

**PLANNING COMMISSION MEETING AGENDA  
WEDNESDAY, OCTOBER 14, 2020  
4 P.M.  
CITY HALL  
HELD REMOTELY**

**PURSUANT TO GOVERNOR INSLEE'S ORDER 20-28 DATED MARCH 24, 2020 – ALL PUBLIC MEETINGS WILL BE HELD REMOTELY.**

**The Planning Commission will participate via ZOOM. The public can participate via the following:**

- [Sign up to provide Public Comment at the meeting via calling in](#)
- [Submit Written Public Comment Prior to 2 pm on August 12, 2020](#)
- [Join the Zoom Meeting](#)

Questions or Need Assistance? Please contact Planning Commission Clerk Kelsey Wright at [kwright@libertylakewa.gov](mailto:kwright@libertylakewa.gov)

1. Call to Order
2. Roll Call
3. **GENERAL BUSINESS:**
  - Review of Agenda
  - Approval of Minutes from September 9, 2020
4. **PUBLIC HEARING:** 2020 Annual Comprehensive Plan and Code Amendments
  - CPA 2020-001: Food Trucks as a Limited Use in C-1, C-2, RD-C Zone & Mixed Use Zones
  - CPA 2020-002: Junk Car Definition
  - CPA 2020-003: Land Division Process Improvements
  - CPA 2020-004: Increasing Maximum Lot Coverage in R-2 Zone
  - CPA 2020-005: Eliminate Lot Sizes in R-1 & R-3 Zones
  - CPA 2020-006: Lighting Standards
  - CPA 2020-007: Changes to Residential Building Permit Requirements
5. **REPORTS:**
  - Secretary's Report
  - Planning Commissioner Reports
6. Citizens Comments
7. Adjournment

**Next Meeting:** November 4, 2020

## **PUBLIC COMMENT**

If you wish to provide oral public comments or testimony during the Planning Commission meeting, , please register through this link:

<https://us02web.zoom.us/j/86766573325?pwd=Nk5UMTNick1UZEVmck1vNnN2MlJodz09>

## WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the upcoming council meeting, please email your comments to [kwright@libertylakewa.gov](mailto:kwright@libertylakewa.gov) by **2:00 p.m.** the day of the Planning Commission meeting and include all of the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Liberty Lake resident
4. The Agenda Item(s) which you are speaking about

## JOIN ZOOM MEETING

To view the meeting live via Zoom Meeting, join the Zoom web meeting:

### **Meeting Instructions:**

To join the Zoom web meeting:

<https://us02web.zoom.us/j/86766573325?pwd=Nk5UMTNick1UZEVmck1vNnN2MIJodz09>

### **Dial In Phone Numbers:**

- +1 253 215 8782 US (Tacoma)
- +1 669 900 6833 US (San Jose)

**Meeting ID: 867 6657 3325**

**Password: 784799**



**PLANNING COMMISSION MEETING MINUTES**  
**WEDNESDAY, SEPTEMBER 9, 2020**  
**HELD REMOTELY**

**Planning Commission Members Present:** Jesse Fox, Joe Mann, Charles Matthews, Richard Siler, Jamie Baird

**Adjunct Member(s) Present:** Kate Laven, Shelli Dickinson

**Absent:** Paul Brown & Joshua McKee

**Staff Present:** Lisa Key, Megan Abhold

**Call to Order:** Meeting was called to order at 4:02 p.m.

**Roll Call:** A quorum of members was present.

**Review of Agenda & Approval of Minutes:**

Commissioner Baird moved that the August 12th minutes be approved, seconded by Commissioner Fox which carried unanimously.

**Workshops/Presentations:** 2020 Annual Comprehensive Plan and Code Amendments

**CPA2020-001: Food Trucks as a Limited Use in C-1, C-2, RD-C Zone & Mixed-Use Zones**

Lisa Key presented on the proposed amendments allowing for Food Trucks as a Limited use in the C-1, C-2, RD-C Zone & Mixed-Use Zones. Approved to move forward with proposed revisions. No questions asked.

**CPA2020-005: Eliminate Lot Sizes in the R-1 & R-3 Zones**

Lisa Key presented on the proposed amendments to eliminate minimum and maximum lot sizes in the R-1 & R-3 Zones. Discussion followed relating to R-3 Zones and future City annexation. Questions asked and answered.

**CPA2020-006: Lighting Standards**

Lisa Key presented on the proposed amendments to the lighting standards. Questions asked and answered.

**CPA2020-007: Changes to Residential Building Permit Requirements**

Lisa Key presented on the proposed amendments to the residential building permit requirements to align with International Residential Code standards. Questions asked and answered.

**Secretary's Report:**

Lisa Key reported on the below listed items:

- Currently advertising for Temporary Building Inspector
- Notice will be filed to Department of Commerce to move all discussed workshops forward to Public Hearing in October.
- Spokane Valley SEPA Appeal for Western States CAT – Hearing end of October
- Landscape Ordinance Workshop proposed in November; hopefully in person.

**Planning Commissioner Reports:**

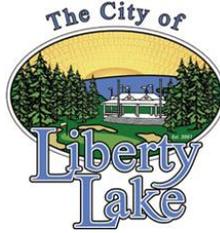
- Place Commissioner Siler on City Council agenda for Commission Reports.

**Citizens Comments:**

No comments at this time.

**Adjournment:**

Commissioner Baird moved to adjourn the meeting, seconded by Commissioner Matthews which carried unanimously. The meeting adjourned at 5:23 p.m.



**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO.2020-001, TO ALLOW THE PERMITTING OF “FOOD TRUCKS” AS A LIMITED, ACCESSORY USE IN M-1, M-2, M-3, C-1, C-2 & RD-C ZONES**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.

**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |   |
|-----------------------------|---|
| <b>Location</b>             | Citywide  |
| <b>Proposal Information</b> | Permit Food Trucks as a Limited, Accessory Use in M-1, M-2, M-3, C-1, C-2 & RD-C Zones  |
| <b>Code Section</b>         | City Development Code Sections: <ul style="list-style-type: none"> <li>• §10-2E-3(C)(3)</li> <li>• §10-2F-3(C)(5)</li> <li>• §10-2G-3(C)(4)</li> <li>• §10-2H-3(C)(2)</li> <li>• §10-2I-3(C)(3)</li> </ul> River District Development Code Section:<br>§10-2I-3(C)(3) |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .  |

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

## STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:

### **RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

### **WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

### **WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

## **SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice with a link to the City website was emailed to the public notice group. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
|---|--------------------|
| Planning Commission 2020 CPA Docket Review:   | March 11, 2020     |
| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-001:                      | August 8, 2020     |
| SEPA Notice/ Public Hearing Notice:           | September 18, 2020 |
| SEPA Comment/Appeal Period Ends:              | October 1, 2020    |
| Planning Commission Hearing:                  | October 14, 2020   |
| Ratification of Recommendations:              | November 4, 2020   |

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| <b>Agencies Notified</b>                        | <b>Notification</b>   | <b>Comment Summary</b> |
|---|---|------------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received   |

**PUBLIC COMMENTS (WRITTEN):**

| <b>Name &amp; Address</b> | <b>Comment Summary</b> |
|---------------------------|------------------------|
| N/A                       | No comments received   |

## RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

**Governance Goal 1:** Actively involve residents, businesses, and property owners in the governance of the City.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City's Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

**Economic Development Policy 4:** Continue to support the start-up, retention, expansion, and recruitment of businesses.

**Economic Development Policy 5:** Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

**Economic Development Policy 6:** Periodically review and update economic development techniques to provide a business climate conducive to new and start-up businesses.

## STAFF ANALYSIS:

In June of 2019, City Council enacted an ordinance to allow "Food Trucks" on private property as an accessory use in the "I" zone, by temporary use permit when associated with an existing business, provided they met certain standards.

Under current City Development Code, in all other zones, "Food Trucks" are a "Limited Use". The standards for the "limited use" in those zones require a temporary use permit (as detailed in in City Code §10-4I-1). Under these provisions, "food trucks" on public property or in the public ROW are only permitted during a community event or sports league play, and "food trucks" on private property are only allowed when associated with a temporary carnival/ fair, sidewalk sale, non-profit fundraiser, or community event. The required temporary use permit limits use to 21 consecutive days, or no more than 90 days in a calendar year. The temporary use permit requires a site plan, as well as refuse disposal, fire extinguisher and Health Department food vendor permit.

The proposed amendments are intended to:

- Allow "Food Trucks" on private property as an accessory use in all mixed use and commercial zones in the City through a temporary use permit, when the "food truck" is collocated on a site with with an existing business operation, subject to the following requirements:
  - Provide a site plan to address location on private property, traffic circulation, refuse disposal, fire extinguisher, and seating (if applicable);
  - Provide proof of City of Liberty Lake Business License and Health Department Food Vendor Permit.

- Limit the hours of operation for food truck to the hours of operation of the principal use on the subject property.

#### **FINDINGS:**

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

#### **CRITERIA FOR APPROVAL:**

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

#### **CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.

5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
  
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

**RECOMMENDATION:**

In the matter of Case No. CPA2020-0001, an amendment to the City of Liberty Lake Development Code §10-2B-7(C), to allow the permitting of "Food Trucks" as a limited, accessory use in the M-1, M-2, M-3, C-1, C-2 & RD-C Zones (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the recommendation is to approve with modifications, the motion should identify the modifications proposed.*

**CPA 2020-001**

**Permit Food Trucks as a Limited, Accessory Use in C-1, C-2 & RD-C Zones**

**Amendment to City Development Code §10-2E-3(C), Requirements for Specific M-1 Limited Uses, as follows:**

**3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, such as Liberty Lake Yard Sale Weekend, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**Amendment to City Development Code §10-2F-3(C), Requirements for Specific M-2 Limited Uses, as follows:**

**5. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, such as Liberty Lake Yard Sale Weekend, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a

community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**Amendment to City Development Code §10-2G-3(C), Requirements for Specific M-3 Limited Uses, as follows:**

**4. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, such as Liberty Lake Yard Sale Weekend, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**Amendment to City Development Code §10-2H-3(C), Requirements for Specific C-1 Limited Uses, as follows:**

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, such as Liberty Lake Yard Sale Weekend, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**Amendment to City Development Code §10-2I-3(C), Requirements for Specific C-2 Limited Uses, as follows:**

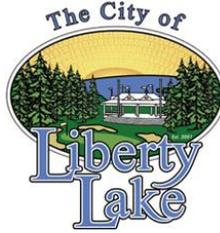
**3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, such as Liberty Lake Yard Sale Weekend, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**Amendment to City Development Code §10-2H-3(C), Requirements for Specific RD-C Limited Uses, as follows:**

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, such as Liberty Lake Yard Sale Weekend, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.



**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO.2020-002, AMENDING THE DEFINITION OF “JUNKED VEHICLE” IN LIBERTY LAKE CITY DEVELOPMENT CODE §10-IC**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.

**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |   |
|-----------------------------|---|
| <b>Location</b>             | Citywide  |
| <b>Proposal Information</b> | Update “Junked Vehicle” Definition in Development Code consistent with definition found in RCW 46.55.010                |
| <b>Code Section</b>         | City Development Code & River District Development Sections: <ul style="list-style-type: none"> <li>• §10-1C</li> </ul> |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .  |

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

**STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City’s Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City’s Comprehensive Plan, and any amendments to City Development Code must be consistent with the City’s adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

**WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

**WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

**RCW 46.55.010(5): Definitions:**

*(5) "Junk vehicle" means a vehicle certified under RCW [46.55.230](#) as meeting at least three of the following requirements:*

- a) Is three years old or older;*
- b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;*
- c) Is apparently inoperable;*
- d) Has an approximate fair market value equal only to the approximate value of the scrap in it.*

**SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice with a link to the City website was emailed to the public notice group. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
|---|--------------------|
| Planning Commission 2020 CPA Docket Review:   | March 11, 2020     |
| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-002:                      | August 8, 2020     |
| SEPA Notice/ Public Hearing Notice:           | September 18, 2020 |
| SEPA Comment/Appeal Period Ends:              | October 1, 2020    |
| Planning Commission Hearing:                  | October 14, 2020   |
| Ratification of Recommendations:              | November 4, 2020   |

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| <b>Agencies Notified</b>                        | <b>Notification</b>   | <b>Comment Summary</b> |
|---|---|------------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received   |

**PUBLIC COMMENTS (WRITTEN):**

| <b>Name &amp; Address</b> | <b>Comment Summary</b> |
|---------------------------|------------------------|
| N/A                       | No comments received   |

## RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

**Governance Goal 1:** Actively involve residents, businesses, and property owners in the governance of the City.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City's Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

**Economic Development Policy 5:** Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

## STAFF ANALYSIS:

The proposed amendment resolves a discrepancy between City Development Code Definition for "junked vehicle" and the definition contained in Washington State Law.

## FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

## CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*

5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

**RECOMMENDATION:**

In the matter of Case No. CPA2020-0002, amending the definition of "junked vehicle" in Liberty Lake City Development Code §10-1C (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the recommendation is to approve with modifications, the motion should identify the modifications proposed.*

CPA 2020-002

Update “Junk Car” Definition Consistent with RCW 46.55.010

Amendment to Definition for “Junked Vehicle” in City Development Code §10-1C-(B) as follows:

**Junked vehicle** - ~~Any vehicle substantially meeting at least two of the following conditions.~~

- ~~1. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission.~~
- ~~2. Is or appears to be inoperable.~~
- ~~3. Is without a current, valid registration plate.~~

Any vehicle certified as meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.



**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO.2020-003, AMENDING CITY DEVELOPMENT CODE §10-4D TO IMPLEMENT PROCESS IMPROVEMENTS IN DEVELOPMENT REVIEWS WITHIN THE CITY OF LIBERTY LAKE**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.

**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |  |
|-----------------------------|--|
| <b>Location</b>             | Citywide   |
| <b>Proposal Information</b> | Process Improvements in Chapter 10-4D: <ul style="list-style-type: none"> <li>• To eliminate the requirement for providing hard copies of application materials &amp; mylars of plats</li> <li>• To require applicants to record plats, short plats, and binding site plans along with Title Notices</li> </ul>  |
| <b>Code Section</b>         | City Development Code Sections: <ul style="list-style-type: none"> <li>• §10-4D-3(B)(1)</li> <li>• §10-4D-3(B)(2)</li> <li>• §10-4D-4(A)(1)</li> <li>• §10-4D-4(A)(2)</li> <li>• §10-4D-4(A)(3)</li> <li>• §10-4D-4(A)(4)</li> <li>• §10-4D-4(B)(1)</li> <li>• §10-4D-4(B)(2)</li> <li>• §10-4D-4(B)(3)</li> <li>• §10-4D-4(B)(4)</li> <li>• §10-4D-7(A)( 1, 2,4 &amp; 5)</li> <li>• §10-4D-10(A)</li> <li>• §10-4D-13(C)(1)</li> <li>• §10-4D-13(S)(4)</li> <li>• §10-4D-13(U)</li> <li>• §10-4D-13(V)(1)(a &amp; d)</li> </ul> |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .   |

## **CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

### **City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

## **STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

### **RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

### **WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

### **WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

## **SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice

with a link to the City website was emailed to the public notice group. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
|---|--------------------|
| Planning Commission 2020 CPA Docket Review:   | March 11, 2020     |
| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-003:                      | August 8, 2020     |
| SEPA Notice/Public Hearing Notice:            | September 18, 2020 |
| SEPA Comment/Appeal Period Ends:              | October 1, 2020    |
| Planning Commission Hearing:                  | October 14, 2020   |
| Ratification of Recommendations:              | November 4, 2020   |

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| Agencies Notified                               | Notification  | Comment Summary      |
|---|---|----------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received |

**PUBLIC COMMENTS (WRITTEN):**

| Name & Address | Comment Summary      |
|----------------|----------------------|
| N/A            | No comments received |

## RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

**Governance Goal 1:** Actively involve residents, businesses, and property owners in the governance of the City.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City's Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

## STAFF ANALYSIS:

This amendment addresses two process improvements intended to increase staff efficiency, and eliminate un-necessary paper record keeping,

In the last several years, the City of Liberty Lake has implemented a fully electronic application process. Procedural requirements detailed in City Development Code §10-4D still require numerous paper copies at the time of submittal. Record keeping for paper copies is highly inefficient, requiring filing, storage, and scanning prior to archiving such documents. Electronic documents are easier to file and maintain, and the records can be printed at anytime needed. The first process improvement eliminates the requirement for submittal of paper copies.

Additionally, City Development Code expressly requires City staff to record all plats and binding site plans after all signatures have been collected. Most jurisdictions, on the other hand, require the applicant to record their own plats and binding site plans, once the City has approved the document and provided the required signature. The second process improvement requires the applicant to record the approved documents, rather than City staff.

## FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

## CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the*

*public welfare;*

2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

**RECOMMENDATION:**

In the matter of Case No. CPA2020-0003, amending City Development Code §10-4D to implement process improvements in development reviews within the City of Liberty Lake (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the recommendation is to approve with modifications, the motion should identify the modifications proposed.*

**CPA 2020-003**

**Land Division Process Improvements**

**Amendments to City Development Code §10-4D-3(B), as follows:**

B. Review of Final Plat or Short Plat. Review of a final plat for a subdivision or short plat shall be processed administratively using the approval criteria in Section 10-4D-7.

1. For plats, the following signatures, as applicable, shall be on the face of the plat.

- a. Property Owners of Record
- b. Spokane County Auditor's Certificate
- c. Surveyor's Certificate
- d. City of Liberty Lake

This plat was approved and accepted by the City of Liberty Lake of Spokane County, Washington, on this \_\_\_\_\_ day of \_\_, 20\_\_.

\_\_\_\_\_  
Mayor, City of Liberty Lake

- e. City of Liberty Lake Planning, Engineering & Building Services  
Examined and approved this \_\_\_ day of \_\_, 20\_\_.

\_\_\_\_\_  
City of Liberty Lake Director of Planning & Engineering

- f. City of Liberty Lake Engineer  
Examined and approved this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Liberty Lake Engineer

- g. Spokane County Assessor
- h. Spokane County Treasurer

The original ~~mylar or medium acceptable to the County Auditor~~ of said final plat shall be filed for record with the Spokane County Auditor. One ~~reproducible electronic~~ copy shall be retained by the City, one paper copy shall be filed with the Spokane County Assessor, and one paper copy shall be given to the applicant.

2. For short plats, the following signatures, as applicable, shall be on the face of the plat.

- a. Property Owners of Record
- b. Spokane County Auditor's Certificate

- c. Surveyor's Certificate
- d. City of Liberty Lake Planning, Engineering & Building Services  
Examined and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City of Liberty Lake Director of Planning & Engineering

- e. City of Liberty Lake Engineer  
Examined and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City of Liberty Lake Engineer

- f. Spokane County Assessor
- g. Spokane County Treasurer

The original ~~mylar or medium acceptable to the County Auditor~~ of said final short plat shall be filed for record with the Spokane County Auditor. One ~~reproducible electronic~~ copy shall be retained by the City, one paper copy shall be filed with the Spokane County Assessor, and one paper copy shall be given to the applicant.

**Amendments to City Development Code §10-4D-4(A), as follows:**

**A. Preliminary Plat.**

In addition to the general requirements described in Section 10-4D-2 above, the preliminary plat application shall consist of drawings and supplementary written material on application forms approved and provided by the City. Complete applications shall contain the following information, as applicable:

1. Site analysis map (~~1 hard copy 24" x 36" min.~~, 1 electronic version in a format requested by the City):
  - a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;
  - b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site;
  - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
  - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.
  - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
  - g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 6 Environment and relevant portions of the Comprehensive Plan.);
  - h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;
  - i. Designated historic and cultural resources on the site and adjacent parcels or lots;
  - j. The location, size and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10- 3C;
  - k. North arrow, scale, name and address of owner and project designer; and,
  - l. Other information, as deemed appropriate by the Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
2. Proposed preliminary plat / PUD plat map (~~1 hard copy 24" x 36" min.,~~ 1 electronic version in a format requested by the City):
- a. Name of subdivision. This name must not duplicate the name of another subdivision in Spokane County (please check with Spokane County Assessor);
  - b. Date, north arrow, and scale of drawing;
  - c. Vicinity map with the location of the proposed development sufficient to define its location in the City;
  - d. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;
  - e. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;
  - f. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;
  - g. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;
  - h. Easements: location, width, and purpose of all easements;
  - i. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
  - j. Ground elevations shown by contour lines at 5-foot vertical intervals for

ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.

- k. Existing structures that will remain on site;
  - l. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;
  - m. Subject site survey data;
  - n. Data table, as applicable:
    - i. Existing and proposed zoning,
    - ii. Comprehensive plan category,
    - iii. Existing and proposed uses,
    - iv. Number of lots,
    - v. Smallest lot size, typical lot size, and largest lot size,
    - vi. Minimum lot frontage,
    - vii. Gross site area,
    - viii. Percent of building coverage - assuming worst case 1/3 of lot covered, ( $\#$  of lots x 1/3 x average lot area in acres / gross site area),
    - ix. Gross residential density (see Section 10-4D-2, subsection E above),
    - x. Net residential density (see Section 10-4D-2, subsection E above),
    - xi. Building setbacks - front, flanking, side, and rear,
    - xii. Public / common landscaped and open space area (acres),
    - xiii. Percent of open space,
    - xiv. Number of parking spaces required (see Article 10-3D);
  - o. Identification of the drawing as a "preliminary plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and
  - p. Other information, as deemed appropriate by the Zoning Administrator.
3. Proposed landscape plan (~~1 hard copy 24" x 36" min.,~~ 1 electronic version in a format requested by the City):
- a. Proposed preliminary plat base map
  - b. The location and height of existing and proposed fences and other buffering or screening materials;

- c. The location of proposed open space, parks, trails, etc.
  - d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site;
  - e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and
  - f. Other information as deemed appropriate by the City. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code.
4. Proposed structures (~~1 hard copy 18" x 24" min.~~, 1 electronic version in a format requested by the City):
- a. Building elevations with building height and width dimensions;
  - b. Building materials, color, and type; and
  - c. Other information as deemed appropriate by the City.

**Amendments to City Development Code §10-4D-4(B), as follows:**

**B. Preliminary Short Plat.**

In addition to the general requirements described in Section 10-4D-2 above, the preliminary short plat application shall consist of drawings and supplementary written material on application forms approved and provided by the Zoning Administrator. Complete applications shall contain the following information, as applicable:

1. Site analysis map (~~1 hard copy 18" x 24" min.~~, 1 electronic version in a format requested by the City):
  - a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;
  - b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site;
  - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
  - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer
  - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
  - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
  - g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies

as requiring protection. (See also, Chapter 6 Environment, and relevant portions of the Comprehensive Plan.);

- h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;
  - i. Designated historic and cultural resources on the site and adjacent parcels or lots;
  - j. The location, size, and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10- 3C;
  - k. North arrow, scale, name, and address of owner and project designer; and
  - l. Other information, as deemed appropriate by the Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
2. Proposed preliminary short plat (~~1 hard copy 18" x 24" min.,~~ 1 electronic version in a format requested by the Zoning Administrator):
- a. Date, north arrow, and scale of drawing;
  - b. Vicinity map with the location of the proposed development sufficient to define its location in the City;
  - c. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;
  - d. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;
  - e. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;
  - f. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;
  - g. Easements: location, width, and purpose of all easements;
  - h. Proposed uses of the property, including all areas proposed to be dedicated to the public, or reserved as open space, for the purpose of surface water management, recreation, or other use;
  - i. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.
  - j. Existing structures that will remain on site;
  - k. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed short plat

is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;

- I. Subject site survey data;
  - m. Data table, as applicable:
    - i. Existing and proposed zoning,
    - ii. Comprehensive plan category,
    - iii. Existing and proposed uses,
    - iv. Number of lots,
    - v. Smallest lot size and minimum lot frontage,
    - vi. Gross site area,
    - vii. Percent of building coverage - assuming worst case 1/3 of lot covered, ( $\#$  of lots  $\times$  1/3  $\times$  average lot area in acres / gross site area),
    - viii. Gross residential density (see Section 10-4D-2, subsection E above),
    - ix. Net residential density (see Section 10-4D-2, subsection E above),
    - x. Building setbacks - front, flanking, side, and rear,
    - xi. Public / common landscaped and open space area (acres),
    - xii. Percent of open space,
    - xiii. Number of parking spaces required (see Article 10-3D);
  - n. Identification of the drawing as a "preliminary short plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and
  - o. Other information, as deemed appropriate by the Zoning Administrator.
3. Proposed landscape plan (~~1 hard copy 18" x 24" min.~~, 1 electronic version in a format requested by the City):
- a. Proposed preliminary short plat base map
  - b. The location and height of existing and proposed fences and other buffering or screening materials;
  - c. The location of proposed open space, parks, trails, etc.
  - d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site;
  - e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and
  - f. Other information as deemed appropriate by the City. An arborist's report may be required for sites with mature trees that are protected under

Article 10-3C of this Code.

4. Proposed structures (~~1 hard copy 18" x 24" min.,~~ 1 electronic version in a format requested by the City):
  - a. Building elevations with building height and width dimensions;
  - b. Building materials, color, and type; and
  - c. Other information as deemed appropriate by the City.

**Amendments to City Development Code §10-4D-7(A), as follows:**

- A. Submission Requirements. Final plats and short plats shall be reviewed and approved by the City prior to recording with Spokane County. The applicant shall submit the final plat or short plat within 5 years of the approval of the preliminary plat or short plat, as provided by Section 10-4D-3 above.
  1. One (1) ~~hard copy of the final plat or short plat map and one (1)~~ electronic copy shall be submitted in a format acceptable to the Spokane County Auditor and shall include the items required under subsection B, Approval Criteria, below.
  2. One (1) ~~hard copy and one (1)~~ electronic copy of the street, grading, and drainage plans shall be submitted. Civil plans shall include City Street Standards submittal requirements, as well as street trees located and selected in accordance with Section 10-3C-4 of this Code, street signs located and selected in accordance with Section 10-3G-2, subsection U of this Code and the City Street Standards, and street lighting located and selected in accordance with Section 10-3G-2, subsection W of this Code.
  3. If required by the Zoning Administrator, a geotechnical letter shall be supplied that lists the soil types within the development site and provides a schematic map identifying soil type areas. The letter must be prepared by a qualified engineer.
  4. The sewer and water plan ~~mylar~~ shall be submitted for the City's review and signature.
  5. ~~Two (2) copies~~ One (1) electronic copy of a plat certificate, ~~a hard copy and an electronic version~~ in a format requested by the City (less than 30 days old).

All final plats and short plats shall comply with RCW 58.17 or other applicable state laws or this Code.

**Amendments to City Development Code §10-4D-10(A), as follows:**

- A. Filing with County. Once the final plat or short plat has been reviewed, approved, and signed by the applicable agencies and the Mayor, the ~~Zoning Administrator applicant~~ shall, within seven (7) calendar days, file the final plat or short plat with the Spokane County Auditor and the ~~applicant~~ shall be so notified of such filing. Fees to record the final plat or short plat ~~must be submitted to the Zoning Administrator prior to filing shall be the responsibility of the applicant.~~

**Amendments to City Development Code §10-4D-13(C), as follows:**

C. Contents of Preliminary Binding Site Plan.

Every preliminary binding site plan application shall consist of the preliminary binding site plan, applicable fees, and the following:

a. Maps/Exhibits.

- i. ~~A minimum of one~~ (1) ~~hard~~ electronic copy of the preliminary binding site plan prepared by or under the direction of a licensed professional land surveyor, ~~24" x 36" in size, and~~ with a scale of 1"=50', 1"=100'. If approved by the City, an appropriate scale may be used which does not exceed 1"=200'.
- ii. ~~One electronic version in a format requested by the City.~~
- iii. One copy of the Spokane County assessor's map showing the location of and the existing parcel number of all abutting properties. The approximate location of the subject property shall be clearly marked.
- iv. Environmental checklist per City of Liberty Lake environmental ordinance.
- v. Legal description of the property with the source of the legal description clearly indicated.
- vi. Public notice packet.

**Amendments to City Development Code §10-4D-13(S), as follows:**

S. Final Binding Site Plan Submittal.

The final binding site plan shall incorporate any conditions of approval imposed by the City and shall be prepared and certified by a licensed professional land surveyor. Submittal of a final binding site plan shall be made within five years of the date of preliminary approval, unless an extension of time has been granted under the provisions of 10-4D-I. A final binding site plan may include all of the lots being created or it may consist of the boundary of the binding site plan. If no lots are being created at the time of filing the final binding site plan, the creation of any lots shall be made by a record of survey under the provisions of RCW 58.09. Final BSP review should be completed within sixty (60) days of submittal.

All final binding site plan submittals shall include the following:

- ~~1. One (1) hard copy of the proposed final binding site plan;~~
- ~~2. 1.~~ 1. One electronic version in a format requested by the City
- ~~3. 2.~~ 2. Final binding site plan fees;
- ~~4. 3. Two (2) copies of a plat certificate, a hard copy and an One (1) electronic version copy of a plat certificate~~ 3. Two (2) copies of a plat certificate, a hard copy and an One (1) electronic version copy of a plat certificate in a format requested by the City (less than 30 days old).

**Amendments to City Development Code §10-4D-13(U), as follows:**

U. Filing.

Once the final binding site plan has been reviewed, approved and signed by the City, the ~~Zoning Administrator~~applicant shall file the final binding site plan with the county auditor and the ~~applicant~~City shall be so notified of such filing. Fees to record the final binding site plan ~~must be submitted to the Zoning Administrator prior to filing~~ shall be the responsibility of the applicant.

**Amendments to City Development Code §10-4D-13(V), as follows:**

V. Record of Survey.

1. A record of survey may be filed subsequent to the recording of a final binding site plan to establish lots within the boundaries of the final binding site plan, consistent with the Preliminary Binding Site Plan approval, conditions, and expiration provisions. The record of survey should be reviewed and approved, usually within 45 days, by the Zoning Administrator prior to its recordation.

All record of survey submittals shall include the following:

- a. ~~One (1) hard copy of the proposed record of survey;~~
- b. One electronic ~~version~~copy of the proposed record of survey in a format requested by the City;
- c. Record of survey fees;
- d. ~~Two (2) copies of the plat certificate, a hard copy and an~~ One (1) electronic version copy of the plat certificate in a format requested by the City (less than 30 days old).



**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO.2020-004, AMENDING LIBERTY LAKE CITY DEVELOPMENT CODE §10-2C-7 TO INCREASE THE MAXIMUM LOT COVERAGE FOR DETACHED SINGLE-FAMILY HOUSING TO 60% IN THE R-2 ZONE**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.  
**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |  |
|-----------------------------|--|
| <b>Location</b>             | Citywide   |
| <b>Proposal Information</b> | Increasing Maximum Lot Coverage for detached single-family housing to 60% in R-2 Zone, consistent with R-1 & R-3 |
| <b>Code Section</b>         | City Development Code Sections: <ul style="list-style-type: none"> <li>• §10-2C-7(C)</li> </ul>                  |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .   |

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

**STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City’s Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City’s Comprehensive Plan, and any amendments to City Development Code must be consistent with the City’s adopted Comprehensive Plan. The City*

*must provide reasonable public notice of proposed amendments and opportunities for public participation.*

**WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

**WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

**SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice with a link to the City website was emailed to the public notice group. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
|---|--------------------|
| Planning Commission 2020 CPA Docket Review:   | March 11, 2020     |
| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-004:                      | August 8, 2020     |
| SEPA Notice/ Public Hearing Notice:           | September 18, 2020 |

SEPA Comment/Appeal Period Ends:

October 1, 2020

Planning Commission Hearing:

October 14, 2020

Ratification of Recommendations:

November 4, 2020

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| Agencies Notified                               | Notification  | Comment Summary      |
|---|---|----------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received |

**PUBLIC COMMENTS (WRITTEN):**

| Name & Address | Comment Summary      |
|----------------|----------------------|
| N/A            | No comments received |

**RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:**

**Housing Goal 1:** Preserve the character of existing neighborhoods and support high quality new development.

**Housing Goal 2:** Encourage the availability of affordable housing to all economic segments, promote a variety of densities and housing types, and encourage the preservation of existing housing stock.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City’s Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

**Land Use Policy 1:** Encourage developers to work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space.

**Housing Policy 2:** Periodically assess the effects of policies and regulations on the affordability of housing, fair housing choice, and examine the need to reduce regulatory barriers.

**Housing Policy 3:** When developing housing regulations, consider the balance between housing affordability and environmental quality, design quality, public resources, and maintenance of neighborhood character.

**Economic Development Policy 5:** Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

**STAFF ANALYSIS:**

City Development Code §10-1C defines “lot coverage” as:

“All areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade.”

Last year, the maximum allowable lot coverage for detached single-family homes in the R-1 was increased from 40% to 60%; attached single-family homes and cluster housing in the R-1 were already allowed a maximum lot coverage of 60%, with other uses in the R-1 zone are afforded a maximum lot coverage of 70%. The maximum allowable lot coverage in R-3 is 60%, and in the River District RD-R zone, the maximum allowable lot coverage is 80%.

Currently, the maximum lot coverage permitted in the R-2 zone for detached single-family homes is 50%. R-2 is intended to provide for a higher density of residential development than R-1. This amendment proposed to increase the maximum permitted lot coverage for detached single-family homes in the R-2 zone to 60%, consistent with the maximum lot coverage in R-1 and R-3.

**FINDINGS:**

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

**CRITERIA FOR APPROVAL:**

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*

2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

**RECOMMENDATION:**

In the matter of Case No. CPA2020-004, amending Liberty Lake City Development Code §10-2C-7 to increase the maximum lot coverage for detached single-family housing to 60% in the R-2 Zone (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the recommendation is to approve with modifications, the motion should identify the modifications proposed.*

**CPA 2020-004**

**Increasing Maximum Lot Cover in R-2 Zones**

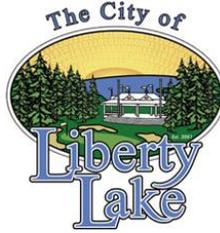
**Amendment to City Development Code §10-2C-7(C) as follow:**

- C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

| <b>R-2 Land Use</b>   | <b>Lot Area</b>   | <b>Lot Width / Depth</b>   | <b>Lot Coverage</b>                      | <b>Residential Density</b>  |
|---|---|--|--|---|
| <b>Detached Single Family Housing; Manufactured Homes on Lots</b>   | Minimum area: None.<br><br>Maximum area: None.            | Minimum Width: None<br><br>Maximum Depth: None                           | Maximum: <del>50</del> <u>60</u> percent | Minimum Net Density: 6 dwelling units per acre<br><br>Maximum Net Density: 12 dwelling units per acre |
| <b>Two-Family Housing (duplex)</b>                                  | Minimum area: None.<br><br>Maximum area: None.            | Minimum Width: None<br><br>Maximum Depth: None                           | Maximum: 70 percent                      | Minimum Net Density: 6 dwelling units per acre<br><br>Maximum Net Density: 12 dwelling units per acre |
| <b>Attached (townhome) Single Family Housing; Clustered Housing</b> | Minimum area: None.<br><br>Maximum area: None.            | Minimum Width: 20 feet at front property line<br><br>Maximum Depth: None | Maximum: 70 percent*                     | Minimum Net Density: 6 dwelling units per acre<br><br>Maximum Net Density: 12 dwelling units per acre |
| <b>Manufactured Home Parks</b>                                      | See Section 10-2C-3 for Manufactured Home Park standards. |  |  | Minimum Net Density: 6 dwelling units per acre<br><br>Maximum Net Density: 12 dwelling units per acre |
| <b>Multi-Family Housing</b>   | Minimum area: None.                                       | Minimum Width: 50 feet at front property line                            | Maximum: 70 percent                      | Minimum Net Density: 6 dwelling units per acre  |

|                   |                        |  |                        |  |
|-------------------|------------------------|--|------------------------|--|
|                   | Maximum area:<br>None. | Maximum Depth:<br>None                           |                        | Maximum Net Density:<br>12 dwelling units per acre |
| <b>Other Uses</b> | Minimum area: None     | Minimum Width:<br>60 feet at front property line | Maximum:<br>70 percent | None   |
|                   | Maximum area:<br>None  | Maximum Depth:<br>None                           |                        |  |

\* Attached Clustered Housing shall be based on the individual project boundary



**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO.2020-005, AMENDING LIBERTY LAKE CITY DEVELOPMENT CODE §10-2B-7 AND 10-2D-7 TO ELIMINATE MINIMUM AND MAXIMUM LOT SIZES IN THE R-1 AND R-3 ZONES**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.  
**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |  |
|-----------------------------|--|
| <b>Location</b>             | Citywide   |
| <b>Proposal Information</b> | Eliminating Minimum and Maximum Lot Sizes in the R-1 and R-3 Zones (approved elimination in the R-2 Zone in 2018)      |
| <b>Code Section</b>         | City Development Code Sections: <ul style="list-style-type: none"> <li>• §10-2B-7(C)</li> <li>• §10-2D-7(C)</li> </ul> |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .   |

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

**STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City’s Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development*

*Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

**WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

**WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

**SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice with a link to the City website was emailed to the public notice group. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
|---|--------------------|
| Planning Commission 2020 CPA Docket Review:   | March 11, 2020     |
| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-005:                      | September 9, 2020  |
| SEPA Notice/ Public Hearing Notice:           | September 18, 2020 |

SEPA Comment/Appeal Period Ends:

October 1, 2020

Planning Commission Hearing:

October 14, 2020

Ratification of Recommendations:

November 4, 2020

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| Agencies Notified                               | Notification  | Comment Summary      |
|---|---|----------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received |

**PUBLIC COMMENTS (WRITTEN):**

| Name & Address | Comment Summary      |
|----------------|----------------------|
| N/A            | No comments received |

**RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:**

**Housing Goal 1:** Preserve the character of existing neighborhoods and support high quality new development.

**Housing Goal 2:** Encourage the availability of affordable housing to all economic segments, promote a variety of densities and housing types, and encourage the preservation of existing housing stock.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City’s Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

**Land Use Policy 1:** Encourage developers to work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space.

**Housing Policy 2:** Periodically assess the effects of policies and regulations on the affordability of housing, fair housing choice, and examine the need to reduce regulatory barriers.

**Housing Policy 3:** When developing housing regulations, consider the balance between housing affordability and environmental quality, design quality, public resources, and maintenance of neighborhood character.

**Economic Development Policy 5:** Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

#### **STAFF ANALYSIS:**

In 2018, City Council approved a privately initiated code amendment to eliminate minimum and maximum lot sizes in the R-2 Zone. It was determined that setbacks and minimum and maximum density requirements provided adequate protection. At the time, Department of Commerce reviewed the proposed amendment and commented that the proposed amendment represented “best practices” in land use planning. This proposed amendment would eliminate minimum and maximum lot size requirements in R-1 and R-3 zones. Of note, the River District Development Regulations have no minimum or maximum lot requirements.

#### **FINDINGS:**

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

#### **CRITERIA FOR APPROVAL:**

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*

4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

**RECOMMENDATION:**

In the matter of Case No. CPA2020-005, amending Liberty Lake City Development Code §10-2B-7 and 10-2D-7 to eliminate minimum and maximum lot sizes in the R-1 and R-3 Zones (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the*

**CPA 2020-005**

**Eliminating Minimum & Maximum Lot Sizes in R-1 & R-3 Zones**

**Amendment to City Development Code §10-2B-7(C) as follow:**

- C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

| <b>R-1 Land Use</b>   | <b>Lot Area</b>  | <b>Lot Width / Depth</b>   | <b>Lot Coverage</b>      | <b>Residential Density</b>   |
|---|--|--|--------------------------|--|
| <b>Detached Single Family Housing; Manufactured Homes on Lots</b>   | Minimum area:<br><del>5000 square feet</del><br><u>None</u>  | Minimum Width:<br>None<br><br>Maximum Depth:<br>None                           | Maximum:<br>60 percent   | Minimum Net Density:<br>4 dwelling units per acre<br><br>Maximum Net Density:<br>6 dwelling units per acre |
| <b>Attached (townhome) Single Family Housing; Clustered Housing</b> | Minimum area:<br><del>2000 square feet</del><br><u>None</u><br><br>Maximum area:<br><del>7500 square feet</del><br><u>None</u> | Minimum Width:<br>20 feet at front property line<br><br>Maximum Depth:<br>None | Maximum:<br>60 percent * | Minimum Net Density:<br>4 dwelling units per acre<br><br>Maximum Net Density:<br>8 dwelling units per acre |
| <b>Other Uses</b>   | Minimum area:<br>None<br><br>Maximum area:<br>4 acres (excluding parks and recreation uses)                                    | Minimum Width:<br>60 feet at front property line<br><br>Maximum Depth:<br>None | Maximum:<br>70 percent   | None   |

\* Attached Clustered Housing shall be based on the individual project boundary

**Amendment to City Development Code §10-2D-7(C) as follow:**

- C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

| <b><i>R-3 Land Use</i></b>  | <b><i>Lot Area</i></b>   | <b><i>Lot Width / Depth</i></b>  | <b><i>Lot Coverage</i></b> | <b><i>Residential Density</i></b>  |
|---|--|--|----------------------------|--|
| <b>Detached Single Family Housing; Manufactured Homes on Lots</b> | Minimum area: <del>4000 square feet</del><br><u>None</u><br><br>Maximum area: <del>8000 square feet</del><br><u>None</u>   | Minimum Width: 40 feet at front property line<br><br>Maximum Depth: None | Maximum: 60 percent        | Minimum Net Density: 12 dwelling units per acre<br><br>Maximum Net Density: None |
| <b>Two-Family Housing (duplex)</b>                                | Minimum area: <del>5000 square feet</del><br><u>None</u><br><br>Maximum area: <del>10,000 square feet</del><br><u>None</u> | Minimum Width: 40 feet at front property line<br><br>Maximum Depth: None | Maximum: 70 percent        | Minimum Net Density: 12 dwelling units per acre<br>Maximum Net Density: None     |
| <b>Attached (townhome) Single Family Housing</b>                  | Minimum area: <del>2000 square feet</del><br><u>None</u><br><br>Maximum area: <del>5000 square feet</del><br><u>None</u>   | Minimum Width: 20 feet at front property line<br><br>Maximum Depth: None | Maximum: 70 percent        | Minimum Net Density: 12 dwelling units per acre<br><br>Maximum Net Density: None |
| <b>Manufactured Home Parks</b>                                    | See Section 10-2D-3 for Manufactured Home Park standards.  |  |                            | Minimum Net Density: 12 dwelling units per acre<br><br>Maximum Net Density: None |
| <b>Multi-Family Housing</b>                                       | Minimum area for three-family (triplex): <del>7000 square feet</del><br><u>None</u>  | Minimum Width: 40 feet at front property line                            | Maximum: 70 percent        | Minimum Net Density: 12 dwelling units per acre                                  |

|                   |  |   |                     |                           |
|-------------------|--|---|---------------------|---------------------------|
|                   | Maximum area for three-family (triplex): <del>12,000 square feet</del> <u>None</u>       | Maximum Depth: None                           |                     | Maximum Net Density: None |
|                   | Minimum area for multi-family (4 or more units): <del>7000 square feet</del> <u>None</u> |   |                     |                           |
|                   | Maximum area: None   |   |                     |                           |
| <b>Other Uses</b> | Minimum area: None   | Minimum Width: 50 feet at front property line | Maximum: 70 percent | None                      |
|                   | Maximum area: None   | Maximum Depth: None                           |                     |                           |



**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO.2020-006, AMENDING LIBERTY LAKE CITY DEVELOPMENT CODE §10-3F-2 TO UPDATE LIGHTING STANDARDS**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.

**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |  |
|-----------------------------|--|
| <b>Location</b>             | Citywide   |
| <b>Proposal Information</b> | Update of Lighting Standards   |
| <b>Code Section</b>         | City Development Code & River District Development Code Sections: <ul style="list-style-type: none"><li>• §10-3F-2</li></ul> |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .   |

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

**STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to*

*City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

**WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

**WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

**SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice with a link to the City website was emailed to the public notice group. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
|---|--------------------|
| Planning Commission 2020 CPA Docket Review:   | March 11, 2020     |
| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-006:                      | September 9, 2020  |
| SEPA Notice/ Public Hearing Notice:           | September 18, 2020 |

SEPA Comment/Appeal Period Ends:

October 1, 2020

Planning Commission Hearing:

October 14, 2020

Ratification of Recommendations:

November 4, 2020

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| Agencies Notified                               | Notification  | Comment Summary      |
|---|---|----------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received |

**PUBLIC COMMENTS (WRITTEN):**

| Name & Address | Comment Summary      |
|----------------|----------------------|
| N/A            | No comments received |

**RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:**

**Housing Goal 1:** Preserve the character of existing neighborhoods and support high quality new development.

**Housing Goal 2:** Encourage the availability of affordable housing to all economic segments, promote a variety of densities and housing types, and encourage the preservation of existing housing stock.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City’s Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

**Land Use Policy 1:** Encourage developers to work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space.

**Housing Policy 2:** Periodically assess the effects of policies and regulations on the affordability of housing, fair housing choice, and examine the need to reduce regulatory barriers.

**Housing Policy 3:** When developing housing regulations, consider the balance between housing affordability and environmental quality, design quality, public resources, and maintenance of neighborhood character.

**Economic Development Policy 5:** Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

#### **STAFF ANALYSIS:**

The intent of the proposed amendment is to update lighting regulations based upon changes in lighting technology, and to address areas previously not contemplated in code, including:

- Architectural accent lighting;
- Accent lighting on statues, monuments, and flags;
- Temporary outdoor lighting; and,
- Recreational facility lighting.

The amendments also provide standards for use in plan review, consistent with the purpose statement. In developing these standards, the Illuminating Engineering Society (IES) Model Ordinance, which was endorsed by the International Dark Sky Association (IDA) was used as referenced.

Exhibit B is attached to provide clarity on how the standards in City Development Code §10-3F-2(J) are measured.

#### **FINDINGS:**

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

#### **CRITERIA FOR APPROVAL:**

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. *Criteria for Amendment:*

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

#### **CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

#### **RECOMMENDATION:**

In the matter of Case No. CPA2020-006, amending Liberty Lake City Development Code §10-3F-2 to update lighting standards (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the*

## CPA 2020-006

### Update of Lighting Standards

#### Amendment to City Development Code §10-3F-2 as follows:

#### 10-3F-2 Lighting

- A. Purpose. The purpose of this Section is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this Section are intended to control skyglow, glare and light trespass. It is the intent of this Section to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.
- B. Applicability.
1. All outdoor lighting fixtures installed on private and public property shall comply with this Section. This Section does not apply to interior lighting; provided, that if it is determined by the Zoning Administrator that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this Section. Lighting shall also comply with the Non- Residential Energy Code (NREC), as applicable.
  2. In the event of a conflict between the requirements of this Section and any other requirement of the City of Liberty Lake Municipal Code the more specific requirement shall apply.
  3. Exterior lighting plans, photometric calculations, and photometry plans as noted in paragraph J, and fixture specification sheets (cut sheets) must be supplied to the City to review for compliance with this Section.
- C. Exemptions. The following are exempt from the provisions of this Section provided that they have no glare or other detrimental effects on adjoining streets or property owners:
1. Traffic control signals and devices;
  2. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
  3. Moving vehicle lights;
  4. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Liberty Lake Municipal Code requires lighting that cannot comply with this Section. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
  5. Outdoor lighting approved by the Zoning Administrator for temporary or periodic events (e.g., fairs, nighttime construction);

6. Internally illuminated signs and searchlights permitted under the City Signage Standards (Article 10-3E);
7. Private swimming pools;
8. Seasonal holiday decorations;
9. Window displays;
10. Pedestrian walkway lighting;
11. Residential lighting (excluding luminaires for the sidewalks and roadways);
12. Streetlights shall be designed and installed per Section 10-3G-2, subsection W of this Code;
13. Low light output (under 750 delivered lumens) decorative luminaires; and
14. Accent lighting on the municipal, state, or national flags that is properly shielded to limit direct glare.

D. General Standards. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass onto adjacent properties under separate ownership ~~(see Figure 2 in subsection F of this section);~~
2. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward (except as noted). ~~Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 and 2 in subsection F of this section. The shield must mask the direct horizontal surface of the light source.~~ The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky;
3. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways such as the Spokane River, unless it is a navigational light subject to state or federal regulations;
4. Accent architectural lighting shall be directed onto the illuminated object or area and not toward the sky or onto adjacent properties under separate ownership. Colored lighting is allowed for accent as long as it meets this standard. Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge. All accent lighting must be included in trespass calculations noted. Uplight accent lighting is allowed as long as it does not exceed 750 delivered lumens;
5. Spot lighting on landscaping and foliage may be directed upward and shall be limited to 150-watts incandescent luminaires with no more than 750 delivered lumens and comply with other standards in this section;
6. Accent lighting on statues/monuments shall be limited to luminaires with no more than 750 delivered lumens and comply with other standards in this section; and
7. Accent lighting on flags (except as noted above) shall be limited to luminaires with no more than 750 delivered lumens and comply with other standards in this section.

8. ~~All outdoor lighting fixtures must have an IDA Fixture Seal of Approval or equivalent certification, as applicable.~~

E. Prohibited.

1. The following fixtures (luminaires) are prohibited:
  - a. searchlights for any other purpose other than temporary emergency lighting or as allowed under the City Signage Standards (Article 10-3E);
  - b. laser lights or any similar high-intensity light for outdoor use or entertainment
  - ~~c. quartz lamps; and~~
  - ~~d. mercury vapor lamps.~~
2. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this Section.

~~F. Figures of Acceptable Shielding and Direction of Outdoor Light Fixtures. The following figures illustrate acceptable and unacceptable outdoor lighting fixtures in the City:~~

~~Figure 1: Freestanding Outdoor Lighting Fixtures~~

[remove]

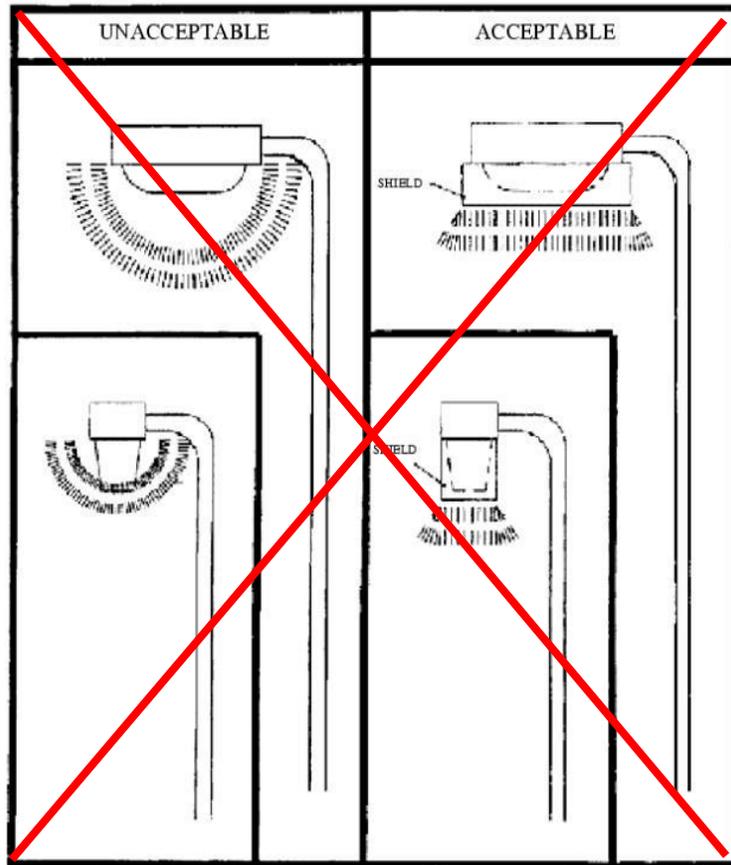
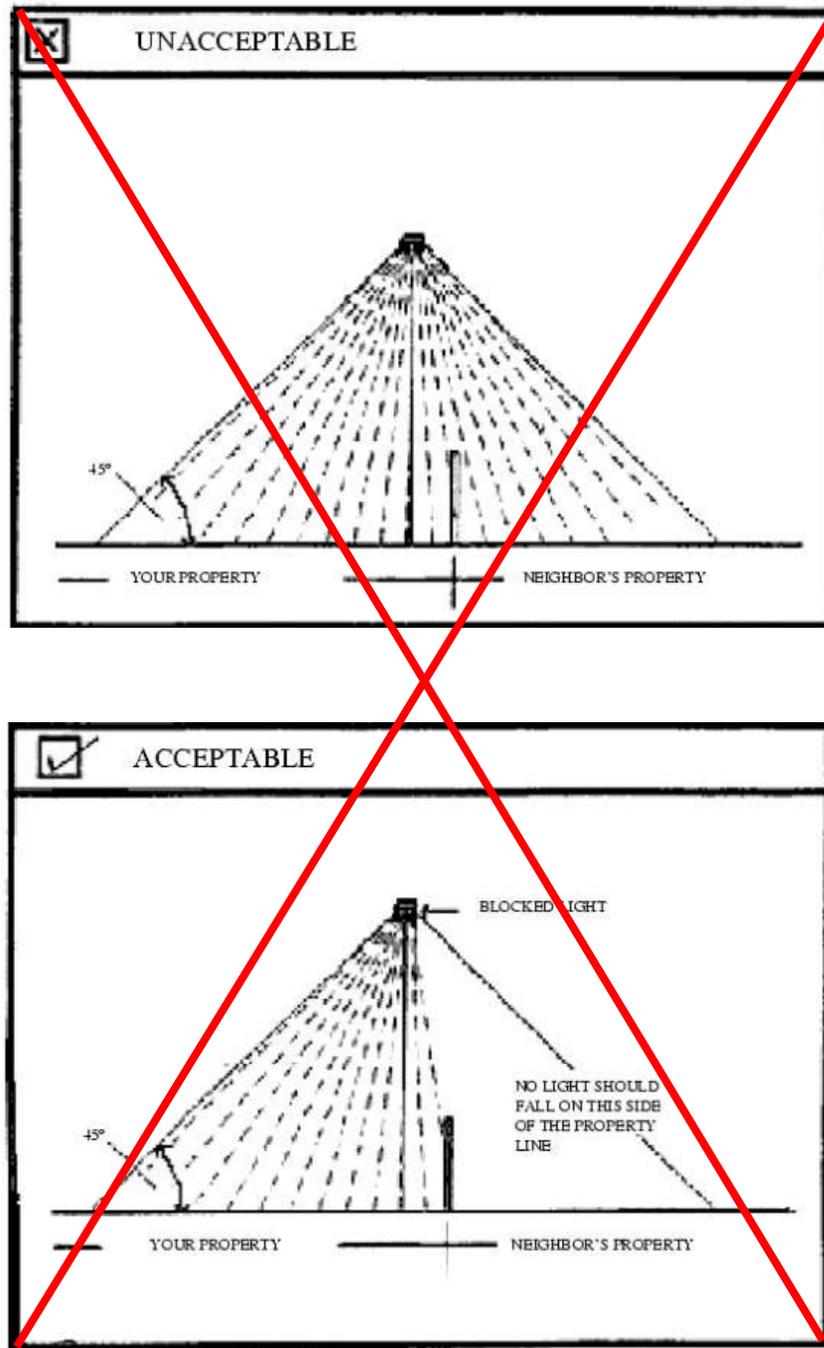


Figure 2: Outdoor Lighting Fixtures – Street and Lot Light Cut-off at Property Line

[remove]



- F. Temporary Outdoor Lighting. Any temporary outdoor lighting that conforms to the requirements of this code shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the zoning administrator for a limited duration, provided that the applicant can demonstrate that such temporary lighting is in the public interest, and any potential annoyance or safety concerns that may result from the non-conforming

temporary outdoor lighting can be mitigated through conditions of approval.

- G. Recreational Facilities. Any light source permitted by this code may be used for lighting of outdoor recreational facilities (public or private). Including but not limited to football fields, soccer fields, baseball fields, tennis courts, or show areas, provided all of the following conditions are met:
1. All fixtures used for event lighting shall be fully shielded or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
  2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11 p.m., and circumstances prevented its conclusion before 11 p.m.
- H. Lamp or Fixture Substitution. Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Zoning Administrator for his/her approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.
- I. Administration. Outdoor lighting plans shall be reviewed by the Department. Approval of the plan shall be based on conformance with this Section. The Zoning Administrator has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is creating off-site glare.
- J. Plan Review. Lighting plans shall address the following criteria:
1. Back-light and light trespass to adjacent properties. Applicant must provide a site plan with photometric calculations at the property line. The maintained foot-candle levels can be no more than 0.1 at the property line and 0.0 10' beyond the property line.
  2. Up-light and skyglow. Using the Back-light, Up-light and Glare (BUG) rating system, applicants must provide the luminaire specification sheets for all exterior fixtures showing no higher than a U0 for up-light. Exception: Luminaires with higher than U0 can be used if they are installed on the underside of an opaque surface that blocks all up-light (i.e. Soffits and canopies).
  3. Glare and luminaire brightness. Using the BUG rating system, applicants must provide luminaire specification sheets for all exterior fixtures showing no higher than a G1 in residential zones R1, R2 and R3; no higher than G2 in Mixed Use zones M1, M2 and M3 as well as public zones P; and G3 in Commercial and Industrial zones C1, C2 and I. Open zones, O shall not have luminaires with higher than a G0 rating.

**Addendum A for IES TM-15-11: Backlight, Uplight, and Glare (BUG) Ratings**

This Addendum replaces Addendum A in IESNA TM-15-07.

The following Backlight, Uplight, and Glare ratings may be used to evaluate luminaire optical performance related to light trespass, sky glow, and high angle brightness control. These ratings are based on a zonal lumen calculations for secondary solid angles defined in TM-15-11. The zonal lumen thresholds listed in the following three tables are based on data from photometric testing procedures approved by the Illuminating Engineering Society for outdoor luminaires (LM-31 or LM-35).

**Table A-1: Backlight Ratings (maximum zonal lumens)**

|                             |           | <b>Backlight Rating</b>     |     |      |      |      |      |       |
|-----------------------------|-----------|-----------------------------|-----|------|------|------|------|-------|
|                             |           | Secondary<br>Solid<br>Angle | B0  | B1   | B2   | B3   | B4   | B5    |
| <b>Backlight / Trespass</b> | <b>BH</b> |                             | 110 | 500  | 1000 | 2500 | 5000 | >5000 |
|                             | <b>BM</b> |                             | 220 | 1000 | 2500 | 5000 | 8500 | >8500 |
|                             | <b>BL</b> |                             | 110 | 500  | 1000 | 2500 | 5000 | >5000 |

**Table A-2: Uplight Ratings (maximum zonal lumens)**

|                          |           | <b>Uplight Rating</b>       |    |    |    |     |      |       |
|--------------------------|-----------|-----------------------------|----|----|----|-----|------|-------|
|                          |           | Secondary<br>Solid<br>Angle | U0 | U1 | U2 | U3  | U4   | U5    |
| <b>Uplight / Skyglow</b> | <b>UH</b> |                             | 0  | 10 | 50 | 500 | 1000 | >1000 |
|                          | <b>UL</b> |                             | 0  | 10 | 50 | 500 | 1000 | >1000 |

### Notes to Tables A-1, A-2, and A-3:

- (1) Any one rating is determined by the maximum rating obtained for that table. For example, if the BH zone is rated B1, the BM zone is rated B2, and the BL zone is rated B1, then the *backlight rating for the luminaire* is B2.
- (2) To determine BUG ratings, the photometric test data must include data in the upper hemisphere unless no light is emitted above 90 degrees vertical (for example, if the luminaire has a flat lens and opaque sides), per the IES Testing Procedures Committee recommendations.
- (3) It is recommended that the photometric test density include values at least every 2.5 degrees vertically. If a photometric test does not include data points every 2.5 degrees vertically, the BUG ratings shall be determined based on appropriate interpolation.
- (4) A "quadrilateral symmetric" luminaire shall meet one of the following definitions:
  - a. A Type V luminaire is one with a distribution that has circular symmetry, defined by the IESNA as being essentially the same at all lateral angles around the luminaire.
  - b. A Type VS luminaire is one where the zonal lumens for each of the eight horizontal octants (0-45, 45-90, 90-135, 135-180, 180-225, 225-270, 270-315, 315-360) are within  $\pm 10$  percent of the average zonal lumens of all octants.

**Table A-3: Glare Ratings (maximum zonal lumens)**

**Glare Rating for  
Asymmetrical Luminaire Types (Type I, Type II, Type III, Type IV)**

|            | Secondary<br>Solid<br>Angle | G0         | G1   | G2   | G3    | G4     | G5  |
|------------|-----------------------------|------------|------|------|-------|--------|-----|
|            |                             | <b>FVH</b> | 10   | 100  | 225   | 500    | 750 |
| <b>BVH</b> | 10                          | 100        | 225  | 500  | 750   | >750   |     |
| <b>FH</b>  | 660                         | 1800       | 5000 | 7500 | 12000 | >12000 |     |
| <b>BH</b>  | 110                         | 500        | 1000 | 2500 | 5000  | >5000  |     |

**Glare Rating for  
Quadrilateral Symmetrical Luminaire Types (Type V, Type V Square)**

|            | Secondary<br>Solid<br>Angle | G0         | G1   | G2   | G3    | G4     | G5  |
|------------|-----------------------------|------------|------|------|-------|--------|-----|
|            |                             | <b>FVH</b> | 10   | 100  | 225   | 500    | 750 |
| <b>BVH</b> | 10                          | 100        | 225  | 500  | 750   | >750   |     |
| <b>FH</b>  | 660                         | 1800       | 5000 | 7500 | 12000 | >12000 |     |
| <b>BH</b>  | 660                         | 1800       | 5000 | 7500 | 12000 | >12000 |     |

**“BUG” RATING EXAMPLE:**



A 250-watt MH area luminaire, Type IV forward throw optical distribution.

Based on the photometric test data, the luminaire has the following zonal lumen distribution:

| <b>Forward Light</b>   | <b>Lumens</b> | <b>% Lamp Lumens</b> |
|------------------------|---------------|----------------------|
| FL (0 - 30 degrees)    | 1618          | 5.9%                 |
| FM (30 - 60 degrees)   | 6093          | 22.2%                |
| FH (60 – 80 degrees)   | 3748          | 13.6%                |
| FVH (80 – 90 degrees)  | 27            | 0.1%                 |
| <b>Back Light</b>      |               |                      |
| BL (0 – 30 degrees)    | 985           | 3.6%                 |
| BM (30 – 60 degrees)   | 930           | 3.4%                 |
| BH (60 – 80 degrees)   | 136           | 0.5%                 |
| BVH (80 – 90 degrees)  | 16            | 0.1%                 |
| <b>Uplight</b>         |               |                      |
| UL (90 – 100 degrees)  | 0             | 0.0%                 |
| UH (100 – 180 degrees) | 0             | 0.0%                 |

**Backlight Rating:**

Determine the lowest rating where the lumens for all of the secondary solid angles do not exceed the threshold lumens from **Table A-1**. In this example the backlight rating would be **B2** based on the BL lumen limit.

**Uplight Rating:**

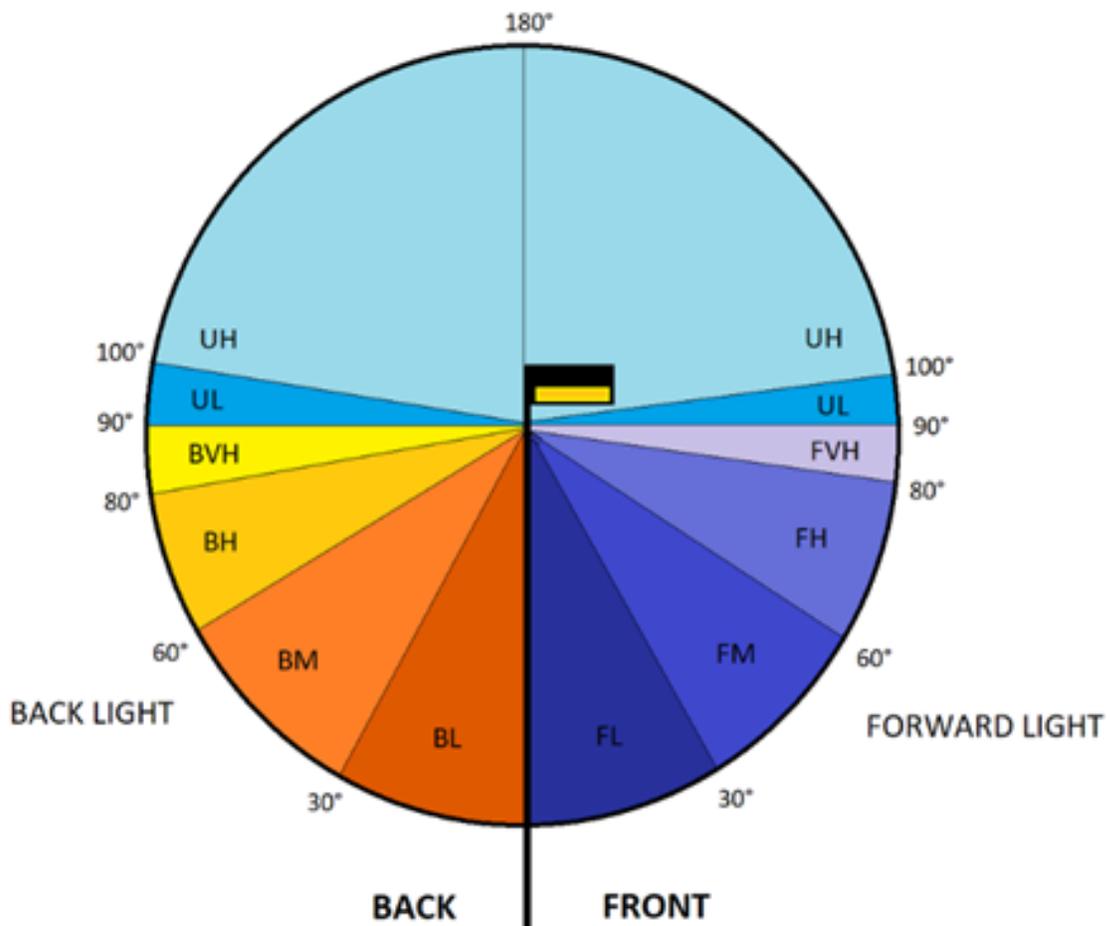
Determine the lowest rating where the lumens for all of the secondary solid angles do not exceed the threshold lumens from **Table A-2**. In this example the uplight rating would be ~~U1~~ based on the ~~FVH~~ and ~~BVH~~ lumen limits.

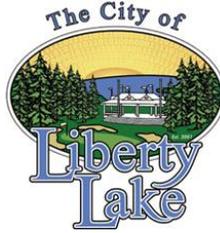
~~U1~~  
U0                      UL                      UH

**Glare Rating:**

Determine the lowest rating where the lumens for all of the secondary solid angles do not exceed the threshold lumens from **Table A-3** for a Type IV distribution. In this example, the glare rating would be **G2** based on the FH lumen limit.

Therefore, the BUG rating for this luminaire would be: **B2 U0 G2**





**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO. 2020-007, AMENDING THE REQUIREMENTS FOR RESIDENTIAL BUILDING PERMITS APPLICATIONS AS BASED UPON REVISIONS IN THE 2018 INTERNATIONAL RESIDENTIAL CODE**

**HEARING DATE:** October 14, 2020 @ 4:00 p.m.

**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

| <b>PROPOSAL SUMMARY:</b>    |   |
|-----------------------------|---|
| <b>Location</b>             | Citywide  |
| <b>Proposal Information</b> | Changes to Residential Building Permit application requirements, as based upon changes in the 2018 International Residential Code (IRC) |
| <b>Code Section</b>         | City Development Code & River District Development Sections: <ul style="list-style-type: none"> <li>• §10-4C-4(A)(2)</li> </ul>         |
| <b>Proposed Amendments</b>  | See <i>Exhibit A</i> .  |

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

**STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City’s Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City’s Comprehensive Plan, and any amendments to City Development Code must be consistent with the City’s adopted Comprehensive Plan. The City*

*must provide reasonable public notice of proposed amendments and opportunities for public participation.*

**WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

**WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

**RCW 46.55.010(5): Definitions:**

*(5) "Junk vehicle" means a vehicle certified under RCW [46.55.230](#) as meeting at least three of the following requirements:*

- a) Is three years old or older;*
- b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;*
- c) Is apparently inoperable;*
- d) Has an approximate fair market value equal only to the approximate value of the scrap in it.*

**SEPA REVIEW:**

A SEPA Checklist was completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on September 18, 2020. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on September 18, 2020, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the September 25, 2020 edition of the Valley News Herald. On or September 22, 2020, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice and a link to the City website was emailed to the public notice group, as well as the amendment applicants. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on October 1<sup>st</sup>, 2020.

**PROCEDURAL INFORMATION:**

|   |                    |
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| Planning Commission 2020 CPA Docket Approval: | July 8, 2020       |
| Workshop on CPA2020-0001:                     | September 9, 2020  |
| SEPA Notice/ Public Hearing Notice:           | September 18, 2020 |
| SEPA Comment/Appeal Period Ends:              | October 1, 2020    |
| Planning Commission Hearing:                  | October 14, 2020   |
| Ratification of Recommendations:              | November 4, 2020   |

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

| <b>Agencies Notified</b>                        | <b>Notification</b>   | <b>Comment Summary</b> |
|---|---|------------------------|
| SEPA Distribution List & Adjacent Jurisdictions | SEPA Notice of Availability;<br>Proposed Amendment Summary;<br>Determination of Non-Significance (DNS)<br>Emailed 9/18/2020 | No comments received   |

**PUBLIC COMMENTS (WRITTEN):**

| <b>Name &amp; Address</b> | <b>Comment Summary</b> |
|---------------------------|------------------------|
| N/A                       | No comments received   |

## RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

**Governance Goal 1:** Actively involve residents, businesses, and property owners in the governance of the City.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Governance Policy 6:** Review and update this Comprehensive Plan and the City's Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

**Economic Development Policy 5:** Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

## STAFF ANALYSIS:

The proposed amendment updates requirements for residential building permit applications, as based upon changes reflected in the 2018 International Residential Code (IRC).

## FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

## CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. *Criteria for Amendment:*

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*

4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS / IS NOT** necessary to correct an error.
4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

*NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).*

**RECOMMENDATION:**

In the matter of Case No. CPA2020-0007, amending the requirements for residential building permits applications as based upon revisions in the 2018 International Residential Code (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED**.

*NOTE: The Planning Commission should vote on a motion for recommendation in the above format. If the recommendation is to approve with modifications, the motion should identify the modifications proposed.*

**CPA 2020-007**

**Incorporate River District Development Regulations in City Development Code**

**Amendments to City Development Code §10-4C-4(A)(2), as follow:**

2. Residential Building Plan Submittal Requirements: Building permit packets for residential permits shall include electronic copies of the following:
  - a. Applications for Building, Mechanical, and Plumbing Permits, as applicable;
  - b. Residential energy code compliance worksheets;
  - c. For point load footings, ~~P~~rescriptive footing calculator worksheets, or engineered/stamped foundation plans;
  - d. ~~Confirmation of Type of~~ radon mitigation system proposed ~~installation~~;
  - e. Truss drawings;
  - f. Floor joist layout and accompanying beam calculations, as applicable;
  - g. Full Plan Set:
    - i. Site Plan, to include:
      - aa. Building footprints;
      - bb. Location of driveway;
      - cc. Setback requirements dimensioned;
      - dd. Existing and proposed final site contours, in 2 foot intervals; and,
      - ee. Location, height and general design of any proposed retaining walls.
    - ii. Construction drawings, with code compliance references, as applicable.