

**ORDINANCE NO. C - \_\_\_\_\_**

An ordinance adopting an interim official control to immediately implement the City's Comprehensive Plan, HOME Starts Here Initiative, and regional Comprehensive Economic Development Strategy and protect the public health and safety of residents by prohibiting the use of private property for detention facilities and eliminating detention facilities as an allowable conditional use outside of the Essential Public Facilities process required by the Growth Management Act; amending Sections 17C.111.100, 17C.120.100, 17C.123.040, 17C.124.100, 17C.130.100, 17C.190.530, and 17C.320.080; and repealing Section 17C.190.520 of the Spokane Municipal Code; setting a public hearing; and declaring an emergency.

**WHEREAS**, Article XI, Section 11 of the Washington State Constitution grants cities police power authority "to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws"; and

**WHEREAS**, THRIVE Spokane, the Spokane region's Comprehensive Economic Development Strategy 2.21 states: "Ensure the region has adequate commercial and industrial developments, particularly Class B office space, to support business retention, expansion, and attraction efforts; and

**WHEREAS**, the City of Spokane's Comprehensive Plan Policy Goal ED 2 - Land Availability for Economic Activities states: "Ensure that an adequate supply of useable industrial and commercial property is available for economic development activities; and

**WHEREAS**, the City of Spokane's Comprehensive Plan Policy LU 1.10 – Industry calls for the City to "Provide a variety of industrial locations and site sizes for a variety of light and heavy industrial development and safeguard them from competing land uses"; and

**WHEREAS**, the City of Spokane's Comprehensive Plan identifies multiple economic development strategies necessary for attracting new businesses and supporting the expansion of existing businesses, including Quality of Life Protection (ED 8.1) and Sustainable Economic Strategies (ED 8.2) that strive to achieve economic development in a manner that minimizes physical, social, and environmental impacts; and

**WHEREAS**, the city of Spokane has identified a need for more than 22,000 housing units by 2046; and

**WHEREAS**, the H.O.M.E. Starts Here Initiative seeks to reduce the number of Spokane residents who are housing cost-burdened, add new housing units at all income levels, and expand the city's homeownership rate through "housing-focused zoning policies"; and

**WHEREAS**, detention facilities, sited outside of the Essential Public Facilities process, are recognized as a conditional use in Residential Multifamily, Residential High Density, Community Business, General Commercial, and all Industrial zones which conflicts with the vision of the City's Comprehensive Plan, strategies of the Spokane Region Comprehensive Economic Development Strategy, and goals of the HOME Starts Here Initiative; and

**WHEREAS**, the Brown Administration and Spokane City Council have identified an immediate need to protect the public health and safety of residents by ensuring that land zoned for residential, commercial, and industrial use allows uses that meet the community's economic development strategy, housing goals, and Comprehensive Plan, and does not permit uses that conflict with these plans and policies; and

**WHEREAS**, Washington state law in RCW 36.70A.200 does not recognize certain facilities operated by private entities in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense as Essential Public Facilities; and

**WHEREAS**, Washington state law in RCW 70.395.030 prohibits any person, business, or state or local governmental entity from operating a private detention facility within the state or utilizing a contract with a private detention facility within the state, or utilizing a contract with a private detention facility outside of Washington state; and

**WHEREAS**, the Brown Administration and Spokane City Council have identified an immediate need to protect the public health and safety of residents by prohibiting the use of private property for detention facilities; and

**WHEREAS**, the Spokane City Council intends to utilize the authority granted under RCW 36.70A.390 to adopt an interim official control to immediately implement the City's Comprehensive Plan, HOME Starts Here Initiative, and regional Comprehensive Economic Development Strategy and protect the public health and safety of residents by prohibiting the use of private property for detention facilities and eliminating detention facilities as an allowable conditional use outside of the Essential Public Facilities process required by the Growth Management Act; and

**WHEREAS**, pursuant to RCW 36.70A.390, the City Council may adopt an interim official control that may be effective for one year if a work plan is developed for related studies; and

**WHEREAS**, RCW 36.70A.390 authorizes the enactment of an interim official control without a hearing; and

**WHEREAS**, pursuant to RCW 36.70A.390, when the City Council adopts an interim official control without holding a public hearing on the proposed interim official control, it must hold a hearing on the adopted interim official control within at least sixty days of its adoption; and

**WHEREAS**, the Spokane City Council finds that the interim official control imposed by this ordinance is necessary for the protection of the public peace, health, and safety and for the immediate support of City government and its existing public institutions; and

**WHEREAS**, the normal course of legislative procedures of the City Council cannot timely address the issue without the threat of applications and nonconforming uses vesting under the existing code, thereby causing or exacerbating harm to the community and government functions.

**NOW, THEREFORE**, the City of Spokane does ordain:

**Section 1. Findings of Fact**. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 5 below.

**Section 2. Purpose**. The purpose of this interim official control is to immediately implement the City's Comprehensive Plan, HOME Starts Here Initiative, and regional Comprehensive Economic Development Strategy, and to protect the public health and safety of residents by prohibiting the use of private property for detention facilities and eliminating detention facilities as an allowable conditional use outside of the Essential Public Facilities process required by the Growth Management Act.

**Section 3. Duration of Interim Official Control**. The interim official control imposed by this Ordinance shall be in effect for up to a period of one year, beginning on the date of the adoption of this Ordinance. During this period, the City will evaluate other potential land use actions that help the City achieve its economic development, housing, and growth priorities and conditional use criteria necessary to protect public health and safety of residents related to siting of Essential Public Facilities as part of the City's Comprehensive Plan update.

**Section 4. Work Plan**. Pursuant to RCW 36.70A.390, a work plan related to this ordinance shall include continued public participation and notice pursuant to chapter 17G.025 SMC. The work plan will evaluate other potential land use actions that help the

City achieve its economic development, housing, and growth priorities, and conditional use criteria necessary to protect public health and safety of residents related to siting of Essential Public Facilities as part of the City's Comprehensive Plan update.

**Section 5. Public Hearing.** Pursuant to RCW 35.63.200 and 36.70A.390, the City Council will hold a public hearing on this interim official control on \_\_\_\_\_, 2026. Immediately after the public hearing, the City Council will adopt findings of fact on the subject of this interim official control.

**NOW, THEREFORE**, the City of Spokane does ordain:

**Section 6.** That Section 17C.111.100 of the Spokane Municipal Code is amended to read as follows:

### **Section 17C.111.100 Residential Zone Primary Uses**

#### A. Permitted Uses (P).

Uses permitted in the residential zones are listed in [Table 17C.111.100-1](#) with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

#### B. Limited Uses (L).

Uses permitted that are subject to limitations are listed in [Table 17C.111.100-1](#) with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in [SMC 17C.320.080](#), Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.111.100-1](#).

#### C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in [Table 17C.111.100-1](#) with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in [SMC 17C.320.080](#), Decision Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in [SMC 17C.320](#), Conditional Uses.

#### D. Uses Not Permitted (N).

Uses listed in [Table 17C.111.105-1](#) with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.111.100-1 RESIDENTIAL ZONE PRIMARY USES ( <a href="#">Click here to view PDF</a> )					
Use is:					
P – Permitted					
N – Not Permitted					
L – Allowed, but special limitations	RA	R1	R2	RMF	RHD
CU – Conditional Use review required					
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N

Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
<b>INSTITUTIONAL CATEGORIES</b>					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare	P	P	P	P	P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[5]/CU	L[5]/CU	L[5]/CU	P	P
Schools	L[6]/CU	L[6]/CU	L[6]/CU	P	P
<b>OTHER CATEGORIES</b>					
Agriculture	L[7]	N	N	N	N
Aviation and Surface Passenger Terminals	N	N	N	N	N
((Detention Facilities))	((N))	((N))	((N))	((CU))	((CU))
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
Notes:					
* The use categories are described in chapter 17C.190 SMC.					
* Standards that correspond to the bracketed numbers [ ] are stated in SMC 17C.111.110.					
* Specific uses and development may be subject to the standards in SMC 17C.320.080.					

**Section 7.** That Section 17C.120.100 of the Spokane Municipal Code is amended to read as follows:

**Section 17C.120.100 Commercial Zones Primary Uses**

**A. Permitted Uses – “P.”**

Uses permitted in the commercial zones are listed in Table 17C.120.100-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.

#### B. Limited Uses – “L.”

Uses allowed that are subject to limitations are listed in Table 17C.120.100-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

#### C. Conditional Uses – “CU.”

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.120.100-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.

#### D. Uses Not Permitted – “N.”

Uses listed in Table 17C.120.100-1 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.120.100-1  
COMMERCIAL ZONE PRIMARY USES

Use is:	O (Office)	OR (Office Retail)	NR (Neighborhood Retail)	NMU (Neighborhood Mixed Use)	CB (Community Business)	GC (General Commercial)
P: Permitted						
N: Not Permitted						
L: Allowed, but Special Limitations						
CU: Conditional Use Review Required						
<b>Residential Categories</b>						
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P	P
<b>Commercial Categories</b>						
Adult Business	N	N	N	N	L[2]	L[2]

Commercial	N	N	N	N	P	P
Outdoor Recreation						
Commercial Parking	CU[3]	CU[3]	P	P	P	P
Drive-through Facility	L[4]	L[4]	L[4]	L[4]	P	P
Major Event Entertainment	N	N	N	N	P	P
Office	P	P	P	P	P	P
Quick Vehicle Servicing	N	N	L[5, 10]	L[5, 7, 10]	P	P
Retail Sales and Service	N	L/CU[6]	P	L[7]	P	P
Mini-storage Facilities	N	N	N	N	L[9]	L[9]
Vehicle Repair	N	N	N	N	P	P
Mobile Food Vending	L[13]	L[13]	L[13]	L[13]	L[13]	L[13]
<b>Industrial Categories</b>						
High Impact Uses	N	N	N	N	N	N
Industrial Service	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Manufacturing and Production	N	N	L[8, 10]	L[7, 8, 10]	L/CU[8, 10]	L/CU[8, 10]
Railroad Yards	N	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Waste-related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
<b>Institutional Categories</b>						
Basic Utilities	P	P	P	P	P	P
Colleges	P	P	P	P	P	P
Community Service	P	P	P	P	P	P
Daycare	P	P	P	P	P	P
Medical Centers	P	P	P	P	P	P
Parks and Open Areas	P	P	P	P	P	P

Religious Institutions	P	P	P	P	P	P
Schools	P	P	P	P	P	P
Other Categories						
Agriculture	N	N	N	N	CU	CU
Aviation and Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
((Detention Facilities))	((N))	((N))	((N))	((N))	((CU))	((CU))
Essential Public Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU	CU
Notes:						
<ul style="list-style-type: none"> <li>The use categories are described in <a href="#">chapter 17C.190 SMC</a>.</li> <li>Standards that correspond to the bracketed numbers [ ] are stated in <a href="#">SMC 17C.120.110</a>.</li> <li>Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.</li> </ul>						

**Section 8.** That Section 17C.123.040 of the Spokane Municipal Code is amended to read as follows:

### **Section 17C.123.040 Permitted Uses**

#### **A. Permitted Uses.**

Uses permitted in the residential zones are listed in Table 17C.123.040-1 with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

#### **B. Limited Uses.**

Uses permitted that are subject to limitations are listed in Table 17C.123.040-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from Table 17C.123.040-1.

#### **C. Conditional Uses.**

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.123.040-1 with a "CU." These uses are allowed provided they comply with

the conditional use approval criteria for that use, the development standards, and other standards of this chapter. The conditional use review process and approval criteria are stated in SMC [17C.320](#), Conditional Uses.

**D. Uses Not Permitted.**

Uses listed in Table 17C.123.040-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards chapter [17C.210](#) SMC, Nonconforming Situations.

<b>Table 17C.123.040-1</b> <b>Hamilton Form-Based Code Primary Uses</b>		
Use is:	CA1	Shopfront
P – Permitted		
N – Not Permitted		
L – Allowed, but special limitations		
CU – Conditional Use review required		
<b>Residential Categories</b>		
Group Living [1]	L/CU	L/CU
Single-Unit Residential Household Living	N	N
Other Residential Household Living	P	L [2]
<b>Commercial Categories</b>		
Adult Business	N	N
Commercial Outdoor Recreation	N	N
Commercial Parking	N	N
Structured Parking	P	L [3]
Drive-through Facility	N	N
Major Event Entertainment	P	N
Office	P	P
Quick Vehicle Servicing	N	N
Retail Sales and Service	P	P
Mini-storage Facilities	N	N
Vehicle Repair	N	N
<b>Industrial Categories</b>		
High Impact Uses	N	N
Industrial Service	N	N
Manufacturing and Production	N	N
Railroad Yards	N	N
Warehouse and Freight Movement	N	N
Waste-related	N	N
Wholesale Sales	N	N
<b>Institutional Categories</b>		
Basic Utilities	P	N
Colleges [4]	L	L

Community Service	P	P
Daycare	P	P
Medical Center	N	N
Parks and Open Areas	N	N
Religious Institutions	P	P
Schools	P	P
<b>Other Categories</b>		
Agriculture	N	N
Aviation and Surface Passenger Terminals	N	N
((Detention Facilities))	((N))	((N))
Essential Public Facilities	CU	CU
Mining	N	N
Rail Lines and Utility Corridors	N	N
<p>[1] Must comply with the regulations found in SMC <a href="#">17C.190.100</a>.</p> <p>[2] Residential uses are not permitted on the ground floor in Shopfront designated areas.</p> <p>[3] Structured parking is not permitted on the ground floor in Shopfront designated areas.</p> <p>[4] The accessory uses of housing, retail, and offices are permitted. Lecture halls, food halls, health and sports facilities, laboratories, and other accessory uses not specifically allowed are not permitted within the Hamilton Form-Based Code. Dormitory style housing must comply with the regulations found in SMC 17C.190.100 for group living.</p>		

**Section 9.** That Section 17C.124.100 of the Spokane Municipal Code is amended to read as follows:

### **Section 17C.124.100 Downtown Zones Primary Uses**

**A. Permitted Uses – “P.”**

Uses permitted in the downtown zones are listed in [Table 17C.124.100-1](#) with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.

**B. Limited Uses – “L.”**

Uses allowed that are subject to limitations are listed in [Table 17C.124.100-1](#) with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

**C. Conditional Uses – “CU.”**

Uses that are allowed if approved through the conditional use review process are

listed in [Table 17C.124.100-1](#) with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in chapter [17C.320 SMC](#), Conditional Uses.

D. Uses Not Permitted – “N.”

Uses listed in [Table 17C.124.100-1](#) with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of chapter [17C.210 SMC](#), Nonconforming Situations.

(([Table 17C.124.100-1 Downtown Zone Primary Uses \(See Linked Document\)](#)))

**TABLE 17C.124.100-1  
DOWNTOWN ZONE PRIMARY USES**

Use is: <b>P</b> – Permitted <b>N</b> – Not Permitted <b>L</b> – Allowed, but special limitations <b>CU</b> – Conditional use review required	DTC	DTG	DTU	DTS
<b>Residential Categories</b>				
Group Living [1]	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P
<b>Commercial Categories</b>				
Adult Business [2]	N	N	N	CU [2]
Commercial Outdoor Recreation	CU	CU	CU	CU
Commercial Parking	L [3]	L [3]	L [3]	L [3]
Drive-through Facility [4]	L [4]	L [4]	L [4]	L [4]
Major Event Entertainment	P	P	P	P
Office	P	P	P	P
Quick Vehicle Servicing	N	L [5,10]	L [5,10]	L [5,10]
Retail Sales and Service	L [6]	L [6]	L [6]	P
Mini-storage Facilities [9]	N	L [8,10]	L [8,10]	L [8,10]
Vehicle Repair	N	L [5,10]	L [5,10]	P
Mobile Food Vending	L [14]	L [14]	L [14]	L [14]

<b>Industrial Categories</b>				
High Impact Uses	N	N	N	N
Industrial Service	N	N	N	N
Manufacturing and Production	L [7,8,10]	L [7,8,10]	L [7,8,10]	L [7,8,10]
Railroad Yards	N	N	N	N
Warehouse and Freight Movement	L [7,8,10]	L [7,8,10]	L [7,8,10]	L [7,8,10]
Waste-related	N	N	N	N
Wholesale Sales	L [7,10]	L [7,10]	L [7,10]	L [7,10]
<b>Institutional Categories</b>				
Basic Utilities	P	P	P	P
Colleges	P	P	P	P
Community Service [11]	L/CU	L/CU	L/CU	L/CU
Daycare	P	P	P	P
Medical Centers	P	P	P	P
Parks and Open Areas	P	P	P	P
Religious Institutions	P	P	P	P
Schools	P	P	P	P
<b>Other Categories</b>				
Agriculture	N	N	N	N
Aviation and Surface Passenger Terminals	CU	CU	CU	CU
((Detention Facilities))	((N))	((N))	((N))	((N))
Essential Public Facilities	CU	CU	CU	CU
Mining	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU
Wireless Communication Facilities [12]	L/CU	L/CU	L/CU	L/CU
Notes:				
<ul style="list-style-type: none"> <li>The use categories are described in chapter 17C.190 SMC.</li> <li>Standards that correspond to the bracketed numbers [ ] are stated in SMC 17C.124.110.</li> <li>Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.</li> </ul>				

**Section 10 .** That Section 17C.130.100 of the Spokane Municipal Code is

amended to read as follows:

### **Section 17C.130.100 Industrial Zones Primary Uses**

#### **A. Permitted Uses (P).**

Uses permitted in the industrial zones are listed in Table 17C.130-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.

#### **B. Limited Uses (L).**

Uses allowed that are subject to limitations are listed in Table 17C.130-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

#### **C. Conditional Uses (CU).**

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.130-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.

#### **D. Uses Not Permitted (N).**

Uses listed in Table 17C.130-1 with an “N” are not permitted. Existing uses in categories listed as not permitted may be subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

**Table 17C.130-1  
Industrial Zones Primary Uses**

Use is:	LI Zone (Light Industrial)	HI Zone (Heavy Industrial)	PI Zone (Planned Industrial)
P – Permitted; N – Not Permitted; L – Allowed, but with Special Limitations; CU – Conditional Use Review Required			
<b>Residential Categories</b>			

Group Living	L[1]	N	L[3]
Residential Household Living	L[2]	L[2]	L[3]
Commercial Categories			
Adult Business	L[4]	N	N
Commercial Outdoor Recreation	P	P	CU
Commercial Parking	P	P	P
Drive-through Facility	P	P	P
Major Event Entertainment	CU	CU	CU
Office	P	P	P
Quick Vehicle Servicing	P	P	P
Retail Sales and Service	L/CU[5]	L/CU[6]	L[7]
Mini-storage Facilities	L[8]	L[8]	L[8]
Vehicle Repair	P	P	P
Mobile Food Vending	L[12]	L[12]	L[12]
Industrial Categories			
High Impact Use	L[9]	L[9]	N
Industrial Service	P	P	P
Manufacturing and Production	P	P	P
Railroad Yards	CU	P	P
Warehouse and Freight Movement	P	P	P
Waste-related	CU	CU	CU
Wholesale Sales	P	P	P
Institutional Categories			
Basic Utilities	P	P	P
Colleges	P	N	L[10]
Community Service	P	N	N
Daycare	P	CU	L[10]
Medical Centers	P	N	L[10]
Parks and Open Areas	P	CU	P
Religious Institutions	P	N	N
Schools	P	N	L[10]
Other Categories			
Agriculture	P	P	P
Aviation and Surface Passenger Terminals	P	P	P
((Detention Facilities))	((CU))	((CU))	((CU))
Essential Public Facilities	CU	CU	CU
Mining	CU	CU	CU
Rail Lines and Utility Corridors	P	P	P
Notes:			
• The use categories are described in <a href="#">chapter 17C.190 SMC</a> .			
• Standards that correspond to the bracketed numbers [ ] are specified in <a href="#">SMC</a>			

**17C.130.110.**

- Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.
- Standards applicable to conditional uses are stated in [chapter 17C.320 SMC](#).

**Section 11.** That Section 17C.190.520 of the Spokane Municipal Code is hereby repealed.

**Section 12.** That Section 17C.190.530 of the Spokane Municipal Code is amended to read as follows:

**Section 17C.190.530 Essential Public Facilities**

**A. Characteristics.**

Essential Public Facilities are public facilities and privately-owned or operated facilities that are subject to a public service obligation and are typically difficult to site. Of these facilities, those that are of statewide or regional/countywide significance are subject to the Spokane County regional siting process for Essential Public Facilities. For essential public facilities of local significance that are not listed as specific uses, the planning and economic development services director will decide on a case-by-case basis what type of siting process is appropriate.

**B. Accessory Uses.**

Accessory uses include offices, meeting areas, food preparation areas, parking, health and therapy areas and exercise facilities.

**C. Examples.**

Examples include airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes and secure community transition facilities.

**D. Exceptions.**

1. Residential structures occupied by persons with disabilities requiring reasonable accommodations pursuant to the federal and state law are included in the Residential Household Living category (see [SMC 17C.190.110](#)).
2. Private property used for holding, detention, special detention, or correctional facilities, as defined in RCW 70.48.020, or private property in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction,

counseling, or rehabilitation following the conviction of a criminal offense, entity are not Essential Public Facilities and are prohibited in all zones. This prohibition shall not apply to:

- a) facilities expressly listed as Essential Public Facilities in RCW 36.70A.200;
- b) facilities detaining persons under RCW 71.09.020 (7) or (16); and
- c) facilities excluded under RCW 70.395.100.

**Section 13.** That Section 17C.320.080 of the Spokane Municipal Code is amended to read as follows:

### **Section 17C.320.080 Decision Criteria**

Decision criteria for conditional uses are stated in [SMC 17G.061.310](#). Those conditional uses with decision criteria in addition to that provided in [SMC 17G.061.310](#) are listed below. Requests for conditional uses will be approved if the hearing examiner finds that the applicant has shown that all of the decision criteria have been met.

A. [Deleted]

B. Essential Public Facility.

For conditional use permits to site an essential public facility, the following additional criteria apply:

1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates including the:
  - a. Spokane County Regional Siting Process for Essential Public Facilities, and
  - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
2. Housing for persons with handicaps as defined under the Federal Fair Housing Act and children in the custody of the state, which housing includes "community facilities" as defined in RCW 72.05.020 and facilities licensed under chapter 74.15 RCW, are exempt from the Spokane County Regional Siting Process for Essential Public Facilities. Housing for juveniles held in county detention facilities or state juvenile institutions as defined in chapter

13.40 RCW is subject to the Spokane County Regional Siting Process for Essential Public Facilities.

3. Facilities of a similar nature must be equitably dispersed throughout the City.
4. Pursuant to RCW 70.395.030, no person, business, or state or local governmental entity shall operate a private detention facility within the state or utilize a contract with a private detention facility within the state.

C. Secure Community Transition Facility.

For a conditional use permit to site a secure community transition facility the following additional criteria must be met:

1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the:
  - a. Spokane County Regional Siting Process for Essential Public Facilities, and
  - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
2. The siting of a secure community transition facility must comply with all provisions of state law, including requirements for public safety, staffing, security and training, and those standards must be maintained for the duration of the use.
3. A secure community transition facility should be located on property of sufficient size and frontage to allow the residents an opportunity for secure on-site recreational activities typically associated with daily needs and residential routines.
4. If state funds are available, the department of social and health services should enter into a mitigation agreement with the City of Spokane for training and the costs of that training with local law enforcement and administrative staff and local government staff, including training in coordination, emergency procedures, program and facility information, legal requirements and resident profiles.
5. The applicant must show that the property meets all of the above requirements and, further, if more than one site is being considered, preference must be given to the site furthest removed from risk potential

activities or facilities.

D. Mining.

For a conditional use permit for a mining use, the following additional criteria apply:

1. The minimum site size shall be three acres.
2. The minimum setback shall be fifty feet from any property line; provided further, that such mining does not impair lateral or subjacent support or cause earth movements or erosions to extend beyond the exterior boundary lines of the mining site.
3. Mining operations and associated buildings shall be located at least four hundred feet from a residential zone.
4. An eight-foot site-obscuring fence shall be provided and maintained in good condition at all times on the exterior boundary of any portion of any site on which active operations exist and on the exterior boundary of any portion of the site which has been mined and not yet reclaimed.
5. Sound levels, as measured on properties adjacent to a mining site, shall conform to the provisions of WAC 173-60-040, Maximum Permissible Environmental Noise Levels, for noise originating in a Class C RDNA (industrial zone).
6. All mining and site reclamation activity shall be consistent with the Spokane Regional Clean Air Agency (SRCAA) air quality maintenance requirements.
7. A reclamation plan approved by the Washington state department of natural resources (DNR) shall be submitted with the conditional use application. The plan shall be prepared consistent with the standards set forth in chapter 78.44 RCW. DNR shall have the sole authority to approve reclamation plans. Upon the exhaustion of minerals or upon the permanent abandonment of mining operations, the mined excavation must be rehabilitated or reclaimed consistent with the approved reclamation plan.
8. Upon the exhaustion of minerals or materials in the mining use or upon the permanent abandonment of the mining use, all buildings, structures, apparatus or appurtenances accessory to the mining operation shall be removed or otherwise dismantled. Abandonment shall be deemed to have occurred after one year of cessation of all extraction operations.
9. Reclamation shall be complete within one year after the mining operations have ceased or after abandonment of the mining use. The reclamation of the site shall be consistent with the department of natural resources

approved site reclamation plan.

10. To provide for protection of groundwater and surface water, during and after operation, mining shall not be allowed to penetrate below an elevation ten feet above the highest known elevation of an aquifer within the Spokane Valley-Rathdrum Prairie Aquifer area.
11. The primary reduction and processing of minerals or materials are high impact uses. These uses include, but are not limited to, concrete batching, asphalt mixing, rock crushing, brick, tile and concrete products manufacturing plants, and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products. These uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.
12. The monitoring and clean-up of contaminants shall be ongoing. The mine operator shall comply with all existing water quality monitoring regulations of the Washington state department of ecology and the Spokane county regional health district.

#### E. Retail Sales and Service Uses within Industrial Zone.

For a conditional use permit for a retail sales and service use in an industrial zone, the following additional criteria apply:

1. The use shall serve primarily other businesses and the use will contribute to the enhancement of the industrial character of the area and further the purpose of the industrial zone.

#### F. Institutional and Other Uses in Residential Zones.

These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allows institutional uses (including expansions of existing facilities), allows increases to the maximum occupancy of group living, and permits other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

1. Proportion of Residential Household Living Uses.

The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:

- a. number, size and location of other uses not in the residential household living category in the residential; and
- b. intensity and scale of the proposed use and of existing residential household living uses and other uses.

2. Physical Compatibility.

- a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or
- b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.

3. Livability.

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- a. noise, glare from lights, late-night operations, odors and litter; and
- b. privacy and safety issues.

4. Public Services.

- a. The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan.
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
  - i. street capacity, level of service and other performance measures;
  - ii. access to arterials;
  - iii. connectivity;
  - iv. transit availability;
  - v. on-street parking impacts;
  - vi. access restrictions;

- vii. neighborhood impacts;
- viii. impacts on pedestrian, bicycle and transit circulation;
- ix. safety for all modes; and
- x. adequate transportation demand management strategies.

- c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.

#### G. Alternative or Post Incarceration Facilities – Group Living.

These criteria apply to group living uses that consist of alternative or post incarceration facilities in the RA through the RHD zones.

##### 1. Physical Compatibility.

- a. The proposal will preserve any City-designated scenic resources; and
- b. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

##### 2. Livability.

The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

- a. noise, glare from lights, late-night operations, odors and litter; and
- b. privacy and safety issues.

##### 3. Public Services.

- a. The proposed use is in conformance with the street designations in the transportation element of the comprehensive plan.
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:

- i. street capacity, level of service or other performance measures;
- ii. access to arterials;
- iii. connectivity;
- iv. transit availability;
- v. on-street parking impacts;
- vi. access restrictions;
- vii. neighborhood impacts;
- viii. impacts on pedestrian, bicycle and transit circulation; and
- ix. safety for all modes; and

c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.

#### 4. Safety.

The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.

#### ((H. Detention Facilities.))

((These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

##### 1. Appearance.

The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

##### 2. Safety.

The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.

##### 3. Public Services.

- a. The proposed use is in conformance with the street designations shown in the transportation element of the comprehensive plan.
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
  - i. street capacity, level of service or other performance measures;
  - ii. access to arterials;
  - iii. connectivity;
  - iv. transit availability;
  - v. on street parking impacts;
  - vi. access restrictions;
  - vii. neighborhood impacts;
  - viii. impacts on pedestrian, bicycle and transit circulation; and
  - ix. safety for all modes; and
- c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.))

((f)) H. Master Campus Plan.

These approval criteria apply to hospitals, colleges and universities, religious institutions and government complexes that develop in a campus setting. The purpose of master campus plan is to recognize the long-range development plans of those institutions and allow for a single integrated review of a campus development plan while allowing for a comprehensive review of facilities serving the site and impacts on neighboring residential areas. Through the master campus plan, these entities prepare master plans for their entire campus to facilitate orderly growth of the institution and assure its compatibility with the surrounding neighborhood.

1. Eligibility.

All property owned or controlled by a major institution, including all property owned or controlled by the major institution within one-half mile of the primary site. Adjoining property owners may also agree to be included in the master

campus plan if the use of their property is functionally related to the institution.

**2. Submittal Requirements.**

In addition to the submittal requirements for a Type III application, a master plan of the proposed campus is required to be submitted. The master plan is a long range development plan that would show the long range intent for building locations, uses, circulation, parking, landscape detail, lighting and treatment of the perimeter of the campus area.

**3. Approval Criteria.**

**a. Physical Compatibility.**

- i. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or
- ii. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.

**b. Livability.**

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- i. noise, glare from lights, late-night operations, odors and litter; and
- ii. privacy and safety issues.

**4. Development Permits.**

After a master campus plan is approved, the institution may then make such improvements as are consistent with the master plan, with only normal development permits being required.

**5. Master Plan Amendment.**

It is expected that the master campus plan will undergo modification. Such modifications may involve the expansion or relocation of the campus boundary, alteration/addition of uses or other changes. Master plan amendments shall be reviewed as a Type III permit application, subject to the same procedural requirements or as prescribed in subsection (I)(6) of this section.

**6. Master Campus Plan Minor Adjustments.**

In the issuance of building permits for construction within an approved major

campus plan, minor adjustments to the plan may be made consistent with the provisions of [SMC 17G.061.150](#).

((J)) I. Office.

These approval criteria apply to offices allowed as a conditional use permit in the RMF and RHD zones.

1. Uses in the Office land use category of [SMC 17C.190.250](#) may be allowed by a Type III conditional use permit approval in the RMF and RHD zone subject to the following criteria:
  - a. The property must have frontage on a principal arterial.
  - b. The subject property is adjacent to or immediately across the street from an existing commercial zone.
  - c. Uses permitted in the Office land use category may not be developed to a depth greater than two hundred fifty feet.
  - d. Ingress and/or egress onto a local access street are not permitted unless the City traffic engineer determines that there is no alternative due to traffic volumes, site visibility and traffic safety.
  - e. All structures shall have size, scale, and bulk similar to residential uses as provided in [SMC 17C.111.500](#), Institutional Design Standards.
  - f. The development standards of the underlying zone shall apply to the use.
  - g. Drive-thru facilities are prohibited, except as allowed by the hearing examiner.

**Section 14. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 15. Clerical Errors.** Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

**Section 16. Emergency Clause.** The City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government

and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

PASSED by the City Council on \_\_\_\_\_

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date