there is no other practical alternative;
- b. Adverse impacts associated with the temporary use are appropriately mitigated and such temporary use will not cause a hazard to the occupants or to neighboring properties;
- c. A hardship is involved that cannot otherwise be reasonably resolved; and
- d. A performance surety in the amount of any required improvements shall be posted guaranteeing the completion of the project.

B. Seasonal Uses and Short-Term Recreational and Economic Development Uses. The department may issue a TUP to allow sales of seasonal goods in any nonresidential zone for a period not to exceed six months in any 12-month period. The use may not meet the standards normally associated with a permanent use if the department finds that the temporary use is consistent with the following:

1. The use shall be consistent with the permitted uses in the zone;
2. The use shall be an appropriate use of the property pending the permanent long-term use;
3. The use shall not result in significant traffic, parking, drainage, fire protection, or other adverse impacts that cannot be appropriately mitigated;
4. The use shall provide a sanitary facility if the department determines it is necessary to do so; and
5. Failure to comply with the conditions of the permit shall result in suspension or revocation of the TUP.

C. Temporary Uses Associated with Construction Permits. The department may issue a TUP for activities associated with construction projects including, but not limited to, equipment storage yards, job shacks, materials storage yards, or living quarters which are not otherwise permitted outright by City ordinances or regulations. The department may issue a TUP if it finds the proposal is consistent with the following:

1. The use shall not pose a hazard or be a detriment to the surrounding area;
2. The use shall not result in significant traffic, parking, drainage, fire protection, or other adverse impacts;
3. The temporary use shall be reviewed every six months to determine if the temporary use is still valid; if not, the department shall terminate the TUP; and
4. The temporary use shall be vacated upon completion of the associated construction project or pursuant to SVMC 19.160.040(C)(3).

D. Temporary Uses Associated with Residential Visitation. The department may issue a TUP for activities associated with guests parking and/or occupying a recreational vehicle on private property while visiting the occupants of a dwelling unit located on the same lot for not more than 30 days in one consecutive 12-month period. The cost for a TUP issued pursuant to this subsection (D) shall be established by Council in the Master Fee Schedule. The department may issue a TUP if it finds the proposal is consistent with the following:

1. The use shall not pose a hazard or be a detriment to the surrounding area;
2. The use shall be contained entirely on the lot where the dwelling unit is located and shall not be on public right-of-way; and
3. The use shall provide a sanitary facility if the department determines it is necessary to do so.

Section 5. Other Sections Unchanged. All other provisions of chapter 7.05 SVMC and chapter 19.65 SVMC not specifically referenced hereto shall remain in full force and effect.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase in this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect five days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Spokane Valley as provided by law.

Passed by the City Council this _____ day of July, 2022.

City of Spokane Valley

ATTEST:

Pam Haley, Mayor

Christine Bainbridge, City Clerk

Approved as to Form:

Office of the City Attorney

Date of Publication: _____

Effective Date: _____