

CITY OF SPOKANE VALLEY

Request for Council Action

Meeting Date: July 29, 2025

Department Director Approval: ☒

Check all that apply: ☐ consent ☐ old business ☒ new business ☐ public hearing
☐ information ☐ admin. Report ☐ pending legislation ☐ executive session

AGENDA ITEM TITLE: First Reading of Proposed Interim Ordinance 25-013, Emergency Interim Ordinance Adopting Height Restrictions for Communication Towers Used by Regional Facilities for First Responder Communication.

GOVERNING LEGISLATION: RCW 35A.63.220, SVMC 22.120

PREVIOUS COUNCIL ACTION TAKEN: None

BACKGROUND: Spokane Regional Emergency Communications (“SREC”) operates the regional 911 call center that serves the City, Spokane County, and many other areas in the region. SREC currently operates its 911 call center and primary/master emergency communications tower on land leased from the City of Spokane. SREC’s lease terminates at the end of 2025 and the City of Spokane has indicated that it intends to use those premises to establish and operate its own 911 call center by an as-of-yet undetermined time in 2026. Consequently, for SREC to ensure it can continue providing regional emergency communication services for the City and its other member agencies, SREC needs to act swiftly to relocate its 911 call center and construct a new primary/master emergency wireless communications tower at a different location.

SREC owns a 4+ acre parcel located within the City at 12809 E. Mirabeau Parkway. SREC has identified this parcel as the site for SREC’s new 911 call center and primary/master emergency communications tower. Being in the Mixed Use zone, the current language of SVMC 22.120.040(K) (including Table 22.120-1 therein) prohibits tower heights from exceeding a maximum height of 60 feet, with an additional 20 feet allowed for antenna array attached to the tower. However, in order to provide reliable continuous emergency communications services throughout the region, SREC’s communications tower must be at least 100 feet high with the antenna array able to extend up to 20 feet above the tower. SREC does not own other property that would be a viable alternate site.

SVMC 22.120.040(K) and Table 22.120-1 are part of the City’s development code. Amendments to the City’s development code are generally required to be considered by the City Planning Commission, including conducting a public hearing, before being taken up for consideration by the City Council. City staff anticipate it would take approximately 3 to 4 months, and potentially longer, to complete all necessary processes to amend SVMC 22.120 *et seq.* to allow transmission communication towers up to 120 feet (including antenna array and support structures) for SREC’s purposes. Once this process is completed, SREC estimates that it will take approximately 2 months to construct the primary/master communications tower. Once the tower has been constructed, SREC will need an additional 5 months to program/calibrate the tower equipment so the new tower can communicate with the other towers that are part of SREC’s emergency communication system.

RCW 35A.63.220 authorizes City Council to enact an interim land use regulation without first requiring a public hearing so long as Council (a) holds a public hearing on the interim regulation within 60 days of its adoption, and (b) adopts findings of fact justifying the action before or immediately after the public hearing. Such interim regulations may be in effect for up to 6 months (or up to 1 year if a work plan is developed for related studies providing for the longer period). Interim regulations “may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each

renewal.” RCW 35A.63.220. Per WAC 197-11-880, emergency interim land use regulations are also exempt from the SEPA process.

SREC only has five months left on its current lease. After that time, SREC will be in jeopardy of losing access to and use of its current facilities. This risk will increase over time in 2026 as the City of Spokane builds up its 911 call center and adds staff to operate the same. If SREC does not begin designing and constructing the primary/master communications tower now, there is a tangible danger that SREC’s new facilities will not be built and operational by the time they no longer have access to their current facilities. Were this to happen, SREC would be unable to provide reliable continuous emergency communication services to its members throughout the region.

This situation presents a serious risk of harm to the health, safety, and welfare of the public. SREC is the primary public safety answering point for the region and is responsible for providing reliable 911 services to agencies across Spokane County. SREC’s emergency communications infrastructure is critical to public safety in the City and the region. It is foreseeable that an interruption of emergency communication services would have a high probability to cause delay and/or non-delivery of emergency lifesaving services to those in need. Because SREC does not know precisely when they will lose access to its current facilities during 2026, it needs to begin construction of its replacement primary/master communication tower immediately to ensure they are fully operational before they completely relocate to the new facility.

If adopted, Interim Ordinance 25-013 would mitigate against this risk by allowing SREC, as a provider of emergency communication services for first responders, to proceed with design and construction of the new primary/master communications tower now while the City completes the work and processes necessary for the City Council to consider adopting a permanent exemption or otherwise modify the height restrictions identified in SVMC 22.120.040(K) and Table 22.120-1.

OPTIONS: Waive the 3-touch rule and adopt Interim Ordinance 25-013 or take other action Council deems appropriate.

RECOMMENDED ACTION OR MOTION: I move to waive the rules and adopt Interim Ordinance 25-013.

BUDGET/FINANCIAL IMPACTS: N/A

STAFF CONTACT: City Attorney Kelly Konkright; Planning Manager Steve Roberge; Lori Markham, Executive Director of SREC

ATTACHMENTS:

- Proposed Interim Ordinance

**CITY OF SPOKANE VALLEY
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 25-013**

**AN EMERGENCY INTERIM ORDINANCE OF THE CITY OF SPOKANE VALLEY,
SPOKANE COUNTY, WASHINGTON, ADOPTING IMMEDIATE HEIGHT
RESTRICTIONS FOR COMMUNICATION TOWERS USED BY REGIONAL
FACILITIES FOR FIRST RESPONDER COMMUNICATIONS, AND OTHER
MATTERS RELATING THERETO.**

WHEREAS, the City of Spokane Valley (“City”) contracts with the Spokane County Sheriff’s Office (“SCSO”) to provide law enforcement services within the City, and receives both emergency medical and fire protection services from Spokane Valley Fire Department (“Fire Department”) and Spokane County Fire District No. 8 (“Fire District” and collectively with the Fire Department, “Fire Service Providers”); and

WHEREAS, the SCSO and the Fire Service Providers both contract with Spokane Regional Emergency Communications (“SREC”), a regional public safety answering point (i.e. a regional 911 call center) formed under RCW 39.34 *et seq.*, to receive calls for emergency response services (i.e. 911 emergency calls) and dispatch appropriate emergency personnel to respond to emergencies (hereinafter “emergency communication services”); and

WHEREAS, SREC currently maintains its regional 911 call center facility, including its primary/master communication tower, on property that SREC leases from the City of Spokane; and

WHEREAS, the lease between the City of Spokane and SREC will expire at the end of 2025, after which the City of Spokane has stated it intends to begin occupying and using the property to operate its own emergency call center; and

WHEREAS, the City, SCSO, and other current member agencies of SREC are not and do not anticipate becoming members or recipients of emergency communication services from the City of Spokane; and

WHEREAS, in order to provide uninterrupted emergency communications to the City and SREC’s other member agencies, SREC needs to have use of a fully operational regional 911 call center, including a new primary/master communications tower, before the City of Spokane fully occupies SREC’s current leased facilities; and

WHEREAS, SREC owns real property within the City located at 12809 Mirabeau Parkway (hereinafter “Property”) on which it intends to locate its new regional 911 call center and primary/master communications tower; and

WHEREAS, the Property is located within the Mixed Use (MU) zone, and Title 22, Chapter 120 of the Spokane Valley Municipal Code (“SVMC 22.120 *et seq.*”) prevents communication tower structures from exceeding 60 feet in height in the MU zone and prevents antenna array from reaching more than 20 feet above the tower, for a total allowable maximum height of 80 feet; and

WHEREAS, in order to function properly and reliably dispatch emergency personnel throughout the Spokane County region without signal interference or refraction, SREC’s primary/master communications tower structure must be constructed to be at least 100 feet in height without attached antenna arrays, and up to 120 feet in total height including all attached antenna arrays, such that it is able to send and receive signals free from interference of surrounding buildings, power lines, and other facilities; and

WHEREAS, SREC will lose the ability to reliably and consistently dispatch emergency personnel to respond to all emergency calls for service throughout the region if the primary/master communications tower construction and 911 call center renovations are not completed and in operation before SREC no longer has use of the existing facilities owned by the City of Spokane; and

WHEREAS, SREC needs to complete construction of the new primary/master communications tower on the Property before it can be programmed to effectively communicate with SREC’s other supporting communication towers; and

WHEREAS, SREC cannot construct the primary/master communications tower without first having a design for the same, and cannot design the tower to be both operationally effective and permissible by the City due to the current language of SVMC 22.120 *et seq.*

WHEREAS, SREC must also complete renovations to convert the existing building into SREC’s new 911 call center in order to receive and send emergency communications, but cannot take on the financial burden of proceeding with construction thereof unless and until the SVMC allows emergency wireless communication towers to be at least 100 feet in height (120 feet in total height including antenna array) because it could result in waste of public taxpayer funds; and

WHEREAS, SREC estimates it will take at least 2 months to complete design and construction of the new primary/master communication tower, and an additional 5 months thereafter to complete the necessary programming for the tower to be operational; and

WHEREAS, between now and the date by which permits would need to be issued for SREC to complete the construction and programming necessary for the new primary/master communications tower to be operational, there is not enough time for (a) the City and the City Planning Commission to complete the process required by SVMC 18.10 *et seq.* to amend SVMC 22.120 *et seq.* and (b) City Council to thereafter consider and take action on the Planning Commission’s recommendations; and

WHEREAS, (a) SREC will not be able to continue providing uninterrupted and continuous emergency communication services once it no longer has access to its current 911 call center unless its new facilities within the City have been constructed and are operational, and (b) SREC will lose access to the currently leased 911 call center and facilities after December 31, 2025, once the City of Spokane has established and is operating its own 911 call center at that location; and

WHEREAS, SREC does not currently own property that could serve as an alternative site for the new primary/master emergency communications tower and 911 call center; and

WHEREAS, emergency communication services being unavailable for any length of time could foreseeably result in delay or non-delivery of emergency lifesaving services, and therefore presents an imminent risk of harm to the health, safety, and welfare of persons both in and outside the City; and

WHEREAS, pursuant to Article 11, Section 11 of the Washington Constitution, the City of Spokane Valley ("City") is authorized to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws," which includes the adoption of regulations governing land uses within the city; and

WHEREAS, RCW 35A.63.220 authorizes the enactment of an interim land use regulation prior to holding a public hearing, provided the City conducts a public hearing on the interim regulation within 60 days of the date of adoption of the same; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this interim land use ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act (SEPA) and future permanent zoning regulations will be reviewed in accordance with SEPA Rules; and

WHEREAS, due to the urgent need for SREC to construct a new primary/master communications tower and 911 call center to ensure SREC can reliably provide continuous uninterrupted emergency communication services to the region and City, this emergency ordinance is necessary to protect public health, safety, and welfare; and

WHEREAS, the City Council finds that the emergency immediate interim ordinance amendment established by this Ordinance is necessary for the immediate preservation of the public health, public safety, public property and public peace.

NOW, THEREFORE, the City Council of the City of Spokane Valley ordains as follows:

Section 1. Preliminary Findings. The City Council hereby adopts the above recitals as findings of fact in support of this Ordinance.

Section 2. Interim Amendment Adopted. The City Council hereby declares an emergency and adopts an interim amendment to Title 22 SVMC by adding a new section

22.120.060 SVMC “Towers for Emergency Communications Services,” as provided in Exhibit A on an interim basis for the period of 180 days while this emergency ordinance is in effect. This temporary interim amendment is adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220, the City Council shall conduct a public hearing on this interim amendment on September 16, 2025, at 6:00 p.m., or as soon thereafter as the matter may be heard, to hear and consider the comments and testimony of those wishing to speak at such public hearing regarding the interim amendment set forth in this Ordinance. The hearing will take place at the City of Spokane Valley City Hall in City Council Chambers, 10210 East Sprague Avenue, Spokane Valley, 99206. Immediately after conducting the public hearing, the City Council shall adopt findings of fact on the subject of this interim amendment and either justify the continued adoption of the interim amendment, cancel the interim amendment, or modify the interim amendment as determined necessary.

Section 4. Duration. The interim amendments set forth in this Ordinance shall be in effect as of the date of this Ordinance and shall continue in effect for a period of 180 days from the date of this Ordinance, unless repealed, extended, or modified by the City Council after subsequent public hearing(s) and entry of appropriate findings of fact, pursuant to RCW 35A.63.220.

Section 5. Ratification. Any act consistent with the authority set forth herein and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 7. Declaration of Emergency; Effective Date. The City Council hereby declares this Ordinance is in response to a public emergency and is necessary for the protection of public health, safety, and welfare to establish an interim amendment that provides a building height allowance for those regional facilities providing emergency communication services for first responders. This interim amendment must be imposed as an emergency measure to protect the public health, safety, and welfare, and to promote the effective emergency communications throughout the region for effective policing and lifesaving services while the City considers permanent amendments to SVMC 22.120.060. This Ordinance does not affect existing vested rights, nor will it prohibit development within the City since all other allowable uses are not affected by this interim amendment. Based on the reasons and declaration of emergency stated herein, this Ordinance shall take effect immediately upon adoption by the City Council.

Passed by the City Council this ____ day of _____, 2025.

Pam Haley, Mayor

ATTEST:

City Clerk, Marci Patterson

Approved as to Form:

Office of the City Attorney

EXHIBIT “A”

Section 22.120.060 – Towers for Emergency Communications Services

Wireless communication services, including transmission towers or antenna support structures, that are used by regional facilities for first responder communication shall be exempt from the provisions of SVMC 22.120-1 Tower Height Limitations. Such regional facilities that assist with first responder communication shall be allowed a height restriction of up to 100 feet for the tower and up to 20 feet for the antenna array attached to the tower, for a total combined height up to 120 feet (where the tower is no more than 100 feet from the ground and no antenna array extends more than 20 feet above the top of the tower).