

**CITY OF SPOKANE HEARING EXAMINER
ANNUAL REPORT FOR 2016**

<i>LID Hearings Held In 2016</i>			
Date	File Number	Description	Decision
		None held	

<i>Land Use Hearings Held In 2016</i>			
Date	File Number	Description	Decision
01-07-16	Z1500004-SCUP	John Woodhead, Jr., applied for a shoreline conditional use permit in order to reconstruct a single-family home within the shoreline of the Spokane River located at 2209 W Falls Avenue. The notice of the application/hearing was posted on the southwest corner of Summit Parkway and Elm Street and was therefore defective in that the sign was not posted on the subject property.	Schedule a new public hearing.
01-14-16	Z1500086-SCUP	The City of Spokane Engineering Department sought a conditional use permit in order to allow the construction of a Combined Sewer Overflow (CSO) storage tank, to be installed underground, in a Residential Single Family Zone at 2008 N. Pettet Drive.	Approved with Conditions
03-10-16	Z1500004-SCUP	John Woodhead, Jr., applied for a shoreline conditional use permit in order to reconstruct a single-family home within the shoreline of the Spokane River located at 2209 W Falls Avenue.	Approved with Conditions
03-10-16	Z16-0003CUP3	Gonzaga sought a conditional use permit in order to construct a new 36,921 square foot Jesuit Residence in a residential two-family zone on properties located at 1207 N Astor St, 323 E Boone Ave, 315 E Boone Ave, and 311 E Boone Ave.	Approved with Conditions

Land Use Hearings Held In 2016, Cont.

Date	File Number	Description	Decision
03-17-16	Z16-0085CUP3	The West Central Community Center sought a conditional use permit in order to construct a one-story garage adjacent to an existing building in the single-family residential zone for property located at 1063 N. Belt St.	Approved with Conditions
04-28-16	Z16-0138CUP3	The applicant sought a conditional use permit in order to permit the construction of a 17-21 stall surface parking lot on an undeveloped lot in a residential multi-family zone to be used as an accessory to an existing professional office building located on adjacent property.	Approved with Conditions
05-12-16	Z1500101-SCUP	Riverton LLC sought a shoreline conditional use permit in order to construct an eighty (80) unit apartment complex with a club house, utilities, parking and landscaping on land in a Residential Multi-Family zone and partially within the shoreline of the Spokane River.	Approved with Conditions
05-19-16	Z1500071-SCUP	Avista Corporation sought a shoreline conditional use permit in order to realign North Center Street. As a result of the realignment, the intersection of North Center Street and Upriver Drive will be moved several hundred feet to the northeast of its current location. A new public sewer line, waterline, curbs, sidewalks, roadside drainage, driveway approaches and landscaping would also be constructed as part of the realignment.	Approved with Conditions
05-19-16	Z16-0170CUP3	The Union Gospel Mission sought a conditional use permit to allow the conversion of an existing, abandoned nursing home into a crisis shelter for women and children.	Approved with Conditions
05-26-16	Z16-0149SCUP	The City of Spokane Parks and Recreation Department sought a shoreline conditional use permit for a skating ribbon/pond and a recreational building to be constructed in the southwest corner of Riverfront Park. The Parks Department also proposed making temporary site improvements to the "Central Meadow" in Riverfront Park to accommodate vendors during park events.	Approved with Conditions

Land Use Hearings Held In 2016, Cont.

Date	File Number	Description	Decision
06-09-16	Z16-189SCUP	The City of Spokane Engineering Department sought a shoreline conditional use permit in order to allow the construction of an underground Combined Sewer Overflow (CSO) storage tank, the replacement of the existing sewer main, the construction of a lift station, and related work, all within the right-of-way of Upriver Drive within the 75-foot and 200-foot shoreline buffer on property located on Upriver Drive, just west of Freya Street with the CSO tank at the Rebecca Street/Upriver Drive intersection.	Approved with Conditions
06-30-16	Z16-048SCUP	Yellowstone Pipe Line Company sought a shoreline conditional use permit in order to allow the construction of a 848 linear feet of 10-inch diameter, steel pipeline under the bed of the Spokane River for petroleum products. The project site is located near the intersection of Upriver Drive and Carnahan on the north side of the Spokane River and on the South side of the Spokane River the site is near the end of North Waterworks Street approximately 1,100 feet downstream from the Upriver Dam. The project site spans multiple zones and is located in both the City and County of Spokane, with the City of Spokane acting as the lead agency.	Approved with Conditions
06-30-16	Z16-279CUP3	The City of Spokane Engineering Department sought a conditional use permit in order to allow the construction of an underground Combined Sewer Overflow (CSO) prevention tank number IO3, and associated piping to be installed underground in a Residential Single Family Zone on property located at 2400 W. Buckeye Avenue. The project also includes a shared-use access road/path and storm water treatment swale.	Approved with Conditions
07-07-16	Z16-383CUP3	Avista Corporation sought a conditional use permit in order to allow the expansion of an existing substation from 220,000 square feet to 415, 000 square feet in order to make room for new equipment and increase reliability of the substation. Included in the proposal is expansion of the driveway area, the installation of a new security fence, the relocation of some transmission poles and construction of a new control enclosure for property located in a Residential Single Family.	Approved with Conditions

Land Use Hearings Held In 2016, Cont.

Date	File Number	Description	Decision
07-14-16-	Z16-393CUP3	The Martin Luther King Jr. Family Outreach Center sought a conditional use permit in order to construct a new two-story building with a foot print of approximately 5,937 square feet, replacing the current buildings, and included related improvements in a Residential Single Family Zone located at 855 S. Sherman Street.	Approved with Conditions
08-04-16	Z16-464CUP3	The City of Spokane Engineering Department sought a conditional use permit in order to allow the construction of an underground Combined Sewer Overflow (CSO) tank number 33-1, and associated piping to be installed underground in a Residential Single Family Zone on property located in the unused area west of Liberty Park, which is adjacent to I-90 and the Hamilton Street interchange. The project also includes two gravel access roads.	Approved with Conditions
08-18-16	Z16-463PPLT	The applicant proposed a replat of 24 existing parcels totaling approximately 5 acres into 35 single-family lots to be known as Freya Pines. 25 th Avenue, a new city street, between South Ray and Freya Streets, will be constructed in the Residential Single Family Zone.	Approved with Conditions
09-01-16	Z16-525CEL3	T-Mobile and Parallel Infrastructure, sought a conditional use permit to construct a 70' monopole wireless communication tower together with accessory ground support equipment within a fenced and landscaped area in a Center and Corridor Zone.	Approved with Conditions
09-22-16	Z16-653CUP3	St. Anthony's Catholic Parish of Spokane sought a conditional use permit for a master campus plan for the new Trinity School and childcare facility, to include the existing St. Anthony church in the Residential Single-Family Zone.	Approved with Conditions
09-29-16	Z16-561VAR	Cooke/Shriver Townhomes sought a Type III Variance allowing for (1) to exceed the 20% maximum area allowed to be paved in the front or side yard setbacks on both Garfield St and Hartson Ave frontages, and (2) to install the required frontage landscaping the city right-of-way, due to the topography of the proposed site to construct 14 townhomes (2, 7-unit buildings) in the Residential Multi-Family Zone.	Approved with Conditions

Land Use Hearings Held In 2016, Cont.

Date	File Number	Description	Decision
10-20-16	Z16-678REZN	Gonzaga University sought a rezone and shoreline conditional use permit to construct the new 57,550 square-foot Myrtle Woldson performing arts center in an Office Retail-55 Zone. The rezone would change the zoning from Office Retail-55 to Office Retail-70 to accommodate the height of the proposed structure. A shoreline conditional use permit is required because the proposed development is partially within the Shoreline Jurisdiction in the current OR-55 Zone.	Approved with Conditions
10-27-16	Z16-654SCUP	The City of Spokane Engineering Department sought a shoreline conditional use permit to construct a 2.2 million gallon Combined Sewer Overflow (CSO) storage tank #26. The tank would be installed partially underground on the hillside just north of and partially within Spokane Falls Boulevard, directly north of the downtown library in the Downtown General-70 Zone.	Approved with Conditions
11-03-16	Z16-667SCUP	The City of Spokane Parks and Recreation Department applied for a Shoreline Conditional Use Permit for the redevelopment of Riverfront Park, which includes construction and operations to replace or repair park bridges, construct new park facilities, construct landscape improvements, conduct utility work and related park improvement activities in the DTG-70, 100 and 150 (Downtown General) Zones located within the park.	Approved with Conditions

Change of Conditions Requests In 2016

Date	File Number	Description	Decision
01-19-16	Z2005-121-PUD	A request for the modification of conditions for Tuscan Ridge involving the mandate of financial guarantee and timing, establishing address for each unit at the time of building permit, and obtain a final PUD before all construction plans have been approved.	Request for modifications was approved.

Change of Conditions Requests In 2016, Cont.

Date	File Number	Description	Decision
09-12-16	Z2005-68-PP/PUD	Pete Rayner requested plat modifications, including approval of 2007 revised preliminary plat, revision to Condition 1 to grant authority over minor plat changes to City Staff, and approval of a 5-year plat extension.	Request for changes are substantial and a new application for a modification to the preliminary plat was required.
09-27-16	Z2006-35-PP/PUD	The developer requested a changes to the Crystal Ridge 1 st Addition plat conditions to allow 1) the plat to be developed in two phases; 2) approve the plan to straighten the lot lines on Nettleton to be perpendicular to the street; and 3) approve a one-year extension for the entire project.	Request 1 & 2 were approved with conditions. Request 3 is not within the discretion of the Hearing Examiner.
10-18-16	Z1500068-CUP3	On 06-29-16 the Planning Department requested to revoke "The Library" conditional use permit on the grounds that the business was operating outside of the permitted times, performing work without the required permits, and conducting business without a certificate of occupancy.	The Planning Department withdrew the request as part of the Hearing Examiner's Order Approving the Change of Conditions.
11-02-16	Z16-653CUP3	St. Anthony's Catholic Parish Master Campus Plan sought modifications to condition 1 of the approved conditional use permit to partially demolish the existing school, construct a new gymnasium and construct a new parking lot.	Request for modifications were approved w/conditions.

Miscellaneous Administrative Appeal Hearings Held In 2016

Date	File Number	Description	Decision
07-12-16	AP-16-01	Appeal by Jacqueline Pendleton of a decision of the Taxes & Licensing Department denying an application by Pendleton Enterprises, LLC for an Entertainment Facility License.	The decision of the Taxes & Licensing Department is upheld.

Miscellaneous Administrative Appeal Hearings Held In 2016, Cont.

Date	File Number	Description	Decision
09-08-16	B1606658BOAP	Appeal by Owen Mir of the decision of the Building Official's order to demolish the structures located at 1107 E. Euclid. Mr. Mir prevailed on his argument that he didn't receive adequate notice of the show cause hearing; therefore the Order to Demolish was defective under the principles of due process and is invalid.	The decision of the Building Official is reversed.

Administrative Appeal Decisions/Reconsiderations on Redaction of Records 2016

Date	File Number	Description	Decision
02-11-16	Breen Appeal of Redaction of Public Records Request	Brian Breen submitted an appeal of the City Clerk's decision to redact public records related to Lynden Smithson being placed on Paid Administrative Leave. Mr. Breen contended that the Hearing Examiner should not decide the appeal because he is a city employee and therefore has a conflict of interest.	The Hearing Examiner concluded that the documents at issue were properly redacted based upon the attorney-client privilege and also under the work product doctrine.
02-10-16	Julian Tarver Appeal of Exempt Public Records Request	Julian Tarver submitted an appeal of the City Clerk's decision that the request for a listing of the "police" master firearms inventory and assignments is exempt from disclosure and would not be provided to Mr. Tarver.	The Hearing Examiner concluded that the firearms ledger is not exempt from disclosure.

Administrative Appeal Decisions/Reconsiderations on Redaction of Records 2016, Cont.

Date	File Number	Description	Decision
03-10-16	Request for Reconsideration filed by Mary Muramatsu.	Mary Muramatsu, Assistant City Attorney, filed a motion for reconsideration regarding the Julian Tarver Decision dated 02-10-16.	The Hearing Examiner was chosen to make the decision on this appeal and concluded that the documents at issue were properly redacted based upon the attorney-client privilege. Decision on Reconsideration upheld on 03-10-16.
03-24-16	Request for Reconsideration filed by Julian Tarver	Mr. Tarver filed for a reconsideration regarding the Hearing Examiner's 03-10-16 decision reversing the original decision of 02-10-16.	Issued a letter dated 03-24-16 stating that the Reconsideration decision of 03-10-16 is final.
03-29-16	Craig Keller Appeal of Redaction of Public Records Request.	Craig Keller submitted an appeal of the City Clerk's decision that correspondence request was improperly redacted.	The Hearing Examiner concluded that the documents at issue were properly redacted based upon attorney-client privilege.
04-22-16	Mitch Ryals Appeal of Withheld Records of Public Records Request	Mitch Ryals submitted an appeal of the City Clerk's decision that certain records were improperly withheld.	The Hearing Examiner concluded that certain documents were exempt from disclosure and upheld the withholding of certain records.

Forfeiture Appeal Hearings In 2016

Date	File Number	Description	Decision/Disposition
02-04-16	15-046	This matter was continued from 11-19-15, where at that hearing Shantel L. Flores requested a continuance and signed a 90 day hearing waiver. Ms. Flores submitted a claim to ownership of a 2007 Black Nissan Sentra, WA License ATB0189 seized by the Spokane Police Department. The Police seized the vehicle as being used to facilitate the trafficking of a controlled substance. Ms. Flores failed to appear on the date and time specified in the notice of hearing she received on 01-15-16. Ms. Flores contacted the Assistant City Attorney handling this matter and explained she had gone to the wrong location. After due consideration a decision was made to reopen the hearing on 02-25-16.	The hearing will be reopened on 02-25-16 because Ms. Flores failed to appear at the hearing due to Ms. Flores going to the wrong location.
02-11-16	15-058	This matter was continued from 11-12-15. Dalon Lisby submitted a claim to ownership of \$3,046.00 in U.S. currency seized by the Spokane Police Department. The Police seized the cash as being used to facilitate the trafficking of a controlled substance.	The seizure was upheld by default because Mr. Lisby failed to appear at the hearing.
02-25-16	15-046	Shantel L. Flores submitted a claim to ownership of a 2007 Nissan Sentra seized by the Spokane Police Department. The police seized the vehicle as being used to facilitate the trafficking in controlled substances (Methamphetamine, Heron and Oxycodone and other pills).	The seizure of the auto was upheld and the property was ordered forfeited.
03-03-16	MC 12-05	Keith Beiers submitted a claim to ownership of a 2008 Toyota Prius seized by the Spokane Police Department. The police seized the vehicle as being used to intentionally strike a neighbor during a disagreement or altercation. Mr. Beiers did not assert that the property was improperly seized, he advised that he was participating in the hearing solely to "negotiate" with SPD to purchase the vehicle for scrap value. (Felony Assault).	At the hearing Mr. Beiers expressly abandoned his claim. In the absence of a negotiated settlement between Mr. Beiers and the SPD the seized property is forfeited to the SPD.

Forfeiture Appeal Hearings In 2016, Cont.

Date	File Number	Description	Decision/Disposition
03-24-16	15-083	Graciela Santiago submitted a claim to ownership of a white, 2000 BMW 323 seized by the Spokane Police Department. The police seized the vehicle being driven by Ms. Santiago's son, David Morales, as being used to facilitate the trafficking in a controlled substance (Methamphetamine). Ms. Santiago, a resident of Pasco, WA, testified that she was the legal owner of the vehicle and had no knowledge that it was being used by her son for illegal activities, and invoked the innocent owner defense.	Ms. Santiago's claim to the vehicle is sustained.
03-24-16	15-084	Mark Trees submitted a claim to ownership of a green 1996 Acura RL seized by the Spokane Police Department. The police seized the vehicle while it was being driven by Kenneth Rodgers, as being used to facilitate the trafficking in a controlled substance (Heron). Mr. Tress testified that Mr. Rodgers was hired to fix the car and that it was not licensed or drivable when Mr. Rogers picked up the vehicle on a trailer to transport it to be repaired. Mr. Trees also testified that he was in the hospital and was in no condition or position to know about Mr. Rodgers' activities, and invoked the innocent owner defense.	Mr. Trees' claim to the vehicle is sustained.
03-24-16	15-085	Carlisa McNeal submitted a claim to ownership of \$14, 872.00 in U.S. Funds seized by the Spokane Police Department. The police seized the cash as proceeds from the trafficking in a controlled substance (Heron).	At the hearing Ms. McNeal requested a 30 day continuance stating that she had retained legal counsel. Hearing continued to 04-28-16.
04-28-16	15-085	Carlisa McNeal appeared at the continued hearing without counsel and stated that she wanted to proceed without counsel and claimed ownership of the \$14,872.00 in U.S. Funds seized by the Spokane Police Department. The police seized the cash as proceeds from the trafficking in a controlled substance. (Heron).	The seizure of the cash was upheld and ordered to be forfeited.
08-11-16	16-018	Kristina Groce, submitted a claim to ownership of a black 1997 Acura seized by the Spokane Police Department. The police seized the vehicle was used to facilitate a felony crime of theft.	The seizure was upheld by default because Ms. Groce failed to appear at the hearing.

Forfeiture Appeal Hearings In 2016, Cont.

Date	File Number	Description	Decision/Disposition
10-27-16	16-032	O'Neill submitted a claim to ownership of \$35,040.00 in U.S. currency seized by the Spokane Police Department. The Police seized the cash as being used to facilitate the trafficking of controlled substances. (Heron and Cocaine)	The seizure was upheld by default because Mr. O'Niell and/or his attorney failed to appear at the hearing.
10-27-16	16-032	Mindee Deligt submitted a claim to ownership of \$1,172.00 in U.S. currency seized by the Spokane Police Department. The Police seized the cash as being used to facilitate the trafficking of controlled substances. (Heroin and Cocaine)	The seizure was upheld by default because Ms. Deligt failed to appear at the hearing.
12-01-16	16-035	Darryl Carillio submitted a claim of ownership on 2 pickup trucks seized by the Spokane Police Department. The Police seized the vehicles as being used to facilitate the trafficking in controlled substances. (methamphetamine)	At the hearing Mr. Carillio abandoned his claim to one truck The seizure of the second truck was upheld and the property was ordered forfeited.
12-01-16	16-035	Toni Gisler submitted a claim of ownership on a pickup truck seized by the Spokane Police Department. The Police seized the vehicle as being used to facilitate the trafficking in controlled substances. (methamphetamine)	The seizure of the pickup truck was upheld and the property was ordered forfeited.
12-15-16	16-039	Dustin Hearn submitted a claim of ownership of \$70,024 in U.S. currency seized by the Spokane Police Department. The Police seized the cash as being used to facilitate the trafficking of controlled substances. (methamphetamine and heroin)	The seizure of \$70,024 was upheld and the monies were ordered forfeited.
12-15-16	16-039	Ardis Wilson submitted a claim of ownership of \$2,434 in U.S. currency, various gift and credit cards and a Kawasaki motorcycle seized from Dustin Hearn by the Spokane Police Department. The Police seized the items as being used to facilitate the trafficking of controlled substances. (methamphetamine and heroin)	At the time of hearing Mr. Wilson was incarcerated and refused to participate in his appeal hearing. Therefore, the seizure was upheld by default because Mr. Wilson failed to appear.

Dangerous Dog Appeal Hearings In 2016

Date	File Number	Description	Decision
01-12-16	2015-1296	Mr. Ismael Tarango, appealed a dangerous dog determination regarding a male Pit Bull owned by Mr. Tarango. The dog bit a child living at the residence of Mr. Tarango. The bite was provoked by cumulative actions of the child.	Downgraded from dangerous to Potentially Dangerous Dog.
02-16-16	2015-0662	Mr. David Bragg, appealed a dangerous dog determination regarding a male Rottweiler owned by Mr. Bragg. The dog inflicted multiple bites on a utility worker, while on the owner's property, without provocation.	Upheld SCRAPS determination that the dog is dangerous.
03-15-16	2016-0006	Ms. Toni Anderson, appealed a dangerous dog determination regarding a male Pit Bull owned by Ms. Anderson. The dog attacked and injured another woman without provocation while on a public sidewalk.	Ms. Anderson failed to appear at the hearing and therefore abandoned her appeal. Upheld SCRAPS determination that the dog is dangerous.
08-18-16	2016-0571	Mr. Donald Cummings appealed a dangerous dog determination regarding a male Pit Bull owned by him. While being walked on a leash by a friend of the owner the dog broke away and attacked without provocation severely injuring a Yorkie/Shih-Tzu mix who was being walked on a leash by its owner. The Yorkie/Shih-Tzu succumbed to its injuries while enroute to the Pet Emergency Clinic.	Upheld SCRAPS determination that the dog is dangerous.
10-11-16	2016-0804	Sarah Deshazer appealed the confiscation of a dangerous dog determination regarding a female Pit Bull owned by her. The dog "Gemstone" was previously declared dangerous on 11-14-15, that determination was not appealed. On 09-12-16 "Gemstone" was at large and attacked another dog inflicting severe injuries.	Upheld SCRAPS confiscation of a dangerous dog.
12-22-16	2016-1057	Melissa Wepner appealed two dangerous dog determinations regarding a St. Bernard and a Mastiff owned by her. The two dogs inflicted multiple bites on a visitor, while on the owner's property, without provocation.	Upheld SCRAPS determination that the dogs are dangerous.

Dangerous Dog Appeal Hearings In 2016, Cont.

Date	File Number	Description	Decision
12-28-16	2016-1077	Vincent Flood appealed a dangerous dog determination regarding a male Pit Bull who had previously been declared as Potentially Dangerous while running at large and acting in an aggressive manner. The dog has again on numerous occasions been running at large and acting in a menacing and aggressive manner leading to the dangerous dog determination.	Mr. Flood failed to appear at the hearing and therefore abandoned his appeal. Upheld SCRAPS determination that the dog is dangerous.

Hearings Held For Other Jurisdictions In 2016

Date	File Number	Jurisdiction	Description	Decision
01-13-16	2015.CU0002	Liberty Lake	Liberty Lake RV Campground. Application for development of a RV Park/Campground to include a two-story office/recreational building, a shed, a separate restroom facility, dump station, propane tank, pool, to lot, dog lot, sport court, community open space and 120 RV spaces.	Order for Environmental Review and schedule a new hearing.
03-09-16	2015.CU0002	Liberty Lake	Liberty Lake RV Campground. Application for development of a RV Park/Campground to include a two-story office/recreational building, a shed, a separate restroom facility, dump station, propane tank, pool, to lot, dog lot, sport court, community open space and 120 RV spaces. SEPA Appeal heard in conjunction with the underlying land use application.	Recommended approval w/conditions. SEPA: Right-in/right-out condition not supported and therefore deleted from mitigating measures.

Hearings Held For Other Jurisdictions In 2016, Cont.

Date	File Number	Jurisdiction	Description	Decision
09-14-16	L16-011-PP-V-SE	Cheney	View Acres 5 th Addition. Application for a preliminary plat to create 28 single-family residential lots to exceed the 9,000 square foot maximum under the development code.	Recommended approval w/conditions.

Initiative Opinions Written In 2016

Date	Initiative Number	Description	Opinion
06-23-16	Initiative No. 2016-01	Charter Amendment Prohibiting Coal and Crude Oil Transport by Rail	None - Withdrawn by submitter on 01-05-16.
07-20-16	Initiative No 2016-02	Charter Amendment Prohibiting Coal and Crude Oil Transport by Rail	The proposed initiative is legally flawed for a number of reasons as follows: preempted by Federal Law under ICCTA; preempted portions of the proposed initiative cannot be severed; and enforcement provisions are not legally effective.
08-10-16	Initiative No 2016-3	Initiative to amend the Spokane Municipal Code to provide that no producer, processor, or retailer of marijuana products will be issued a license to operate in downtown Spokane.	The proposed measure is the proper subject of an initiative and does not run afoul of any of the threshold questions under Washington's initiative law. It does not contain any apparent legal infirmities and is within the ordinary exercise of the police powers of the city. If enacted it would be legally valid and effective.

Initiative Opinions Written In 2016, Cont.

Date	Initiative Number	Description	Opinion
08-17-16	Initiative No 2016-4	Initiative to amend the Spokane Municipal Code regarding marijuana business zoning restrictions near certain institutions. Submitted by John Ahern	The proposed measure is the proper subject of an initiative and does not run afoul of any of the threshold questions under Washington's initiative law. It does not contain any apparent legal infirmities and is within the ordinary exercise of the police powers of the city. If enacted it would be legally valid and effective.
09-14-16	Initiative No 2016-5	Initiative to amend the Spokane Municipal Code regarding marijuana business zoning restrictions near certain institutions. Submitted by John Ahern, revision to 2016-4	The proposed measure is the proper subject of an initiative and does not run afoul of any of the threshold questions under Washington's initiative law. It does not contain any apparent legal infirmities and is within the ordinary exercise of the police powers of the city. If enacted it would be legally valid and effective. However the term "ward" is ambiguous.
10-18-16	Initiative 2016-6	Initiative to amend the Spokane Municipal Code to make it a class 1 civil infraction for any person or entity to allow a rail car that it owns to ship uncontained coal and a certain type of oil by rail through the downtown Spokane core or within 2,000 feet of a school, hospital or the Spokane River	The Proposed initiative is preempted by federal law and therefore cannot be validly adopted.