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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF LINCOLN

THE GLENROSE ASSOCIATION,

Petitioner, No. 21-2-00023-22

vs.

**SPOKANE YOUTH SPORTS
ASSOCIATION'S RESPONSE BRIEF**

SPOKANE COUNTY AND SPOKANE
YOUTH SPORTS ASSOCIATION,

Respondents.

1. Introduction

Spokane County identified the development of Spokane Youth Sports Association's property as a Community Recreational Facility in 2008 and continues to recognize it as such. The Glenrose Association's appeal of the County's determination is simply a collateral attack of a long-standing determination. Glenrose has not met its burden of proof to show that the County's determination is erroneous and thus there is no basis under RCW 36.70C.130 to grant it any relief; its appeal should be denied.

1 **2. History**

2 The Glenrose Association (“Glenrose”) has railed against the development of the Spokane
3 Youth Sports Association Property (“SYSA”) (Spokane County Tax Parcels 35354.9042, .9043,
4 .9044) since its inception in 2008. The prior owner of the property, Spokane South Little League
5 (SSLL), applied for grading permits and submitted an Environmental Checklist under the State
6 Environmental Policy Act (SEPA). (AR 241-256) This was the first time that Spokane County
7 identified the proposed use as Community Recreational Facility. (AR 144-151) Thereafter,
8 Glenrose appealed the County’s threshold determination, a Mitigated Determination of
9 Nonsignificance (“MDNS” - AR 257-258). Glenrose prevailed in having additional studies and
10 mitigation required (“2010 Decision” - AR 259-286). In 2019 SYSA applied for another grading
11 permit, and the County again classified the intended use as Community Recreational Facility,
12 imposing the same SEPA mitigation as was required for the 2008 proposal. Glenrose, unsatisfied
13 with the mitigation imposed at its behest, began a collateral attack aimed at keeping the sport fields
14 “not in my backyard” (NIMBY).
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16 The collateral attack took the form of a request for an administrative interpretation of the
17 County’s code. *See* SCZC 14.504.200. The initial request for an interpretation resulted in litigation,
18 *Glenrose Association v. Pederson*, Case No. 19-204762-32, and ultimately the County issued an
19 interpretation confirming its classification of the use as an institutional Community Recreational
20 Facility. (AR 89-94, 142-143) Spokane County rejected the proposition that its proposed use is
21 commercial, and thus not akin to a Participant Sports and Recreation use. (AR 89-94) Suffice to
22 say Glenrose was still dissatisfied with the County’s reasoned interpretation. Glenrose appealed
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1 the County's interpretation (AR 51) and attempted to persuade the Hearing Examiner that Glenrose
2 and its lawyers can do a better job interpreting Spokane County's Code than Spokane County. The
3 Hearing Examiner was not persuaded by Glenrose's arguments and denied Glenrose's appeal.
4 (AR 10-23)

5 SYSA was not a party to the administrative interpretation, but did offer briefing to the
6 Hearing Examiner (AR 233-240) because the result of these proceedings could have a direct effect
7 on SYSA and the use of its property. SYSA would be aggrieved if the Court were to direct Spokane
8 County to change the classification that has been relied upon since 2008. Accordingly, SYSA asks
9 the Court to deny Glenrose's appeal and affirm the County's determination.
10

11 3. Standard of Review

12 LUPA places the burden of proof on the petitioner to establish that the decision violates
13 one of the standards set forth in RCW 36.70C.130(1). Glenrose asserts that the County's decision
14 is an erroneous interpretation of the law under RCW 36.70C.130(1)(b), which is reviewed de novo
15 by this Court. *Knight v. City of Yelm*, 173 Wn.2d 325, 336, 267 P.3d 973 (2011). In the alternative,
16 Glenrose argues that the County's interpretation is an erroneous application of the law to the facts
17 RCW 36.70C.130(1)(d), and not supported by substantial evidence RCW 36.70C.130(1)(c), which
18 are reviewed under the clearly erroneous standard. Therefore, upon review the Court must be left
19 with a "definite and firm conviction that a mistake has been committed." *Norway Hill Preserv. &*
20 *Protec. Ass'n v. King Cty. Council*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976).
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1 **3.1 Spokane County’s Code is unambiguous.**

2 The meaning of a statute is derived from the ordinary meaning of words used in light of
3 the statutory context. *Dept. of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 11 (2002); and
4 see *Chelan County v. Nykreim*, 146 Wn.2d 904, 926 (2002). When construing a statute,
5 “[u]ndefined statutory terms are given their usual and ordinary meaning.” *Port of Seattle v. Dept.*
6 *of Rev.*, 101 Wn. App. 106, 111 (2000). The usual and ordinary meaning is often derived from the
7 dictionary. *Id.* at 112; and see SCZC 14.300.000(2).

8 Municipal ordinances are subject to the same rules of construction as state statutes.
9 *Ellensburg Cement Products, Inc. v. Kittitas County*, 179 Wn.2d 737, 753, 317 P.3d 1037 (2014);
10 and *City of Gig Harbor v. North Pacific Design, Inc.*, 149 Wn. App. 159, 167, 201 P.3d 1096
11 (2009). Development regulations like zoning ordinances are construed as a whole in order to
12 ascertain the legislative intent. *Id.* That is a single provision must be considered “within the context
13 of the regulatory and statutory scheme as a whole.” See *ITT Rayonier, Inc. v. Dalman*, 122 Wn.2d
14 801, 807, 863 P.2d 64 (1993).

15 A “Community Recreational Facility” is a permitted institutional use in the urban reserve
16 zone. SCZC 14.604.250; 14.300.100. The administrative interpretation rendered by the Director
17 (AR 89-94), and the Staff Report (AR 77-87) aptly establish the plain meaning of Community
18 Recreational Facility, and that SYSA’s sport field use is a Community Recreational Facility
19 permitted in the urban reserve (UR) zone. (To avoid redundancy those analyses are incorporated
20 herein by this reference.) The County’s determination is consistent with the plain language of the
21 code and applicable facts and should be affirmed.
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1 Although the County did, at Glenrose’s request, interpret the definition of Participant
2 Sports and Recreation, the Director concluded an alternative classification under
3 SCZC 14.604.300 was not appropriate because the proposed use is consistent with the use listed
4 in the code. (AR 94) Bearing in mind that an administrative classification is only appropriate when
5 a proposed use is **not** listed in the code. SCZC 14.604.300(2). Glenrose argues an administrative
6 classification should have been made. But, even assuming for sake of argument that an
7 administrative classification should have been made, Glenrose’s reasoning and resulting
8 conclusion are faulty.

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11 **3.2 An administrative classification, although not necessary, would yield the same
12 result.**

13 An administrative classification requires consideration of two key factors: (1) does the
14 proposed use resemble an identified use in terms of intensity and character; and (2) is the proposed
15 use consistent with the purpose of this code and the individual zone classification.
16 SCZC 14.604.300(2). Once the administrative classification is made then the use may be permitted
17 “subject to the development standards for the use it most nearly resembles.” *Id.* Glenrose
18 erroneously relies on the single provision “most nearly resembles” without regard to “the context
19 of the regulatory and statutory scheme as a whole.” *See, ITT Rayonier, Inc.*, 122 Wn.2d at 807.

20 As explained in the County’s administrative interpretation, the intensity and character of a
21 Community Recreational Facility in the UR zone originates with its classification as an
22 institutional use. Webster’s *New Collegiate Dictionary* defines institutional as “an established
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1 organization or corporation ... esp. of a public¹ character.” There can be no genuine dispute that
2 SYSA is a Spokane institution, having served the youth of Spokane for more than 50 years. It is a
3 Washington public benefit corporation and is a recognized nonprofit organization under I.R.C.
4 501(c)(3). Moreover, while SYSA will give priority of use to its organized youth sport teams, and
5 when the fields are not actively in use, the fields will remain open to the public, akin to a public
6 park. The plain meanings of “community” and “recreation” as applied to the facts of this case
7 further establish a consistency with the intensity and character of the use:

8 Community: Glenrose takes issue with the fact that Spokane residents that reside
9 outside the Glenrose neighborhood will be permitted to use the sports fields. They argue
10 this use precludes the sports fields from being a “community” facility. This argument fails
11 under the plain meaning of the word community, and its dictionary definition “1 : a unified
12 body of individuals: as a : STATE, COMMONWEALTH.” Webster’s *New Collegiate Dictionary*
13 (9th, 1983). While a community may take a variety of forms, it is well within the Director’s
14 and the County’s authority to define community as the geographic and governmental
15 collective of Spokane County. Glenrose’s advocacy for a narrower meaning of community
16 is not supported by law or fact.

17 Recreation: Glenrose next argues that the sports fields should not be viewed as a
18 place for recreation, since the word “sport” does not appear in the “Community
19 Recreational Facility” definition. This is absurd. One does not need to consult the
20 dictionary to determine the plain meaning of “recreation” includes sport, but such
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24 ¹ Public: 5 a: accessible to or shared by all members of the community.

1 consultation affirms that determination. “Recreation: a means of refreshment or diversion.”
2 (AI, p. 5, ¶ 2). “Sport... 1 a : a source of diversion : RECREATION.” Webster’s *New*
3 *Collegiate Dictionary* (9th, 1983).

4 Given SYSA’s institutional nature and intended use of the sports fields for youth sports
5 and public access it, is proper to conclude that the intended use is of the same intensity and
6 character of a “Community Recreational Facility.”

7 Moreover, the intended use is consistent with the purpose of this code and the UR zone
8 classification. The purpose of the UR zone is to allow uses that do not preclude the “eventual
9 conversion to urban densities.” SCZC 14.618.100. If SYSA discontinues the sports fields then the
10 land could be converted to another urban use when such is permitted.

11
12 Glenrose argues that SYSA’s sports fields are a commercial use that is not permitted in the
13 UR zone; and they complain the use will generate noise, traffic, and light, incompatible with the
14 surrounding uses. However, these issues were argued and decided in conjunction with the 2010
15 Decision. The SYSA design incorporates those mitigation measures adopted in the 2010 Decision
16 to ensure that the impacts of the proposed use do not have adverse impacts on the surrounding
17 environment. There is no evidence, let alone substantial evidence to support Glenrose’s argument
18 that SYSA’s sports fields are the same intensity and character as a commercial enterprise. The
19 appellant incorrectly relies on “most nearly resembles” as a legal standard. This faulty reliance
20 leads it to conclude that because the intended use is for sport, then “Participant *Sports* and
21 *Recreation*” is the proper classification. Glenrose attempts to buttress its conclusion with the fact
22 that people and groups from around Spokane County will be permitted to use the fields. But these
23 facts are not relevant to an administrative classification.

1 The code plainly classifies Participant Sports and Recreation as a commercial use, which
2 is specifically defined as a use operated for pecuniary gain. SCZC 14.300.100; E.g. Residential
3 Lands Matrix 14.606.220, Table 606-1; Commercial Zone Matrix 14.612.220, Table 612-1;
4 Industrial Zones Matrix 14.614.220, Table 614-1. Since the sports fields will not be operated for
5 profit, there is no incentive to maximize the use for pecuniary gain. The fields will not be operated
6 as a business. When the fields are not actively in use, they will remain open and available for
7 public use. The plain reading of Spokane County’s Zoning code does not support a conclusion that
8 the sports fields will be a commercial enterprise.

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10 There is simply no basis to compel Spokane County to classify the proposed use as
11 commercial, especially when its classification is consistent with the plain language of Community
12 Recreational Facility. Glenrose has not met its burden of establishing that the County’s
13 classification is clearly erroneous, and the appeal is properly denied.

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15 **3.3 If Spokane County’s Code is ambiguous that ambiguity is resolved in favor of the**
16 **County and SYSA.**

17 LUPA directs that the County’s interpretation of its code is entitled to deference.
18 RCW 36.70C.130(1)(b). Moreover, the Supreme Court has repeatedly held that an agency’s
19 interpretation of its own code is given deference upon review. “The primary foundation and
20 rational for this rule is that considerable judicial deference should be accorded to the special
21 expertise of administrative agencies.” *Hama Hama Co. v. Shorelines Hearings Bd.*, 85 Wn.2d 441,
22 448 (1975); *and see Pinecrest Homeowners Ass’n v. Glen A. Coninger & Associates*, 151 Wn.2d
23 279, 87 P.3d 1176 (2004) (judicial review of city’s interpretation of city ordinance must accord

1 deference to city’s expertise); *Habitat Watch v. Skagit County*, 155 Wn.2d 397, 120 P.3d 56 (2005)
2 (local jurisdiction with expertise in land use decisions are afforded an appropriate level of
3 deference in interpretations of law under LUPA); *Citizens to Preserve Pioneer Park LLC v. City*
4 *of Mercer Island*, 106 Wn. App. 461, 24 P.3d 1079 (2001) (city council’s interpretation of “usable
5 signal” was entitled to deference on review under LUPA).


6 Furthermore, land use ordinances “must be strictly construed in favor of property owners
7 and should not be extended by implication to cases not clearly within their scope and purpose.”
8 *See Milestone Homes, Inc. v. City of Bonney Lake*, 145 Wn. App. 118, 186 P.3d 357 (2008); *citing*
9 *Sleasman v. City of Lacey*, 159 Wn.2d 639, 643, 151 P2d 990 (2007).

10 If the Court finds that Spokane County’s Code is ambiguous in regard to what constitutes
11 a Community Recreational Facility, then the County’s determination that the proposed use is a
12 Community Recreational Facility is entitled to deference. This determination was first made in
13 2008 and again in 2019 in conjunction with applications to develop the property as youth sport
14 fields. The 2010 Decision was the final decision by Spokane County regarding this allowed use,
15 and the County relied on its classification again in 2019 when SYSA again applied for grading
16 permits. Glenrose’s request for an administrative interpretation and this appeal is nothing more
17 than a collateral attack on the County’s established interpretation. Glenrose’s argument for a
18 different interpretation and conclusion is without foundation in the law or the facts. Glenrose has
19 not met its burden to show that the County’s code is ambiguous or that the County’s application
20 of its code was clearly erroneous, and this appeal is properly dismissed.
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1 **4. Conclusion**

2 What is clear from Glenrose’s strained reasoning is that the primary objection is “we just
3 don’t want it in our neighborhood.” There is no bona fide argument that Community Recreational
4 Facility is ambiguous, or that the intended use does not fit squarely within the plain meaning of
5 the code. The Director’s administrative interpretation is consistent with the 2019 grading permit
6 application, 2010 Decision, Spokane County’s Comprehensive Plan and the zoning code, and the
7 Court should affirm the Spokane County’s classification and dismiss Glenrose’s appeal.
8

9 DATED this 9th day of January, 2025.

11 
12 ELIZABETH A. TELLESSEN, WSBA No. 36732
13 WINSTON & CASHATT, LAWYERS, P.S.
14 Attorneys for Respondent
15 Spokane Youth Sports Association
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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington that on January 9, 2024, the foregoing was caused to be served on the following persons in the manner indicated:

David Bricklin Bricklin & Newman, LLP 123 NW 36 th Street, Suite 205 Seattle, WA 98107	VIA REGULAR MAIL <input type="checkbox"/> VIA EMAIL <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> BY FACSIMILE <input type="checkbox"/> VIA EMAIL <input checked="" type="checkbox"/> bricklin@bnd-law.com shaffer@bnd-law.com
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 Cheryl L. Krengel

APPENDIX

Excerpts of cited Spokane County Zoning Code

Chapter 14.300 Definitions

14.300.000 General

1. For the purpose of this Code, certain words and terms are defined herein. The word "shall" is always mandatory. The word "may" is permissive, subject to the judgment of the person administering the Code.
2. Words not defined herein shall be construed as defined in *Webster's New Collegiate Dictionary*.
3. The present tense includes the future, and the future the present.
4. The singular number includes the plural, and the plural the singular.

14.300.100 Definitions

Accessory Use: A building, area, part of a building, structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot.

Actively Farmed: Any farm from which \$1,000 or more of agricultural products (e.g. fruit, ornamental plants, vegetables, grain and/or Christmas trees) were produced and sold, or normally would have been sold during the calendar year.

Adapted vegetation: Plants that are native to another region or continent with soil and climate conditions similar to the Inland Northwest.

Administrative Exception: A minor deviation from standards specified in this Code.

Adult Entertainment Establishment: An establishment defined pursuant to chapter 7.80 of the Spokane County Code.

Adult Retail Use Establishment: A retail establishment which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade, to the sale, exchange, rental, loan, trade, transfer, or viewing of adult oriented merchandise.

"Adult oriented merchandise" means any goods, products, commodities, or other ware, including but not limited to, videos, CD ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate specified anatomical area or specified sexual activities.

"Specified anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed or unclothed, of oneself or one person by another.

Agriculture/Agricultural: Relating to the science or art of cultivating soil or producing crops to be used or consumed directly or indirectly by man or livestock, or raising of livestock. For purposes of this Title the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.

Agricultural Direct Marketing Activities: Those accessory activities associated with the retail sale of agricultural products produced on and off the premises. This includes the sale of nonagricultural products (e.g. crafts,

Community Hall: A building and related grounds used for social, civic, or recreational purposes and owned and operated by a nonprofit group serving the area in which it is located and open to the general public on equal basis.

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.

Community Residential Facility: Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Halfway House, Crisis Residential Center, or Secure Community Transition Facility. May include: specialized group home for the developmentally disabled, group care facility for children, and boarding home.

Community Transit Center: A bus transfer area or facility located at major points providing passenger access to routes and adjacent activities.

Community Treatment Facility: Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway house, crisis residential center or secure community transition facility. May include alcohol and/or drug abuse treatment facilities and adult treatment facilities.

Comprehensive Plan: The Plan Text and future Land Use Map of Spokane County, Washington and additional elements as adopted or later amended by the Board of County Commissioners pursuant to chapter 36.70 RCW and 36.70A RCW.

Conditional Use: A use listed among those in any given zone but permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against imposing excessive demands upon public utilities as determined by the Hearing Body.

Contractor's Yard: An area and/or building used to store equipment, trucks and motor vehicles, construction supplies, building equipment and raw materials for an individual or for a contractor engaged in building or other construction businesses, including but not limited to plumbing, electrical, structural, finish, demolition, transportation, masonry, excavating or other construction work. Normal maintenance of equipment is allowed. The definition of a contractor's yard shall not apply to those instances where materials stored are to be used within 180 days for the improvement of a residence or business on the property where it is to be constructed.

Controlled Plant Growth Structures (indoor grow): Group F and U buildings that utilize the interior of the structure or portions thereof, that are specifically controlled to facilitate and enhance plant growth and production by manipulating various indoor environmental conditions. Controlled indoor environment variables include, but are not limited to, temperature, air quality, humidity, and carbon dioxide. These activities take place in permanent buildings/structures authorized by building and other associated permits.

Convalescent Home: A residential facility licensed by the State or County to provide special care and supervision to convalescents, invalids, and/or aged persons, but where no persons are kept who suffer from mental sickness or disease or physical disorder or ailment which is normally treated within sanitariums or hospitals. Special care in such a facility includes, but is not limited to, nursing, feeding, recreation, boarding and other personal services.

Crisis Residential Center: A protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.

Owners: Any person, partnership, corporation, association, unincorporated organization, trust or any other legal commercial entity having sufficient proprietary interest to seek development of land. This includes an agent or representative with written owner authorization.

Overlay Zone: Requirements described in the Code text which exist in conjunction with another zone and which relate to the official zoning map. Developments within such an area must conform to the requirements of both zones unless otherwise specified. In the event of inconsistencies, the most restrictive requirements shall control.

Park, Public: Land owned by a public agency and intended for public use and enjoyment that includes any or all of the following:

1. Walkways or trails for motorized or non-motorized use, including winter activities.
2. Drives/roads and vehicular parking areas.
3. Formal and informal picnic areas, including shelters and cooking facilities.
4. Camping areas, including sites for tents, recreational vehicles with hookups, and small cabins or temporary/seasonal camping structures.
5. Restrooms/showers facilities.
6. Athletic playing fields, including baseball, football, basketball, and/or soccer.
7. Playground structures/equipment.
8. Informal play areas.
9. Environmental education/interpretation facilities.
10. Swimming facilities, including beaches and pools.
11. Boat launches, moorage docks and parking areas.
12. Bank fishing areas and fishing piers/docks.
13. Utility infrastructure facilities, including sewage treatment facilities, domestic water wells, pump stations, electrical power panels and all distribution lines.
14. Food concession or snack vending machine facilities.
15. Merchandise sales areas.
16. Natural and/or cultural resource preservation areas.
17. Fish and wildlife habitat management areas.
18. Support facilities directly related to the operation and maintenance of a park including staff offices, maintenance work, storage areas, and staff/public meeting space.
19. Winter recreation areas, including downhill, Nordic and cross-country skiing, snowmobiling and ice-skating.

Parking Facility: A parking area, building, or structure used for the specific purpose of parking or storage of motor vehicles for compensation and/or to accommodate the patrons of the establishment providing said parking facility; establishments providing such facilities include industrial, manufacturing, commercial, recreational, office, institutional and residential uses, but exclude single family dwellings.

Parking Lot Travel Lane: Privately owned lanes for vehicles to travel through parking lots to parking stalls, loading areas, public roadways, and other adjacent public or private parking lots.

Participant sports and recreation (indoor only): Participant sports and recreation use in which the sport or recreation is conducted within an enclosed structure. Examples include but are not limited to bowling alleys, roller and ice-skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

Participant sports and recreation (outdoor only): Participant sports and recreation use in which the sport or recreation is conducted outside of an enclosed structure. Examples include tennis courts, water slides, and driving ranges.

Party of Record: A person who testified at the public hearing on a land use application or submitted substantive written comments on the application before the hearing record was closed.

Chapter 14.504 Administrative Interpretations

14.504.100 Applicability

Requests for ruling and/or interpretation of the zoning text or zoning map shall be made to the Division of Building and Planning consistent with the procedures of Chapter 14.502.

14.504.200 Interpretation of the Zoning Text

1. Rulings and/or interpretations as to the meaning, intent, or proper general applications of the Zoning Code, and its impact to development and use of land or structures shall be made by the Director.
2. In interpreting and applying the provisions of this Chapter, the provisions of the Zoning Code shall be held as the minimum requirements necessary for the promotion of public health, safety, and general welfare.
3. The Division of Building and Planning shall maintain a public file of all written rulings and interpretations.

14.504.300 Interpretation of the Zoning Map

1. Rulings and/or interpretations of a zoning map with respect to the location of any boundary line or zoning classifications shall be made by the Director.
2. If applicable, the following guidelines shall be used in the interpretation of the zoning map.
 - a. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way.
 - b. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries.
 - c. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them.

14.504.400 Interpretation of Zoning or Conditional Use Site Development Plans and/or Conditions

1. The following alterations or additions to the approved site development plans for zone reclassifications or conditional use permits are deemed to be minor in nature and may be approved administratively by the Division. Changes may only be approved administratively if they do not have significant impacts to the surrounding area and do not significantly modify the adopted conditions of approval.
 - a. Additions to buildings, provided that the increase in floor area is less than ten percent (10%) of the total floor area of all buildings on the approved site development plan and the addition(s) does not exceed allowable densities of the underlying zone or requirements governing building coverage.
 - b. Minor adjustments to building or structure locations, provided that the density or intensity of use is not increased and does not significantly affect adjacent uses.
 - c. Changes in parking areas, provided that adopted regulations and conditions are met.
 - d. Modifications in landscape plans, provided that required percentages of landscaping or open space are not reduced below those prescribed in this Code or as approved by the Hearing Body.

Chapter 14.604 Zone Classifications

14.604.100 Purpose and Intent

The intent of zone classifications is to establish a framework whereby development will be carried out in a manner consistent with the use and density characteristics expressed for different areas in the Comprehensive Plan. Zone classifications are provided in sufficient number and diversity to permit an even greater breakdown of land uses and densities than depicted in the more generalized Comprehensive Plan. The purpose to be accomplished by the various zones is set forth in an intent statement in the regulations for each zone.

14.604.210 Residential Zones

Low Density Residential Plus	LDR-P
Low Density Residential.....	LDR
Medium Density Residential	MDR
High Density Residential.....	HDR

14.604.220 Commercial Zones

Neighborhood Commercial	NC
Community Commercial.....	CC
Regional Commercial.....	RC
Limited Development Area Commercial	LDAC

14.604.230 Industrial Zones

Light Industrial.....	LI
Heavy Industrial	HI

14.604.240 Resource Lands Zones

Large Tract Agricultural.....	LTA
Small Tract Agricultural.....	STA
Forest Land	F

14.604.250 Rural Zones

Rural Traditional.....	RT
Rural-5	R-5
Rural Activity Center	RAC
Rural Conservation	RCV
Urban Reserve.....	UR

14.604.260 Mineral Lands Zone

Mineral Lands	M
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14.604.270 Centers and Mixed Use Areas

Mixed Use Zone.....	MU
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14.604.280 Overlay Zones

Airport Overlay	AO
Planned Unit Development	PUD
Aesthetic Corridor Overlay.....	ACO

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.

14.604.400 Incorporation of Zoning Maps

The location and boundaries of the zones established by this code are shown upon the zoning maps, which are hereby incorporated into the provisions of this Code. The said zoning maps in their entirety, including all amendments thereto, shall be as much a part of this Code as if fully set forth and described herein.

14.606.220 Residential Lands Matrix**Table 606-1, Residential Zones Matrix**

Residential Uses	LDR	LDR-P	MDR	HDR
Accessory dwelling unit, attached	L	L	L	L
Accessory dwelling unit, detached	CU	CU	CU	CU
Animal raising and/or keeping	N	L	N	N
Beekeeping	L	L	L	L
Chicken Keeping and Raising	L	L	N	N
Community residential facility (8 or fewer residents) (EPF)	P	P	N	N
Community residential facility (greater than 8 residents, no more than 25 residents) (EPF, LDR/LDR-P Zones)	N	N	P	P
Community treatment facility (8 or fewer residents) (EPF)	CU	CU	N	N
Community treatment facility (greater than 8 residents, no more than 20 residents) (EPF, LDR/LDR-P Zones)	N	N	CU	CU
Crisis residential center (8 or fewer residents) (EPF, MDR/HDR Zones)	CU	CU	N	N
Crisis residential center (greater than 8 residents, no more than 20 residents) (EPF)	N	N	CU	CU
Dangerous animal keeping	N	N	N	N
Dependent relative manufactured home	L	L	L	L
Dwelling, multi-family, small scale infill development	L	N	N	N
Dwelling, multi-family	N	N	P	L
Dwelling, multi-family, greater than 30 units per acre	N	N	N	CU
Dwelling, single-family	P	P	P	P
Dwelling, row housing	L	N	P	P
Dwelling, two-family duplex	P	N	P	P
Dwelling, two-family duplex – corner lot bonus density	L	N	N	N
Family day-care provider	P	P	P	P
Halfway house (8 or fewer residents) (EPF, MDR/HDR Zones)	CU	CU	N	N
Halfway house (greater than 8 residents, no more than 20 residents) (EPF, LDR/LDR-P Zones)	N	N	CU	CU
Manufactured home park	L	L	L	L
Nursing home, convalescent home	N	N	P	P
Planned unit development	L	L	L	L
Commercial Uses	LDR	LDR-P	MDR	HDR
Adult entertainment establishment	N	N	N	N
Adult retail use establishment	N	N	N	N
Agricultural product sales stand/area	N	N	N	N
Animal health services – small animals	N	N	N	L
Auto wrecking/recycling, junk and salvage yards	N	N	N	N
Billboard/videoboard	N	N	N	N
Child day-care center	CU	CU	P	P
Child day-care center (in a church or school)	L	L	L	L
Garden sales	L	L	L	L
Golf course	P	P	N	N
General commercial uses, not elsewhere classified	N	N	N	N
High impact use	N	N	N	N
Home industry	CU	CU	CU	CU
Home profession	L	L	L	L

Table 606-1, Residential Zones Matrix - continued

Kennel, public/private	N	N	N	N
Office, business/professional/medical	N	N	CU	P
Participant sports and recreation (indoor only)	N	N	N	L
Participant sports and recreation (outdoor only)	CU	CU	CU	CU
Self service storage facility (mini storage)	N	N	N	CU
Top soil removal	CU	CU	CU	CU
Utilities/Facilities	LDR	LDR-P	MDR	HDR
Fire station	P	P	P	P
Incinerator (EPF)	N	N	N	N
Landfill (EPF)	N	N	N	N
Law enforcement facility (EPF, LDR/LDR-P Zones)	N	N	L	L
Power plant (EPF)	N	N	N	N
Public utility local distribution facility	P	P	P	P
Public utility transmission facility	L	L	L	L
Recycle collection center	N	N	N	N
Sewage treatment plant (EPF)	N	N	N	N
Small Cell Facility	L	L	L	L
Solid waste transfer site (EPF)	N	N	N	N
Stormwater treatment/disposal	P	P	P	P
Tower	N	N	N	N
Tower, private	L	L	L	L
Transit facilities (EPF)	CU	CU	P	P
Wireless communication antenna array	L	L	L	L
Wireless communication support tower	CU	CU	CU	CU
Institutional Uses	LDR	LDR-P	MDR	HDR
Church	P	P	P	P
Community hall, club, or lodge	P	P	P	P
Community recreational facility	P	P	P	P
Cultural center/museum	N	N	P	P
Detention facility (EPF)	N	N	N	N
Hospital	N	N	P	P
Library	L	L	P	P
Park, public (including caretaker residence)	P	P	P	P
Post office	N	N	P	P
Secure community transition facility (3 or fewer residents)	CU	CU	CU	CU
Schools, public/private				
Nursery through junior high school	P	P	P	P
High school	CU	CU	CU	CU
College or university	CU	CU	CU	CU

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 612-1.

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.

14.612.220 Commercial Zone matrix

Table 612-1, Commercial Zones Matrix

Commercial Uses	Neighborhood Commercial	Community Commercial	Regional Commercial	LDA Commercial
Adult entertainment establishment	N	L	L	N
Adult retail use establishment	N	L	L	N
Animal health services	N	L	L	L
Animal shelter	N	CU	P	CU
Animal, wildlife rehabilitation or scientific research facility	N	P	P	P
Auto wrecking/recycling, junk and salvage yards	N	N	N	N
Billboard/video board	N	N	N	N
Circus	N	P	P	P
Contractors yard	N	N	N	N
Convenience store/gas station	L	L	L	L
Financial institution	P	P	P	P
General retail sales and services, not elsewhere classified	L	L	P	L
High impact use	N	N	N	N
Hotel/motel	N	N	P	N
Kennel	N	L	L	L
Manufactured home/trailer/boat sales	N	N	P	N
Manufacturing and production	N	CU	CU	CU
Marijuana Processing Indoor	N	N	P	N
Marijuana Production Indoor	N	N	N	N
Marijuana Production Outdoor	N	N	N	N
Marijuana Retail Sales	N	N	P	N
Medical services	L	P	P	P
Mortuary services	N	P	P	P
Motor vehicle repair	L	L	P	P
Motor vehicle sales	N	N	P	N
Motor vehicle rental	N	CU	P	CU
Office, business/professional/medical	L	P	P	P
Participant sports and recreation (indoor only)	L	L	L	L
Participant sports and recreation (outdoor only)	N	CU	L	CU
Planned unit development	L	L	L	L

Table 612-1, Commercial Zones Matrix - continued

Commercial Uses	Neighborhood Commercial	Community Commercial	Regional Commercial	LDA Commercial
Recreational vehicle park/campground	N	CU	CU	CU
Research facility/laboratory	N	L	L	L
Restaurant including alcohol service	L	P	P	P
Self-service storage facility (mini-storage)	N	P	P	P
Spectator sports facility (EPF, NC, CC, LDA Zones)	N	N	L	N
Tavern/pub	CU	P	P	P
Theater, motion picture or performing arts	N	P	P	P
Top soil removal	CU	CU	CU	CU
Warehouse	N	N	P	N
Residential	Neighborhood Commercial	Community Commercial	Regional Commercial	LDA Commercial
Dwelling, multi-family	L	L	L	N
Dwelling, single-family	P	P	P	P
Dwelling, two-family duplex	P	P	P	P
Family day-care provider	P	P	P	P
Utilities and Facilities	Neighborhood Commercial	Community Commercial	Regional Commercial	LDA Commercial
Electric Vehicle Infrastructure	P	P	P	P
Fire station	P	P	P	P
Incinerator (EPF)	N	N	N	N
Landfill (EPF)	N	N	N	N
Power plant (EPF)	N	N	N	N
Public utility local distribution facility	P	P	P	P
Public utility transmission facility	L	L	L	L
Recycle collection center	N	P	P	P
Sewage treatment plant (EPF)	N	N	N	N
Small Cell Facility	L	L	L	L
Solid waste recycling/transfer site (EPF, NC, CC Zones)	N	N	CU	CU
Stormwater treatment/disposal	P	P	P	P
Tower	L	L	L	L
Tower, private	L	L	L	L
Transit facilities (EPF)	P	P	P	P
Wireless communication antenna array	L	L	L	L
Wireless communication support tower	CU	L	L	L
Institutional	Neighborhood Commercial	Community Commercial	Regional Commercial	LDA Commercial
Beekeeping	L	L	L	L
Child day-care center	P	P	P	P
Church	P	P	P	P
Community hall, club or lodge	P	P	P	P
Cultural center/museum	L	P	P	P

Table 612-1, Commercial Zones Matrix - continued

<i>Institutional</i>	<i>Neighborhood Commercial</i>	<i>Community Commercial</i>	<i>Regional Commercial</i>	<i>LDA Commercial</i>
Detention facility (EPF)	N	N	N	N
Government Agency Training Facility	N	N	P	P
Government offices/maintenance facilities	P	P	P	P
Hospital	N	N	P	P
Law enforcement facility	L	L	L	L
Library	P	P	P	P
Park, public	P	P	P	P
Secure community transition facility (3 or fewer residents)	CU	CU	CU	CU
Schools, public/private				
Elementary or secondary	P	P	P	P
College or university (EPF, NC Zones)	N	P	P	P
Specialized school/studio	L	L	P	L
Vocational or fine arts school	L	L	P	L
Zoological park	N	N	P	N

14.612.230 Uses with Specific Standards

Uses that are categorized with an "L" in table 612-1, Commercial Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.612.220 (Commercial Zones Matrix) and section 14.612.230, section 14.612.230 shall govern.

1. *Adult entertainment establishment or adult retail use establishment (CC, RC zones)*
 - a. There shall be 5 existing acres of contiguous (includes across streets) zoning classified Community Commercial or Regional Commercial.
 - b. The use shall be located or maintained at least 1,000 feet from the nearest property line. Distance shall be measured from the nearest property line of the adult retail use establishment or adult entertainment establishment(s) to the nearest property line of the following pre-existing uses:
 - i. Public library.
 - ii. Public playground or park.
 - iii. Public or private school and its grounds of kindergarten to 12th grade.
 - iv. Nursery school, mini-day care center or day care center.
 - v. Church, convent, monastery, synagogue or other place of religious worship.
 - vi. Another adult use subject to the provisions of this section.
 - c. An adult retail use establishment or adult entertainment establishment(s) shall not be located within 1,000 feet of an urban growth area boundary or within 1,000 feet of any of the following zones:
 - i. Low Density Residential
 - ii. Medium Density Residential
 - iii. High Density Residential
2. *Animal health services (CC, RC, LDAC zones)*
 - a. There shall be no outside runs or areas.
 - b. The structure(s) housing animals is adequately soundproofed to meet WAC 173-60.

chapter 14.404, Conditional Use Permits. Conditional uses illustrated in table 614-1 are also subject to specific standards and criteria as required in this chapter under section 14.614.240.

4. **Not Permitted:** Uses designated in table 614-1 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 614-1 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 614-1.
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.

14.614.220 Industrial Zones Matrix

Table 614-1, Industrial Zones Matrix

Industrial	Light Industrial	Heavy Industrial
Animal processing facility	N	P
Auto wrecking/recycling, junk and/or salvage yards	N	L
Battery manufacture and reprocessing	N	CU
Boat building, repair and maintenance	P	P
Caretaker's residence	L	L
Chemical manufacturing	N	P
Commercial composting storage/processing (EPF, LI Zones)	N	CU
Commercial laundry, linen supply, and dry cleaning	P	P
Communications service systems	P	P
Concrete product manufacturing/ ready-mix concrete (excluding extraction/mining)	P	P
Contractors yard	P	P
Drop hammer or forge	N	P
Electrical component manufacturing/ assembly	P	P
Flammable liquid/gas storage	N	P
Lumbermill, sawmill, shingle mill, plywood mill	N	P
Lumberyard	P	P
Machine shop	P	P
Manufacture and processing of coal, mineral or animal by-products	N	CU
Manufacture and storage of explosives	N	CU
Manufacturing and production, not elsewhere classified	L	L
Marijuana Processing Indoor	P	N
Marijuana Production Indoor	P	N
Marijuana Production Outdoor	N	N
Marijuana Retail Sales	P	N
Medical equipment supply	P	P
Mining, rock crushing, asphalt plant	N	L

Table 614-1, Industrial Zones Matrix - continued

Industrial	Light Industrial	Heavy Industrial
Nursery/greenhouse/wholesale	P	P
Paper/pulp mills	N	CU
Petroleum manufacturing or refining	N	P
Planned unit development	L	L
Plastic injection molding, including tool and dye making	P	P
Railroad yard (EPF, LI zones)	N	P
Rendering plant	N	CU
Research facility/laboratory	P	P
Sandblasting/cutting	P	P
Smelter and ore reduction	N	CU
Stockyard, hog farm, slaughterhouse	N	N
Tanneries	N	CU
Tire salvage yard	N	L
Warehousing and freight movement	P	P
Welding, sheet metal shops	P	P
Wholesaling (retail sales prohibited)	P	P
Woodworking, cabinet shop	P	P
Commercial Business	Light Industrial	Heavy Industrial
Accessory retail sales	L	L
Adult entertainment establishment	N	N
Adult retail use establishment	N	N
Agriculture	P	P
Ambulance service	P	P
Auction yard (excluding livestock)	P	P
Auto/boat sales	P	N
Automobile/truck/taxi rental	P	P
Automotive impound yard	P	P
Billboard/video board	N	N
Building supply and hardware distribution and/or sales	P	P
Car wash, automatic or self service	P	P
Catalog and mail order houses	P	N
Child day-care center	P	P
Circus	P	P
Commercial uses, general, not elsewhere classified	L	N
Construction/industrial equipment sales or rental	P	P
Convenience store/gas station	P	P
Exercise facility/gym/ athletic club	P	P
Financial institution	P	P
Hotel/motel	P	N
Kennel	L	L

Table 614-1, Industrial Zones Matrix - continued

Commercial Business	Light Industrial	Heavy Industrial
Livestock auction yard	N	N
Neighborhood business uses, not elsewhere classified	L	N
Manufactured home sales	P	N
Motor vehicle parts sales	P	N
Office supply sales	P	P
Office, business/professional/medical	P	P
Participant sports and recreation (indoor only)	P	N
Participant sports and recreation (outdoor only)	L	N
Printing, reprographics, bookbinding and graphic services	P	P
Restaurant, including drive-through	P	P
Recreational vehicle/trailer sales	P	N
Self-service storage facility (mini-storage)	P	P
Service and repair of motorized vehicles/boats	P	P
Service station, automobile/truck	P	P
Spectator sports facility	P	P
Top soil removal	CU	CU
Residential	Light Industrial	Heavy Industrial
Family day-care provider	P	P
Residential use	N	N
Institutional	Light Industrial	Heavy Industrial
Animal shelter	P	P
Animal, wildlife rehabilitation or scientific research facility	P	P
Beekeeping	L	L
College or university (EPF, HI Zones)	P	N
Detention facility	CU	P
Fire station	P	P
Government Agency Training Facility	P	P
Government offices/maintenance facilities	P	P
Law enforcement facility	L	P
Park, public	P	P
Secure community transitional facility	CU	CU
Trade/technical school	P	N
Transit facilities (EPF)	P	P
Utilities/Facilities	Light Industrial	Heavy Industrial
Critical materials tank storage	L	L
Electric Vehicle Infrastructure	P	P
Hazardous waste treatment and storage facilities, off-site	N	L
Hazardous waste treatment and storage facilities, on-site	L	L

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.

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.