



**Spokane County**  
WASHINGTON

BUILDING & PLANNING DEPARTMENT  
JOHN PEDERSON, DIRECTOR

August 25, 2020

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**RE:** Request for Administrative Interpretation

**Subject:** File #AI-1-20; Request for an Administrative Interpretation pursuant to Section 14.504.200 (1) of the Spokane County Zoning Code to address the meaning, intent, and general application of the definitions of Community Recreational Facility and Participant sports and recreation (outdoor only) as they apply to Spokane Youth Sports Association (SYSA) proposed sports field complex in an Urban Reserve Zone (UR).

**Authority:** Spokane County engages in comprehensive land use planning under the Growth Management Act, Chapter 36.70A RCW (GMA). The County has adopted a Comprehensive Plan to guide land use planning and various land use controls to implement it. The Spokane County Zoning Code (SCZC) is such a development regulation or land use control used to implement the County's Comprehensive Plan (SCZC 14.100.102).

SCZC implements zoning consistent with Comprehensive Plan designations. Chapter 14.600 SCZC identifies Zone Classifications. The general nature of a "use" identified within zone classifications are summarized in zone matrix tables. The matrix tables list generic types of use recognized in the zone designation and identify whether the use is a permitted use (P), limited use (L), conditional use (CU), or not permitted use (N). Some matrix table also categorize group uses into categories such as residential uses, commercial uses, utilities/facilities, and institutional uses.

For all practical purposes, it is impossible to address all variations of uses listed or categorized in an applicable zone matrix. SCZC 14.604.300(2) provides that if the proposed use resembles identified uses in terms of intensity and character



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and is consistent with the purpose, it shall be considered a permitted use. When required, it is the responsibility of the Director of the Building and Planning Department to make rulings or interpretations of zoning code text as to meaning, intent, and general applications of the Zoning Code, and its impact to development and use of land or structures (SCZC 14.504.200). The definition of “Director” in SCZC 14.300.100 allows the use of designees on his or her behalf.

The administrative interpretation requested asks for information on application definitions of two defined uses as they apply to the SYSA proposal.

**Background:** SYSA is registered with the Washington Secretary of State as a Public Benefit Corporation, maintaining a principal place of business in Spokane, WA. SYSA was initially formed in or about 1966, and is incorporated as a 501-C3 Nonprofit which provides sports activities to youth. SYSA has proposed construction of a multi-use sports field complex with artificial turf fields, off-street parking and lighting, storage areas, and portable restrooms on property it owns, identified as Parcel No’s 35354.9043, .9042, and .9044 (the “subject property”). In 2019, SYSA applied for a 15,000-cubic yard grading permit for phase one of the proposed multi-use sport fields and associated parking area of the community recreational facility.

SYSA’s proposal is the second multi-use community recreational facility proposed on the subject property. A previous property owner proposed development of a similar community recreational facility complex to provide youth baseball/football fields in 2008. In 2010, the County issued a grading permit for 50,000 cubic yards for the prior proposal but the proposed complex was abandoned prior to grading.

The subject property is located outside the Urban Growth Area (UGA) Boundary and is designated as Urban Reserve Area on the Comprehensive Plan Maps, and zoned Urban Reserve (UR) per the Spokane County Zoning Code. Classification of the subject property and surrounding area as UR indicates it is considered reserved for future development at urban densities and inclusion in the UGA in the 20 to 40-year planning period. The subject property and surrounding area was established UR January 15, 2002. Permitted uses in the UR zone are specified in SCZC Table 618-1 (Rural Zones Matrix) and include a Community Recreational Facility as a permitted use.



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**Administrative Interpretation:** It is not necessary to specifically define or deconstruct each word or term contained in a definition in Chapter 14.300 SCZC to render an administrative interpretation. The County recognizes or acknowledges not all possible variations of uses can reasonably be listed or categorized in an applicable zone matrix and provides that if the proposed use resembles identified uses in terms of intensity and character and is consistent with the purpose, it shall be considered a permitted use (SCZC 14.604.300(2)). Administrative interpretations require the Director to interpret as to meaning, intent, and general applications of the Zoning Code, and its impact to development and use of land or structures (SCZC 14.504.200).

The SCZC provides definitions of some terms under Chapter 14.300 SCZC. Also provided are zone matrix tables regarding uses and development standards within Rural zones Chapter 14.618 SCZC. The use matrix tables list generic types of uses for each zoning designation and whether it is designated as a permitted use (P), limited use (L), conditional use (CU), or not permitted use (N). Each matrix also lists uses into categories like residential uses, commercial uses, utilities/facilities, and institutional uses.

The SCZC recognizes *Community Recreational facility* in two zone matrixes, it is listed as a permitted use in the Institutional Uses section of both the Residential Zones Matrix (Table 606-1) and the Rural Zones Matrix (Table 618-1). A use designated as “P” (permitted) in a Zone Matrix is allowed if it complies with the zone’s development standards.

*Community Recreational Facility* is defined in SCZC 14.300.100 as “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”.

The SCZC defines two types of *Participant sports and recreation* based on whether the use occurs within an enclosed structure. Under SCZC 14.300.100, *Participant sports and recreation (indoor only)* is defined as use in which the sport or recreation is conducted within an enclosed structure. Examples of “indoor only” uses include bowling alleys, roller and ice-skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.



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Whereas *Participant sports and recreation (outdoor only)* is defined as use in which the sport or recreation is conducted outside an enclosed structure. Examples involving “outdoor only” include tennis courts, water slides, and driving ranges.

The SCZC recognizes *Participant sports and recreation (indoor only)* and *Participant sports and recreation (outdoor only)* in three zone matrixes. The SCZC lists them in under the Commercial Uses section of the Residential Zones Matrix (Table 606-1), lists them in the Commercial Zones Matrix (Table 612-1), and lists them under the Commercial Business section of the Industrial Zones Matrix (Table 614-1). Whether the use is identified as permitted use (P), limited use (L), conditional use (CU), or not permitted use (N) varies. Neither category of *Participant sports and recreation* is a recognized use in the Rural Zones Matrix (Table 618-1) and, as specified in SCZC 14.618.210 “All uses not specifically authorized by this code are prohibited.

SCZC 14.300.100 defines *Commercial Use* as *Any activity carried out for pecuniary gain or loss.*

The Spokane County Comprehensive Plan, Chapter 3 – Rural Land Use addresses development of rural lands located outside the UGA. The Rural Residential Development section identifies goals and policies. Goal RL.1 is to “Provide for rural residential development consistent with traditional rural lifestyles and rural character.

Policy RL.1.4 identifies outdoor recreation and entertainment among the appropriate uses in rural zone.

The SYSA proposed multi-use sports field complex for youth provides both outdoor recreation and entertainment, appropriate uses in the rural area.

The above cited definitions and Zone Matrices clearly establishes, siting of commercial uses differ from siting of institutional uses. Siting of allowable uses based on criteria that includes whether pecuniary gain is involved, profit status is one factor that differentiates commercial uses those allowed as Participant sports and recreation involving pecuniary gain and institutional non-profit uses allowed as Community Recreational Facilities by not for profit entities.





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The definition of Community Recreational facility is specific and the use is allowed in any area that is zoned UR. The use may consist of any private or public building without limitation on size or scope, the use must be non-profit, and the use must provide for amusement, relaxation, or diversion from normal activities for persons within the area. For the SYSA proposal, the multi-use sports fields and accessory structures, off-street parking and restroom are provided as a source of diversion from normal activities, sports and sporting activity involving outdoor recreation which will be a source of amusement and a form of outdoor recreation. The SYSA proposal is consistent with the definition of a Community Recreational Facility.

The key terms in the definition of a Community Recreational Facility are the words "community", "recreation", "area" and "any". Per Webster's New Collegiate Dictionary, "any" equates to "one selected without restriction" "unmeasured, unmetered in amount, number or context" while "area" is defined as "a particular extent of space, or surface or one serving a special function" Community is defined as "an interacting population" "a body of persons or nations" or "society at large" Recreation is defined as "a means of or refreshment or diversion" Taken as a group in the context of a Community Recreational Facility, the above terms are clearly tied to the meaning of the definition to support the conclusion that sports fields operated by a non-profit corporation or entity like SYSA are consistent with the definition of a Community Recreational Facility.

As referenced above, allowable uses must comply with development standards that provide setbacks to property lines, maximum building height and lot coverage, landscaping standards, parking standards, signage and lighting standards, all of which must be complied with prior to issuing a building permit per Section 14.410.020. Development standards are designed in part to address any impacts of allowed uses.

In comparison, notably absent from the definition of Participant sports and recreation (outdoor only) is the term "non-profit" and the term "any" as it relates to a building structure or area. Outdoor sporting activities in this region include for profit driving ranges, for profit water slides, and indoor and outdoor tennis courts and associated facilities open to members for a fee.



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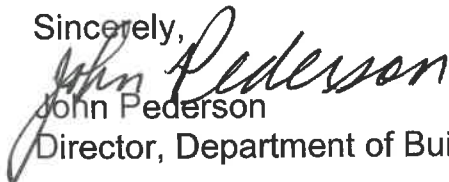
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In addition, Participant sports and recreation (indoor only) are not permitted in the UR zone and Participant sports and recreation (outdoor only) are listed as a Commercial Use that requires a Conditional Use Permit by Table 606-1 (Residential Zones Matrix) in Urban Residential Zones inside the Urban Growth Area where a full range of infrastructure is available and where urban densities are present to support the activity.

In summary, the proposal by SYSA for multi-use sports fields and accessory uses is consistent with the definition of a Community Recreational Facility as specified in Chapter 14.300 of the Spokane County Zoning Code and is an outright permitted use in the UR zone.

**Appeal Rights:** This correspondence is an Administrative Interpretation pursuant to Chapter 14.504.200 (1) of the Spokane County Zoning Code and may be appealed under the provisions of Section 14.502.060 Any person aggrieved by an administrative interpretation of the Zoning Code by the Department may make a written request for a public hearing before the Hearing Examiner to contest such decision. Such request shall contain reference to the specific decision or interpretation contested and shall be submitted to the Department of Building and Planning office no later than 14 calendar days from the date of the written decision. The appropriate appeal form and fee information may be obtained from the Department. Upon receipt of a complete application and appeal fee a public hearing will be scheduled.

Sincerely,

  
John Pederson

Director, Department of Building and Planning