

The Glenrose Association

May 8, 2019

BACKGROUND INFORMATION, ANALYSIS AND OPPOSITION POINTS TO REGIONAL SPORTS COMPLEX, RELATED TO THE SPOKANE COUNTY ZONING CODE

1. The land owned by SYSA, designated for their proposed regional sports complex, is located in Spokane County, in a nearly 150 year old rural farming and ranching community known as Glenrose.
2. The first homestead in Glenrose was claimed by Robert Williamson in the 1870's. One of his great grandchildren serves on the board of The Glenrose Association today.
3. The SYSA property is zoned as rural land.
4. There are five rural zone classifications used to classify rural zoned land in Washington State. The five categories are as follows: **Rural Traditional, Rural – 5, Rural Conservation, Urban Reserve and Rural Activity Center**.
5. The SYSA property is zoned **Urban Reserve**. SYSA owns three parcels (35354.9042, 35354.9043, 35354.9044) comprising approximately 20 acres which is the proposed site for the sports complex. They have an option to purchase three additional parcels comprising approximately 20 acres, adjacent and East of their existing land, for future expansion of the sports complex. All six parcels are zoned **Urban Reserve**.
6. The Spokane County Zone Code defines the purpose and intent of Rural Zones classifications as follows:

Chapter Revised – March 2018
Spokane County Page 618- 1 Rural
Zoning Code Chapter 14.618

Chapter 14.618 Rural Zones

14.618.100 Purpose and Intent

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

The following zones are classified in this chapter:

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

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

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

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

development.

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

- a. A quick reading of Chapter 14.618.100 above makes it clear that Rural Zones are intended for areas that lack public services and infrastructure, and are places of traditional rural landscapes, including agriculture, open spaces and some residential. An emphasis is placed on open space preservation.
- b. The Rural Zone Code defines the types of uses allowed on rural zoned land in section 14.618.210 of the code as follows:

14.618.210 Types of Uses

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

- 1. Permitted Uses:** Permitted uses are designated in table 618-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
- 2. Limited Uses:** Limited uses are designated in table 618-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.618.230.
- 3. Conditional Uses:** Conditional uses are designated in table 618-1 with the letters "CU". These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Conditional uses illustrated in table 618-1 are also subject to specific standards and criteria as required in this chapter under section 14.618.240.
- 4. Not Permitted:** Uses designated in table 618-1 with the letter "N" are not permitted. All uses not specifically authorized by this Code are prohibited.
- 5. Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 618-1 with the letters "EPF". These uses shall be evaluated to determine applicability with the "Essential Public Facility Siting Process", as amended. The Essential Public Facility Siting Process shall not be required for projects that would otherwise be allowed by the development regulations as specified herein in Table 618-1.
- 6. Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section ****14.604.300**. Classifications shall be consistent with Comprehensive Plan policies.

****14.604.300 Zoning Matrix-General**

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

- c. See pages 618-3 through 618-5 of the Spokane County Code for section **14.618.220 Rural Zones Matrix, Table 618-1, Rural Zones Matrix**.
 - d. Section **14.618.220 Rural Zones Matrix, Table 618-1, Rural Zones Matrix** outlines uses that may be permitted for the five rural zoned land categories as stated above in **14.618.210 Types of Uses**.
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- 7. The Spokane County Planning Department asserted back in 2008 or 2009 that the proposed regional sports complex (RSC) was a permitted use. They claimed that the use category is "Community Recreational Facility" found under the "Institutional Uses" section of the Rural Zones Matrix, Table 618-1.
 - 8. The code defines a Community Recreational Facility as follows: **Community Recreational Facility**: Any public or private building, structure, or area which provides amusement, relaxation, or diversion from normal activities for persons within the area in which it is located and which is not operated for profit. This definition can be found in chapter 14.300 of the code.
 - 9. *After a careful review of the Rural Zone Matrix (Table 618-1), Spokane County Code chapters covering rural zoning and the definition of Community Recreational Facility, it is the belief of The Glenrose Association (TGA) and our legal counsel that a use category does not exist for the proposed regional sports complex within the rural zone code. We believe the definition of Community Recreational Facility does not remotely resemble the proposed project, and in practice by the planning department, has not been used in this manner. Moreover we believe the planning department's assertion that the proposed RSC is a permitted use under the Community Recreational Facility use classification, is an abusive and gross violation of the letter and spirit of the Spokane County Code.*
 - 10. TGA believes that the code as written, clearly recognizes that rural areas such as ours are absent of the infrastructure and facilities that would be required to accommodate a RSC. As such a facility with stadium lighting, and hundreds of parking spaces, attracting large masses of traffic and people coming and going throughout the day, would not be compatible or practical for Traditional Rural Landscapes, and the concept of preservation of open spaces.
 - 11. Since rural areas are void of the road capacity to accommodate high volumes of traffic, allowance of a facility like this would bring traffic to a standstill multiple times each day, which would be a tremendous affront to the people who live and work in the community.
 - 12. Traffic gridlock would likely create high risk situations for emergency vehicles attempting to enter the area, magnified by the fact that the RSC site would impact most the main access to the entire Browne's Mountain hillside, which could put many lives in danger in the case of a wildfire, not to mention the more frequent calls for medical emergencies.
 - 13. Given that Glenrose is at risk of wildfire at any time during three out of four seasons of the year, frequent gridlock will only increase wildfire safety risks.
 - 14. The unthinkable impact massive stadium lighting would have on a quiet rural agricultural and ranching area would have never been imagined by the writers of the code, since they undoubtedly expected the code to be enforced.
 - 15. TGA believes that in their wisdom the authors of the code did not allow for the type of use being proposed, for all the obvious reasons, since the code is written to protect all property owners rights, not just those of the developer.
 - 16. *TGA and the greater Glenrose community have been bullied for over ten years by three different developers and the Spokane County Planning Department, as they have relentlessly tried to drive this non permitted project into the heart of Glenrose.*
 - 17. *Early on TGA recognized that this proposal was not a permitted use, and was the antithesis of the letter and spirit of rural zoning parameters. TGA recognized allowance of this project in the face of its obvious violation of the Spokane County Code would only embolden the planning department and other developers to attempt further abuses of the code against other unsuspecting rural communities like ours.*
 - 18. *If allowed to move forward the RSC will destroy the rural character of Glenrose, and this type of precedent will threaten other rural areas in the future.*

19. *TGA recognized early on the irrational behavior demonstrated by the Spokane County Planning Department, by continuing to this day to falsely claim the RSC is a permitted use, when in fact we believe that claim represents a gross violation of the code.*
20. *TGA believes the planning department's behavior on this issue is corrupt. We believe they need to do their jobs and enforce the code to protect all county citizens as they were hired to do.*
21. *TGA resents the fact that due to the corrupt interpretation of the code by some hired officials at the planning department, who are supposed to be representing all citizens interests, our community has been forced to spend thousands of hours and large sums of our hard earned money, to pay for professional fees, to fight the very people that we pay to protect our interests. Despite this grotesque irony we are determined to keep fighting against this injustice since we are fighting for our homes and our way of life.*
22. *We hope this injustice does not go unnoticed throughout Spokane County since other rural areas may be in the line of fire next. Citizens need to be aware that their interests are not always going to be protected by an unbiased planning department. It has been our experience that our planning department is anything but unbiased.*
23. *After careful analysis and consultation with our legal advisors, and the greater Glenrose Community, for ten years, TGA more than ever, seeks to drive enforcement of the code and denial of the RSC, by all legal means. If our position is upheld, it will deny the project in its entirety, since it is not now, or ever been a permitted use under the current zoning standards.*

Spokane County Lighting Code

1. We believe The Spokane County Code is terribly deficient when it comes to addressing lighting issues. TGA formally addressed this issue with Spokane County leadership in July 2017 and asked them to launch a formal review, and make recommendations for updates. We asked to be a part of this process. We were told that they would look into it. Ten months later we have heard nothing. We have sent a follow up request for a status report and have heard nothing.
2. TGA believes that any type of stadium lighting should be prohibited in areas zoned rural, and have made this clear to the county.
3. The code only offers the following words to address the entire spectrum of lighting issues that can impact our rural lands.

Chapter 14.826

Illumination

14.826.100 Illumination

Any lights, whether freestanding or attached to a building or structure, which illuminate any outdoor area of a lot, shall be positioned, placed, constructed, shielded or used so as not to illuminate directly any building or structure or portion thereof on an adjacent lot containing a building or structure used as a residence.

The Spokane County Zoning Code Can Be Found At The Spokane County Website as Follows. Look under the County Services Tab, and then under the Reports and Ordinances Section, where you will find the link for County Code.

<https://www.spokanecounty.org/>