



**CITY COUNCIL MEETING / PUBLIC HEARING
TUESDAY, OCTOBER 6, 2009
CITY HALL
22710 E. COUNTRY VISTA DRIVE
7:00 P.M.**

INVOCATION

Given by Mayor Van Orman

PLEDGE OF ALLEGIANCE

Led by Mayor Van Orman, City Council and Staff

CALL TO ORDER

Mayor Van Orman called the meeting to order at 7:03 p.m.

ROLL CALL

Council Member Jenkins
Mayor Pro Tem Crump
Council Members Owens
Council Member Romney
Council Member Schuler
Council Member Olander
Council Member Langford

Doug Smith, Director of Community Dev.
Ann Swenson, Deputy City Clerk
Brian Asmus, Chief of Police
Amanda Tainio, Planning & Bldg Svcs Manager
Jessica Platt, Admin Svcs Manager

AGENDA APPROVAL

Mayor Pro Tem Crump moved to approve the Agenda, seconded by Council Member Jenkins. Motion passed unanimously.

MAYOR AND CITY COUNCIL REPORTS

Mayor Pro Tem Crump provided a Finance Committee report. The Committee reviewed the Agenda and vouchers. Mayor Pro Tem Crump talked about the budget. The goal to adopt the final budget is by the second meeting in December. Thoughtful, conservative projections have been undertaken. Mayor Pro Tem Crump reported the preliminary figures are constantly changing in lieu of awaiting figures for property taxes.

Mayor Van Orman reported about the Lithia/Mercedes grand opening and ribbon-cutting ceremony. She said the Lithia store is also planning on bringing BMW into the City within the next couple of years. The Mayor spoke about discussions that are taking place on a regional level regarding metro planning for garbage disposal, waster water management, and animal control. The City of Spokane is considering putting a regional board together to set rates and

structure for garbage disposal systems once the waste-to-energy plant is paid off in 2010. On October 21st at 1:00 p.m., a regional governance for waste water management will be held at Spokane City Hall. SCRAPS is also looking at setting up a regional advisory board to set fees, help with legislative fixes at the state level, and provide consistency with interlocal agreements. Mayor Van Orman also reported about attending the Walkable Communities event with Mark Fenton last week and the opportunity for the City Council Members to meet their community by helping to distribute 835 reusable bags for the final leg of the Buy-Local, Reusable-Bag Campaign.

STAFF REPORTS

City: Community Development Director, Doug Smith, provided a brief report. Most seasonal activities are winding down. The remaining seasonal staff will be leaving once the leaf pick-up project has been done. Mr. Smith talked about Wayfaring signage. The wayfinding program has been ongoing for a number of years and is now being implemented. The next meeting is scheduled for 5:00 p.m. October 19th. He reported budget activity has been in full swing, and October 20th is the anticipated date for the formal budget kickoff. Mr. Smith provided an expenditure report for park and open space maintenance. He said the City and Central Valley School District (CVSD) are working on capital facilities planning and will bring recommendations to the school board in June, 2010. He also reported about upcoming meetings, including an Urban Growth Areas meeting, AWC Regional meeting, and GSI advisory meeting.

Municipal Library: Library Director, Pamela Mogen, provided a report for the month of September. The art exhibition which began in September continues this month. A new set of pictures featured by Annette Carter is being displayed. Ms. Mogen reported on the thank-you luncheon for volunteers, back to school night, Every Child Ready to Read program and book clubs for adults and children. Both Mrs. Mogen and Mrs. Rogers recently attended the annual conference offered by The Library Corporation.

Public Safety: Liberty Lake Police Chief, Brian Asmus, responded to Council Member Olander's request from the last City Council meeting to address issues regarding the skate park. Chief Asmus said the LLPD is attempting to increase police presence and S.C.O.P.E. patrols at the skate park. Chief Asmus said research is being done for video surveillance system installation at the park. He said the Department is encouraging self-policing when it comes to the trash and language issues that were commented on by the citizens at the last Council meeting. Chief Asmus emphasized the need for public help and encouraged citizens to call the police to report any possible or suspected violations occurring at the skate park. He then listed some violations including: minor in possession of tobacco or alcohol, littering, bullying or harassment, illegal drug use, assault, after-hours use of the park, vandalism, tagging or graffiti, and disorderly conduct. He also talked about stereotyping and the need to avoid that since most users of the skate park are very respectful. He noted that LLPD has only been called to the skate park on three occasions, and each call was successfully resolved.

Mayor Pro Tem Crump then addressed crime statistics outlined in the police report. He expressed his concern about the increased offences that happened in September, including vehicle prowl, theft of property, death investigations, child abuse, and burglary. Chief Asmus said prolific criminals in the region having been identified which account for repeat/multiple incidences. He said the death investigations were attributed to two natural causes and one

suicide. Mayor Pro Tem Crump commented on the relatively low crime rate in the community and asked Chief Asmus to please extend the Council's thanks for all of the officer's hard work.

Chief Asmus was asked to address why Liberty Lake police officers are sometimes seen working outside of the City limits. Chief Asmus responded that the main reasons are: emphasis patrols on a regional level, follow-up investigations outside the city, assisting other agencies, training, simple patrols, and administrative details.

Planning Commission: Amanda Tainio, Planning & Building Services Manager, provided a brief update for the Planning Commission. The Commission just finished the 2009 annual amendment review and have completed the introduction to the wayfinding signage program. The Planning Commission has chosen to cancel regular meetings for October and November and will hold a combined special meeting October 28th, which will include a public workshop regarding wayfinding signage.

Fire District: Spokane Valley Fire Department, Deputy Chief Larry Rider, reported last month's responses were about normal. The burn ban is still in effect. Deputy Chief Rider said the fire department is also in their budget process.

Liberty Lake Sewer & Water District: Commissioner Frank Boyle reported the total maximum daily load (TMDL) draft is complete. The comment period ends October 30th and a hearing will be held October 20th at 3:00 p.m. at Spokane Community College. Commissioner Boyle reported 50 acres from the Spokane County Park have been annexed to provide water service to County Park. The District has received a permit from Spokane County to tunnel under the freeway to install sewer lines and purple piping. A reclaimed wastewater draft will be coming out on the 21st. Commissioner Boyle said there was a large algae bloom in the water in Liberty Lake, but testing has been done and there are no toxic issues. He spoke about water conservation and working with businesses that irrigate to reduce water usage. He also said the District will be working with the City again this fall for leaf clean up, which is slated for November 14th.

PRESENTATION

Jessica Platt, Administrative Services Manager, conducted a four-year financial forecast presentation. Information sources included: Liberty Lake historic trends, the State of Washington Economic and Revenue Forecast Council, MRSC Budget Suggestions for 2010, Washington State Department of Revenue, Board of Governors of the Federal Reserve System, The Conference Board U.S. Leading Cycle Indicators and the U.S. Bureau of Labor Statistics. Ms. Platt reviewed the advantages and the problems with forecasting. She provided information about national, state, and local economies as well as a breakdown of projected retail sales/use tax sectors for 2010. She outlined four-year trends for sectors including retail, construction, wholesale, accommodation and food service, and manufacturing. Ms. Platt also addressed property tax, assessed valuation, and General Fund revenue and expenditure projections for 2010-2013.

NOTE: At 7:57 p.m. the power to the audio recording was disconnected. At the conclusion of the presentation, Council Member Owens requested a copy of the narrative.

PROCLAMATION

Ann Swenson, Deputy City Clerk, read into the record the proclamation designating October, 2009 as Community Planning Month in the City of Liberty Lake in conjunction with the celebration of National Community Planning Month.

ACTION ITEMS

Consent Agenda: Mayor Pro Tem Crump moved to approve the Consent Agenda, which included approval of the September 15, 2009 City Council Minutes and approval of October 6, 2009 vouchers, totaling \$345,050.06, seconded by Council Member Langford. Motion passed unanimously. Voucher check sequences were: 11705 through 11775. Payroll check sequences were: 5728 through 5800.

RESOLUTIONS

Ann Swenson, Deputy City Clerk, read Resolution No. 09-132 into the record, concurring in certain public improvements and public improvement costs; and providing for other matters properly related thereto.

Mayor Pro Tem Crump moved to adopt the resolution, seconded by Council Member Owens.

Community Development Director, Doug Smith, pointed out that Section 2 of the resolution, Public Works Projects, identifies that the City is putting out notice to the County that it concurs with the proposed projects based upon the Board's compliance with public works and prevailing wages. Discussion was then held regarding funding for the Harvest Parkway Street System. Mayor Pro Tem Crump and Council Member Owens both spoke in favor of funding it. The question arose why resolutions 08-119 and 09-131 were not addressed in this resolution and it was determined that it was not necessary since this resolution will provide a generic format for future projects. City Attorney, Sean Boutz, clarified that each individual project will be evaluated on its own. Mayor Pro Tem Crump requested that Exhibit A be stapled to the resolution to clarify its attachment thereto. Projects include: the road and storm drainage for the Harvest Parkway Street System, and sewer and water systems for the Harvest Parkway Utilities, I-90 Transmission Water Main Crossing, Telido Station Offsite Sewer Service, and Mission Avenue Transmission Water Main.

After no further discussion, Mayor called for a vote. Motion passed unanimously.

Ann Swenson, Deputy City Clerk, read Resolution No. 09-133 into the record, adopting collaborative planning principles for joint planning agreements with Spokane County and other cities for urban growth areas.

Mayor Pro Tem Crump moved to adopt the resolution, seconded by Council Member Langford. Director Smith said this is a goodwill measure and shows Liberty Lake is willing to engage in regional collaboration within the metropolitan area. He explained this action is a reaffirmation of county-wide policies adopted in 1995 and have been put in practice, noting this is an attempt to put some formal language in place.

Mayor called for the vote. Motion passed unanimously.

Ann Swenson, Deputy City Clerk, read Resolution No. 09-134 into the record, authorizing and approving participation in the Washington Public Employees' Retirement System (PERS).

Mayor Pro Tem Crump moved to adopt the resolution, seconded by Council Member Owens.

Jessica Platt, Administrative Services Manager, provided some background on the PERS. Council Member Owens clarified that the City currently contributes to a 401a, which is not a part of the PERS program, but is something defined in the City's policy. She noted the policy is subject to change by future councils if they so choose. It was also pointed out that the 12.75% employer contribution does include a Social Security replacement. Council Member Olander asked for clarification. He talked about other cities that went bankrupt, in part, due to employee retirement benefits. After further discussions regarding the City's contribution for the defined benefit, review by the Finance Committee, employee support of the program, and no additional cost to the City by entering into the Program, Council Member Olander made a friendly amendment that total employer combined contribution will not exceed 12.75% for all retirement benefits. Mayor Pro Tem Crump accepted the friendly motion, seconded by Council Member Langford. Motion passed unanimously.

ORDINANCE – SECOND READ

Ann Swenson, Deputy City Clerk, read Ordinance No. 178 into the record, adopting the River District Specific Area Plan Overlay (SAP-08-0001).

Mayor Pro Tem Crump moved to approve Ordinance No. 178, seconded by Council Member Schuler.

PUBLIC HEARING

At 8:49 p.m., Mayor Van Orman opened the public hearing. Amanda Tainio, Planning & Building Services Manager, reported that a consensus between City staff and the developer has been reached on all major key issues except Large-Scale Retail Establishments in RD-C (Key Issue #3); Building Orientation (Key Issue #6); and Parking Area Pedestrian Walkway Location & Landscape Island Requirement (Key Issue #8). Individual key issues were then addressed as outlined below.

Key issue #1 – Multi-Family Residential Use

Greenstone and City staff have reached a consensus on this issue, permitting multifamily residential in a vertical mixed use building. The RD-C Zone shall not contain more than 152 multi-family units.

Key Issue #2 – Multi-Family Residential Use in RD-M based on adoption of Amendment ZTA-08-0008.

Greenstone and City staff have reached a consensus on this issue, modifying the limited use and housing definitions.

Key Issue #3 – Building Orientation

No consensus was reached between the developer and City staff.

City Staff is concerned that removal of the Development Agreement and Adaptability for Reuse/Compartmentalization/Redevelopment sections is inconsistent with the reason for

adopting the Large-Scale Retail Standards to prevent irreversible negative impacts upon the City. Vacated large-scale retail establishments that are not designed for or that are not capable of re-use can create the look of neighborhood blight and decrease the economic growth of a community. City staff stated the standards prevented a no-compete clause.

Drew Benado, Greenstone Corporation, said this issue was reviewed and discussed with City staff. The worst case scenario is a big-box store comes in and then leaves, and the Development Code restricts future tenants because they are not allowed to relist it because of the "no-compete" clause.

Key Issue #4 – Tower Easement Removal

Greenstone and City staff have reached a consensus on this issue, adding City Development Code language.

Key Issue #5 – RD-C Zoning at NW Corner of Mission & Harvard

Greenstone and City staff have reached a consensus on this issue, changing the RD-C to RD-M for the River District Land Use map, and removing Harvard Road and Bitterroot Street buffering.

Key Issue #6 – Building Orientation

No consensus was reached between the developer and City staff.

Ms. Tainio said this issue concerns parking location (should vs. shall); parking connection vs. pedestrian connection focus; corner orientation (should vs. shall); and outparcels (should vs. must) in the River District Commercial Zone.

Mr. Benado stated when TIF was approved in 2005, the developer looked at ways to attract retailers outside the City of Liberty Lake and knew the transportation system would have to be implemented. Mr. Benado suggested the developer is trying to utilize TIF/LIFT the best way possible. He urged the Council not to lose sight of the original intent of TIF dollars. He reiterated the need for commercial environment to attract retailers. He said building orientation is an important factor for retailers and the developer would like the flexibility to position buildings to meet market demand.

Ms. Tainio responded that there is flexibility within the Development Code and staff believes it can be used to meet everyone's goals. She explained the flexibility is in the definition of front lot line, which allows for more of a master plan. Mr. Benado responded, "Something of this depth is hard to have "shalls" because the developer doesn't envision this in their layout".

Key Issue #7 – Sidewalk Width

Greenstone and City staff have reached a consensus on this issue, keeping the sidewalk width 5 feet in residential areas and 6 to 12 feet in mixed use and commercial areas.

Key Issue #8 – Parking Area Pedestrian Walkway Location & Landscape Island Requirement.

No consensus was reached between the developer and City staff.

Ms. Tainio reported when the City Development Code was originally proposed, the Planning Commission recommended that every other row of parking spaces be separated by a landscape island. This recommendation was overturned by the City Council and the current

City Development Code requires each row of parking spaces shall be separated from one another by a six (6) foot landscape island. She stated it has been proposed in the SAP to go back to an every-other row of parking spaces.

City staff recommends only minor modification to landscaping regarding tree distribution in parking lot areas to meet shading requirements and allow the City to approve exception to tree standards. Staff argues there is a provision for an alternate parking lot design contained in the SAP.

Mr. Mike Terrell, Greenstone Corporation, still contends that the landscaping proposal exceeds current requirements under the City's Development Codes. He said the RDSAP proposal provides flexibility to create a better atmosphere by design of the parking lot and that SAP calculations have been made to meet the shading requirement. Mike Terrell believes having alternate rows is a superior design for the parking lot, contending it is not appropriate to put curbs and planting in between every row.

Key issue #9 – Maximum Parking

Greenstone and City staff have reached a consensus on this issue, adding City Development Code language with minor modifications for maximum parking standards in the RD-C zone.

Key Issue #10 – Signage Standards

Greenstone and City staff have reached a consensus on this issue, removing Signage Definitions and standards from the RDSAP and replacing them with Reference to the City Development Code Signage Standards and Definitions.

Key Issue #11 – Public Use Area Dedication / Reservation Requirements

Greenstone and City staff have reached a consensus on this issue, utilizing new language which provides clarification to existing Development Code language.

Key Issue #12 – Parks & Greenways

Greenstone and City staff have reached a consensus on this issue, modifying definitions of Community and Neighborhood Parks.

Key Issue #13 – Building Height in RD-M

Greenstone and City staff have reached a consensus on this issue, modifying building height standards in the RD-M zone to 80 feet tall, down from 100 feet.

Key Issues #14 – Maximum Number of Dwelling Units

Drew Benado, Greenstone Corporation, said they don't want to lose sight of the commercial development and that the developer has included a lot of things such as buffering, moving storm water, increased widths in front of store fronts. He stated, for the record, that the development applicant asks that the City Council adopts Option 3, the maximum density of 15 dwelling units per acre in the Mixed Use Zone.

In closing, Mr. Mike Terrell, Greenstone Corporation, stated that the SAP is consistent with the City's Comprehensive Plan. He said virtually all 670 some pages of the RDSAP met or exceeded the Development Code. He said he had great experience working with the City staff, Planning Commissions, and Community Development Committee. He acknowledged there are a lot of things that should be adopted in the Development Code as the process moves forward

which will provide consistencies such as street widths. He encouraged the City Council to adopt the SAP as presented tonight. He said this is a living document that will be modified in the future, and he is looking forward to working again with the City Council, staff, and the Planning Commission.

Mayor called for additional testimony. None was received. Mayor closed the public hearing at 9:37 p.m. Mayor Pro Tem Crump then requested a five-minute break, seconded by Council Member Olander. At 9:39 p.m. Mayor Van Orman called for a five-minute recess. At 9:45 Mayor Van Orman called the meeting back to order and then asked for a motion for discussion.

Council Member Jenkins moved to approve key issue items 4, 5, 7, 9, 10, and 11 with the modified language as outlined in the October 1, 2009 memo to the City Council. He proposed discussion be held on the remaining key issue items 1, 2, 3, 6, 8, 12, 13 & 14; to be addressed individually, seconded by Council Member Langford.

Discussion was then held. Council Member Romney expressed opposition to Item #7 (sidewalk width), Council Member Jenkins concurred. Council Member Romney made a friendly amendment to change the width of the sidewalks from 5 feet to 6 feet, Council Member Jenkins accepted the friendly amendment. Council Member Olander spoke in opposition of the proposed motion, suggesting all issues should be addressed individually. Mayor Van Orman then called for the vote. Motion failed 3-4, with Council Member Langford, Mayor Pro Tem Crump, Council Member Owens voting in favor and Council Member Schuler, Council Member Olander, Council Member Jenkins, Council Member Romney opposed.

Discussion and action were then taken individually on the following key issues:

Key issue #1 – Multi-Family Residential Use

Council Member Jenkins moved to approve this issue with the following language modifications to SAP Section 3.4 (Article 10-1C):

Commercial Zoning Districts -

RD-C (Freeway Commercial) The RD-C zone designates intensive automobile oriented mixed use commercial areas intended to draw customers from outlying areas. Uses are required to comply with specific design and landscape standards in the River District SAP. The Freeway Commercial zone allows for retail shopping, major commercial areas of regional significance, and office light industry. Additionally, multi-family residential is permitted when it is incorporated into the design of a vertical mixed use building. The RD-C Zone shall not contain more than 152 multi-family units.

Council Member Romney seconded the motion. Motion carried, 4-3 with Council Member Schuler, Mayor Pro Tem Crump, Council Member Owens, and Council Member Romney in favor and Council Member Olander, Council Member Jenkins, and Council Member Langford opposed.

Key Issue #2 – Multi-Family Residential Use in RD-M based on adoption of Amendment ZTA-08-0008.

Council Member Romney moved to approve this issue with the following modifications to SAP Section 3.4:

Dwelling, multi-family - Projects that propose 50 multi-family dwelling units or more shall provide an equivalent square footage of nonresidential uses within the permit application. Mixed use buildings specialty housing, and single family attached dwellings (townhomes) are exempt from this provision. (Section 10-2E-3) and

Senior housing – Housing (single family detached or attached and multifamily for sale or rent) that is designated and/or managed for persons over the age of 55 (Specific age restrictions vary). (Article 10-1C); and

Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities, and age restricted Active Adult Community) (Section 4.1) (River District Zoning Matrix)

Mayor Pro Tem Crump seconded the motion, which carried 6-1, Council Member Langford opposed.

Key Issue #3 – Large Scale Retail Establishments in RD-C

(No consensus reached by City Staff & the developer)

Mayor Pro Tem Crump spoke in support of the developer on this issue and moved to approve this issue without the following modifications:

SAP Section 3.4 (Section 10-2I-3) – Limited Uses – Large-scale retail establishments, add City Development Code Section Language for:

(b.) Development Agreement

(g.) Adaptability for Reuse / Compartmentalization / Redevelopment

Council Member Schuler seconded the motion. Discussion was then held. Council Member Olander spoke in support of the staff's recommendation. Mayor Pro Tem Crump said he believes the city should have greater clarification and that more business-friendly language should be added. Council Member Langford then called the question, which was seconded, and Mayor Van Orman called for the vote. Motion carried 4-3, with Mayor Pro Tem Crump, Council Member Jenkins, Council Member Langford and Council Member Romney in favor and Council Member Olander, Council Member Schuler and Council Member Owens opposed.

At 9:58 p.m. Council Member Jenkins moved to extend the meeting for 60 minutes, seconded by Council Member Olander. Council Member Langford made a friendly amendment to only extend the meeting for 30 minutes, Council Member Jenkins accepted friendly amendment to extend the meeting, seconded by (check time was 9:58). Motion passed unanimously.

Key Issue #4 – Tower Easement Removal

Mayor Pro Tem Crump moved to approve this issue with the following language modifications to SAP Section 3.4:

Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake Planning & Community Development Department or its successor agency can remove the easement. (Section 10-2I-3, (a))

Council Member Romney seconded the motion. Motion carried unanimously.

Key Issue #5 – RD-C Zoning at NW Corner of Mission & Harvard

Mayor Pro Tem Crump moved to approve this issue with the following modifications:

- RDSAP Section 5.1 River District Land Use Map = Change RD-C to RD-M
- SAP Section 3.4 (Section 10-2I-6) Development Setbacks and Special Landscaping (RD-C) = Remove Harvard Road and Bitterroot Street Buffering due to change in zone.

Council Member Jenkins seconded the motion, which carried unanimously.

Key Issue #6 – RD-C Building Orientation

(No consensus reached by City staff & the developer)

Mayor Pro Tem Crump spoke in favor of City staff and moved to approve this issue with the following modifications to SAP Section 3.4 (Section 10-2I-9):

(C.) Building orientation standards: All buildings which are subject to this Section shall be oriented to a private drive, street, or auto court lane. Parking shall be oriented to provide efficient building access, screened from adjacent public right of ways and shared to the maximum extent possible. A majority of the parking shall be located in a rear, side, or interior parking area away from the public ROW.

(C.2) Setback Standards: All buildings shall have their primary entrance(s) oriented to a driveway, auto court lane, or public/private street with direct efficient connections for pedestrians and to parking. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the primary vehicular access and/or parking which is connected to the street.

(C.4) Setback Standards: On corner lots, buildings and their entrances shall be oriented to the street corner (see 10-2I-6 Development Setbacks and Special Landscaping above) whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.

(C.5) Large-Scale Retail Establishments: Outparcels with non large-scale retail establishments must be located between large scale retail establishments and an arterial or collector street.

Council Member Schuler seconded the motion. Mayor Pro Tem Crump spoke in opposition to the wordage of should vs. shall and the “must” nature of shall. Council Member Olander spoke in support of City staff recommendations. After concerns about having strip mall type layouts were discussed, Mayor Van Orman called for the vote. Motion passed 4-3; Council Member Olander, Council Member Jenkins, Council Member Owens, Council Member Romney and Council Member Schuler, Mayor Pro Tem Crump, Council Member Langford opposed.

Key Issue #7 – Sidewalk Width

Mayor Pro Tem Crump moved to approve this issue with no modification to the RDSAP language, seconded by Council Member Langford.

Council Member Romney spoke in opposition of accepting the proposed RDSAP language regarding 5 foot requirements of sidewalks in residential areas, and suggested changing the sidewalk width from 5 feet to 6 feet. He said he did not believe the developer's arguments for the 5 foot sidewalk were very compelling, and that by having a minimum of 6 foot sidewalks there would be consistency on both sides of the freeway. Council Member Jenkins concurred.

Mayor Van Orman called for the vote. Motion failed 1-6 with Mayor Pro Tem Crump in favor, Council Member Olander, Council Member Schuler, Council Member Jenkins, Council Member Owens, Council Member Langford, and Council Member Romney opposed.

Council Member Jenkins then moved to amend the River District Compact Development Implementation Principles as follows:

Sidewalks at least 5 6 feet wide in residential areas and 6 to 12 feet in mixed use and commercial areas. Parkway strips of 5 to 10 feet that buffer pedestrians from traffic and allow tree planting. (Section 2.1)

- Section 3.4 (Chapter 3) - Design and Maintenance Standards = Modify Minimum Sidewalk Width to 6'

2.2k. Pedestrian Access.

Pathway Standards (Typical)

B. Design and Construction. Pathways shall conform to all of the standards in 1-5 below:

1. Sidewalk & Pathway Surface. Sidewalks shall be concrete and at least 5' 6' wide, unless otherwise specified by this Code. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 10 feet wide. (See also the applicable City Transportation Standards related to pathways). Additionally, sidewalk and pathway design shall conform to the requirements of this Code, the City Street Standards, the Liberty Lake Trail System Plan and Parks, Recreation, Open Space, and Trails Plan, as applicable.

Council Member Langford seconded the motion, which carried 6-1; Council Member Olander, Council Member Schuler, Council Member Jenkins, Council Member Owens, Council Member Langford, and Council Member Romney in favor, Mayor Pro Tem Crump opposed.

Key Issue #8 – Parking Area Pedestrian Walkway Location & Landscape Island

Requirement (No consensus reached by City staff & the developer)

Council Member Olander moved to approve this issue with no modification to the RDSAP language, seconded by Council Member Romney. Motion carried unanimously.

Key issue #9 – Maximum Parking

Mayor Pro Tem Crump moved to approve this issue with the following modifications to SAP Section 3.4 (Chapter 3B):

Maximum Number of Parking Spaces.

The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided herein by more than 50%;

except uses in the RD-C Zone are exempt from the maximum parking standards. Unless otherwise specified, all commercial and industrial uses may exceed the maximum number of parking spaces in order to provide .5 spaces per employee during the largest shift. Additionally, individual surface parking lots shall never exceed 4 acres; larger parking areas should be in a parking structure. If surface parking lots must be larger than 4 acres to meet the minimum required parking space requirements in this Code, additional landscaping shall be provided, at the discretion of the Director or his or her designee, and the lots shall be separated into multiple 4 acre maximum lots. Spaces provided on-street or within parking structures do not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number. Additionally, auto oriented sales display spaces that conform to the landscaping standards and auto repair or outdoor vehicle storage areas that are enclosed within a building or with a solid wall or fully sight obscuring fence to a minimum height of 6 feet, do not apply toward the maximum number of parking spaces.

Council Member Olander seconded the motion, which carried 6-1; Council Member Olander, Council Member Schuler, Mayor Pro Tem Crump, Council Member Owens, Council Member Langford and Council Member Romney in favor, Council Member Jenkins opposed.

Key Issue #10 – Signage Standards

Mayor Pro Tem Crump moved to approve this issue with the following modifications to SAP Section 3.4:

- Article 10-1C – Definitions
Remove Signage Definitions from RDSAP and Replace with Reference to City Development Code Definitions and Article 10-3E Signage Standards.
- Chapter 3 – Design and Maintenance Standards
Remove Signage Standards from RDSAP and Replace with Reference to City Development Code Article 10-3E Signage Standards

Council Member Owens seconded the motion, which carried 6-1; Council Member Olander, Council Member Schuler, Mayor Pro Tem Crump, Council Member Owens, Council Member Langford and Council Member Romney in favor, Council Member Jenkins opposed.

Key Issue #11 – Public Use Area Dedication / Reservation Requirements

Mayor Pro Tem Crump moved to approve this issue with the modifications to SAP Section 3.4 (Chapter 3, Article 7-3), seconded by Council Member Langford. Council Member Olander then proposed a friendly amendment to original motion, that would delete "The SAP Park and Greenway Plan identifies 97 acres of private and public open space that is consistent with the current Liberty Lake Parks, Recreation, Open Space, and Trails Plan." language outlined in the proposed modification. Mayor Pro Tem Crump accepted the friendly amendment.

At 10:30 p.m., Council Member Langford made a motion to extend the meeting for 10 minutes, seconded by Council Member Olander. Motion passed unanimously.

Modifications to SAP, including deletion of the aforementioned language, were as follows:

7-3 Public Use Areas

The River District Specific Area Plan proposed a combination of public and private parks, greenways, and private open space areas. The SAP Park and Greenway plan and in 3.6 Land Use Analysis – Open Space identifies the areas, general configuration, size, and the aggregate acreage. It is intended to provide a flexible guide for the size, location, use, and configuration of park and open space areas. It is anticipated the final size location, and configuration of public and private open space will evolve over the 25 year development time frame for the project. In the development of the land within the SAP, the following dedication requirements shall apply:

A. Dedication Requirements:

1. Private Parks or Greenway Dedications. Land set aside for private parks or greenways shall be dedicated to a Home Owner Association or related private entity responsible for the ownership and maintenance of said property. Private park and greenway dedications shall include provisions for public easement access.
2. Public Park Dedications. Land set aside for public parks or greenways shall be dedicated to and accepted by the city. The City shall agree to a general park development plan at the time of title transfer. Land dedicated for public park use shall include covenant language that would require that the property be used and developed for use as a public park. The City may not transfer or use land dedicated for park and open space use for any other purpose.
3. Location of dedications. The SAP shows the general size and location of public and private parks and greenways. As development occurs within the SAP, the developer and the city shall work concurrently to identify the size, location, and configuration of proposed parks and greenways consistent with the city's adopted Parks, Recreation, Open Space, and Trails Plan. All proposed residential uses within the SAP shall be located within ½ mile of a public or private park or greenway area.
4. Timing of Dedications. Dedications shall occur in phases as part of the final plating of the property. Dedication of land to the City shall be coordinated between the City and the Developer dependent upon availability of access and utilities and the City timeline for development of park improvements.
5. Private Open Space Areas. Private open space areas will be part of the development of private projects and will occur when those properties are developed. The open space areas that will be part of residential, office, mixed use, and commercial developments will be owned and maintained by the project developer and owner. The private open space areas will be primarily for the use and benefit of the occupants or tenants of the project and will generally not be open for general public use.

B. Reservations and Acquisition by Public Agencies. Land reserved for acquisition by a Public Agency shall be secured with an agreement for purchase upon reservation. Land reserved for a park, playground, or other public use shall be acquired by the appropriate public agency within the defined period, mutually agreed upon the time schedule, and price.

C. System Development Charge / Mitigation Fee / Impact Fee Credit. Dedication of land to the City of public use areas shall be eligible as a credit toward any required system development charge, mitigation fee, or impact fee for parks, as applicable.

Motion carried unanimously.

Key Issue #12 – Parks and Greenways

Council Member Olander moved to include a requirement for a 20 acre contiguous park. Motion died due to lack of second.

Council Member Jenkins then moved to accept this issue with modifications to SAP Section 6.7 as follows:

- Modify Orchard Park from 8 to 10 acres to meet definition of Community Park
- Modify West River Park from 7 to 5 acres to meet definition of Neighborhood Park

Council Member Langford seconded the motion. Discussion then followed. Council Member Olander urged the City Council to move for larger parks. He said if it is approved as is, the City will never be able to get land the back. He explained the 30 acres/1000 people guideline is inadequate and said, "we owe it to our City to set aside some land now to meet park plan requirements".

Discussion was undertaken about land dedication as outlined in Key Issue #11, Section A2 and the north side of the freeway as a revenue source. Council Member Owens suggested there has to be a happy medium; if it is not 100% for a 20 acre park then maybe 15 acres. She agreed that a 10 acre park will not serve all members on the north side of the city.

Council Member Owens then proposed an amendment to the original motion to modify Orchard Park from 8 acres to 15 acres and to allow for the reservation of 5 additional acres of land for park space, seconded by Council Member Schuler.

At 10:39 p.m., Council Member Romney moved to extend the meeting for an additional 10 minutes, seconded by Council Member Langford. Motion passed unanimously.

Discussion continued. Mayor Pro Tem Crump agreed with Council Member Jenkins' motion. Mike Terrell, representing Greenstone Corporation, clarified that a minimum of 97 acres have been donated by the property owners for parks. Council Member Olander contended it is important to split the sizing requirement versus the acquisition mechanism. Attorney Boutz clarified additional conditions cannot be put on various existing code requirements. Council Member Langford then called the question, seconded by Council Member Owens. Motion failed 3-4 with Council Member Langford, Council Member Jenkins, and Council Member Owens in favor, Council Member Olander, Council Member Schuler, Mayor Pro Tem Crump, and Council Member Romney opposed. Discussion then continued without conclusion until adjournment.

Council Member Jenkins moved to continue deliberations until the next City Council meeting, seconded by Council Member Romney. Motion carried 6-1, with Council Member Olander, Council Member Jenkins, Mayor Pro Tem Crump, Council Member Owens, Council Member Langford, and Council Member Romney in favor; Council Member Schuler opposed.

ADJOURNMENT

The meeting adjourned at 10:51 p.m.

These minutes are approved October 20, 2009.

Wendy Van Orman
Wendy Van Orman, Mayor
City of Liberty Lake

Ann Swenson
Notes and Transcription by Ann Swenson, Deputy City Clerk. This Council meeting was also audio taped until disconnected as indicated above. Anyone desiring to listen to the recording may contact the Deputy City Clerk.