

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 285**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING
THE COMPREHENSIVE PLAN LAND USE MAP AND ZONING DESIGNATION FOR
MEADOWWOOD TECHNOLOGY CAMPUS FROM I (LIGHT INDUSTRIAL) TO M-2
(COMMUNITY CENTER MIXED USE), AND AUTHORIZING A DEVELOPMENT
AGREEMENT ESTABLISHING ADDITIONAL DEVELOPMENT STANDARDS FOR
THE SUBJECT PROPERTY**

WHEREAS, on March 30, 2021, the City of Liberty Lake received an application from Greenstone Homes on behalf of MTC Properties, L.L.C., Meadowwood Partners, L.L.C., Meadowwood One, L.L.C., Meadowwood Three, L.L.C., Meadowwood Four, L.L.C., and Meadowwood Five, L.L.C., Washington limited liability companies, all with a mailing address of N.1421 Meadowwood Lane, Ste. 200, Liberty Lake, WA 99019, both individually and collectively (“Owners”), requesting an amendment to the Comprehensive Plan Land Use Map designation and zoning designation for lands located on the northeast corner of Mission Avenue and Molter Avenue, commonly known as Meadowwood Technology Campus (as more particularly described in Exhibit A) from “I” (Light Industrial) to “M-2” (Community Center Mixed Use); and

WHEREAS, on September 28, 2021, the City of Liberty Lake completed the environmental review process on the Comprehensive Plan Land Use and Zoning Amendment for the subject property and issued a Determination of Non-Significance pursuant to the optional DNS process detailed in WAC 197-11-340(2); and

WHEREAS, on October 13, 2021, the Planning Commission conducted a public hearing in order to receive information and take testimony on the requested Comprehensive Plan Land Use Map Amendment to change the future land use designation for the subject property from “I” (Light Industrial) to “M-2”(Community Center Mixed Use) zoning designation of “R-2” (Mixed Residential), with the Planning Commission Recommending approval for the requested Comprehensive Plan Land Use Map amendment as proposed; and

WHEREAS, on October 26, 2021, the Hearing Examiner Pro Tem conducted a public hearing to receive information and take testimony on the requested Zoning Amendment for the subject property, to change the zoning of the subject property from “I” (Light Industrial) to “M-2” (Community Center Mixed Use), and on December 10, 2021, the Hearing Examiner issued Written Findings recommending the approval of the requested zoning amendment; and

WHEREAS, on April 26, 2021, City Council conducted a public hearing to receive information and take testimony on the requested amendment to the Comprehensive Plan Land Use Map designation and zoning designation for the subject property; and

WHEREAS, following the close of the public hearing and deliberations, where City Council provided a detailed and reasoned basis for their decision, City Council voted unanimously to approve the Comprehensive Plan Land Use Map and Zoning Designation, with the conditions that: 1) all freestanding residential units (townhomes or apartments) shall be limited to a height of two stories; 2) no freestanding residential units shall be allowed on the Mission Avenue frontage, from the main campus entrance to the east property line; and 3) vertically mixed-use structures shall be limited to a height of three stories, with ground floor commercial use, and up to two stories of residential use (limited to the second and third stories), with such vertically mixed-use structures being permitted along the Mission Avenue frontage, with said conditions detailed in the Findings, Conclusions and Decision ratified by City Council on May 3, 2022 (attached hereto as Exhibit B); and

WHEREAS, RCW 36.70B.170 authorizes a city to enter into a development agreement with the person having ownership or control of real property within the city. The development agreement must set forth development standards and other provisions that shall apply to and govern the development, and mitigation of the development of real property, consistent with City Development Regulations; and

WHEREAS, RCW 36.70B.170(1) establishes that a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement. For the purposes of this development agreement, “development standards” includes, but is not limited to, the standards listed in RCW 36.70B.170(3); and

WHEREAS, City Development Code §10-4J-3 identifies property re-zones as quasi-judicial actions, while City Code §10-4J-4 indicates a quasi-judicial decision may be denied, approved, or approved with conditions; and

WHEREAS, a Development Agreement, as authorized in RCW 36.70B.170, is the appropriate mechanism to enact and implement standards specific to a particular development as may be required as a condition of approval for a quasi-judicial action; and

WHEREAS, staff has prepared a development agreement (attached hereto as Exhibit C) detailing the conditions of the zoning approval, which shall be binding upon all owners, successors, assigns, and any subsequent owners of the subject property, and the execution of which by the Owners shall be a condition precedent to the enactment of this Ordinance; and

WHEREAS, RCW 36.70B.200 requires that such a development agreement be approved by ordinance or resolution.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. Comprehensive Plan Land Use Designation and Zoning. The Property shall be developed and used in accordance with the City of Liberty Lake Comprehensive Plan, related Development Code and other land use regulations or polices of the City. The land use and zoning designation of "M-2" (Community Center Mixed Use) shall be applied to the subject property, and regulations as set forth on the Comprehensive Plan Map, Zoning Map and Development Code shall apply to and regulate the subject property, subject to the specific conditions of approval as detailed in the City Council Findings, Conclusions and Decision ratified by City Council on May 3, 2022, and as detailed in the subsequent Development Agreement between the City of Liberty Lake and the Owner, as of the Effective Date. Permit applications for land use shall be made to the City of Liberty Lake.

Section 2. Development Agreement. City Council hereby authorizes the Mayor to execute the Development Agreement, attached hereto as Exhibit C.

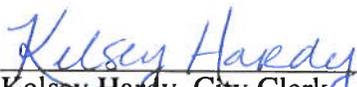
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect after the execution of the Development Agreement attached to this Ordinance as Exhibit C, and five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 7th day of June, 2022.


Cristella Kaminskas, Mayor

ATTEST:


Kelsey Hardy, City Clerk

APPROVED AS TO FORM:


City Attorney, Sean P. Boutz
Date of Publication: 6/24/2022
Effective Date: 6/29/2022

EXHIBIT A

Meadowwood Technology Campus Legal Description

Lot 1 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704.

Lot 2 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 3 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 4 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 5 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 5 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 6 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 7 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 8 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Lot 9 of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

Tract A of Record of Survey BSP-10-0001E recorded in Book 169 of Surveys at Pages 26-28, AFN# 6667704

69.37 Acres

**BEFORE THE CITY OF LIBERTY LAKE
CITY COUNCIL**

**CASE NO. LUA2021-0006, A REQUEST BY
GREENSTONE CORPORATION TO AMEND THE
COMPREHENSIVE PLAN LAND USE PLAN AND ZONING
DESIGNATION FOR MEADOWWOOD TECHNOLOGY
CAMPUS FROM I (LIGHT INDUSTRIAL) TO M-2
(COMMUNITY CENTER MIXED USE)**)
) **FINDINGS OF FACT,**
) **CONCLUSIONS,**
) **AND DECISION**
)

A. SUMMARY OF PROCEEDINGS:

Application Received:	March 30, 2021
Planning Commission Workshops LUA2021-0006:	April 14, 2021
	June 9, 2021
	September 9, 2021
Agency & Web Notice of Availability/Hearings:	August 31, 2021
Mailings to 400' Radius:	September 1, 2021
Newspaper Publication - Notice of Availability/Hearings:	September 3, 2021
Posting of Public Notice on Site:	September 3, 2021
End of SEPA Comment Period & Issuance of DNS:	September 14, 2021
End of SEPA Appeal Period:	September 28, 2021
Department of Commerce 60 Day Notice:	October 5, 2021
Planning Commission Hearing & Recommendation:	October 13, 2021
Hearing Examiner Hearing:	October 26, 2021
Hearing Examiner Findings, Conclusions & Recommendation:	December 10, 2021
Posting of City Council Hearing Notice on Site:	April 7, 2022
Newspaper Publication – Notice of City Council Public Hearing:	April 8, 2022
Web Notice of City Council Public Hearing:	April 11, 2022
City Council Hearing & Decision:	April 26, 2022

B. BACKGROUND:

In the matter of LUA 2021-0006, please see the attached Planning Commission Findings, Conclusions & Recommendations; the City of Liberty Lake Hearing Examiner Pro Tem's Findings of Fact, Conclusions, and Recommendation, and the Staff Report to City Council for Case No. LUA2021-0006.

C. FINDINGS OF FACT:

Based upon the summary of proceedings and the documentation contained in Staff Report to City Council, the Liberty Lake City Council hereby finds:

1. The required SEPA review has been completed on the proposed Comprehensive Plan Amendment and Zone Change Request.
2. All public and agency notice requirements were met and accomplished in a timely manner, and the Notices of Application & Hearings were properly posted on the site.
3. The public was provided the opportunity for early and continuous participation.
4. The public had opportunities to submit written comments and testify at public hearings before the Planning Commission, the Hearing Examiner, and City Council.

D. CONCLUSIONS:

Based on the record presented, the testimony provided, and the above Findings of Fact, regarding the requested Comprehensive Plan Land Use Map Amendment, the City of Liberty Lake City Council hereby concludes:

1. The proposed amendment is consistent with Comprehensive Plan Goals & Policies.
2. A change has occurred in economic and land use conditions that warrant the proposed amendment.
3. The proposed amendment will be compatible with adjacent land uses, with mitigations as proposed.
4. The proposed amendment will not negatively impact transportation facilities.
5. The proposed amendment is not detrimental to the public good.
6. The proposed amendment is in the public interest.

Based on the record presented, the testimony provided, and the above Findings of Fact, regarding the requested Zone Change, the City of Liberty Lake City Council hereby concludes:

1. The applicant has demonstrated that the proposed amendment is in compliance with applicable comprehensive plan policies and map designations, with the concurrent amendment of the Comprehensive Plan Land Use Map, as requested by the applicant.
2. The applicant has demonstrated compliance with the applicable standards for quasi-judicial amendments requested. Because no project action is proposed, no other development standards are applicable at this time, however, any subsequent project-specific development proposals shall be subject to the development code standards in effect at the time of application.
3. The applicant has demonstrated a change in the neighborhood and the economic realities of the industry that warrant the proposed amendment and said amendment will not negatively impact transportation infrastructure.

D. DECISION:

Based upon the record presented, and the above listed findings and conclusions, the City of Liberty Lake does render the following decisions:

1. In the matter of Case No. LUA2021-0006, regarding the requested amendment to the City of Liberty Lake 2015 – 2037 Comprehensive Plan Land Use Map, to change the Comprehensive Plan Land Use Designation of the subject property from Light Industrial to Community Center Mixed Use, the Liberty Lake City Council does hereby **approve the requested Comprehensive Plan Land Use Map Amendment.**
2. In the matter of Case No. LUA2021-0006, regarding the re-zoning of the subject property from "I" (Light Industrial) to "M-2" (Community Center Mixed Use), the Liberty Lake City Council does hereby **approve the requested Zone Change with the following conditions:**
 - a. All freestanding residential units (townhomes or apartments) shall be limited to a height of two stories.
 - b. No freestanding residential units shall be allowed on the Mission Avenue frontage, from the main campus entrance to the east property line.
 - c. Vertically mixed-use structures shall be limited to a height of three stories, with on ground floor commercial use, and up to two stories of residential use (limited to the second and third. Such vertically mixed-use structures may be permitted along the Mission Avenue frontage.

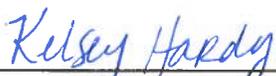
The above listed conditions shall be memorialized in a Development Agreement between the owner(s) of record for the Meadowwood Technology Campus and the City of Liberty Lake, with said development agreement binding upon all successors and assigns of the owner(s) of record, including individual purchasers of property, parcels or buildings contained with the subject property, prior to the adoption of an ordinance amending the zoning designation for the subject property.

Dated the 3rd day of May, 2022.

Attest:



 Cristella Kaminskas, Mayor



 Kelsey Hardy, City Clerk

City of Liberty Lake City Council Vote of Record:

Council Member Dunne	Absent		Council Member Van Orman	In Favor
Council Member Kurtz	In Favor		Council Member Sahlberg	In Favor
Council Member Baird	In Favor		Mayor Pro Tem Folyer	In Favor
Council Member Cargill	In Favor		Mayor Kaminskas	

Appeals for the final decision of the City Council shall be made to the Spokane County Superior Court and must be filed as a land use petition in the Superior Court within twenty-one (21) days of the date the written appeal decision is signed. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, and all persons identified in RCW 36.70C.040, within the applicable time period. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the City Clerk an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant.

CITY OF LIBERTY LAKE HEARING EXAMINER PRO TEM

Re: Application by Greenstone to)
amend the Comprehensive Plan)
Land Use Plan and Zoning) FINDINGS, CONCLUSIONS,
Designation for Meadowwood) AND DECISION
Technology Campus from Light)
Industrial (I) to Community) FILE Nos. LUA2021-0006
Center – Mixed Use (M-2).)

I. SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is requesting a change in the Comprehensive Plan (CP) Land Use and Zoning Designation for the Meadowwood Technology Campus (MTC), consisting of approximately 69.37 acres, from Light Industrial (I) to Community Center – Mixed Use (M-2).

Decision: Recommend approval.

II. BACKGROUND/FINDINGS OF FACT

A. General Information

Applicant: Greenstone
c/o Kevin Schneidmiller
1421 North Meadowwood Lane, Suite 200
Liberty Lake, WA 99019

Property Owner: Meadowwood Four, LLC
1421 North Meadowwood Lane, Suite 200
Liberty Lake, WA 99019

Property Address: 24021 E. Mission Avenue, Liberty Lake, WA 99019

Property Location: The site is located on the northeast Corner of E. Mission Avenue and N. Molter Road, in a portion of the southwest 1/2 of the southwest 1/4 of Section 11, Township 25, Range 45 East, Willamette Meridian.

Legal Description: The full legal description of the subject property is included in an attachment to Exhibit 1B.

Tax Parcel Numbers: 55113.0220, 55113.0221, 55113.0222, 55113.0223, 55113.0224, 55113.0225, 55113.0226, 55113.0227, and 55113.0228.

Zoning: I (Light Industrial)

CP Map Designation: Light Industrial (I)

Environmental Review: A Determination of Nonsignificance (DNS) was issued by the City of Liberty Lake on August 31, 2021. The State Environmental Policy Act (SEPA) Appeal period closed on September 28, 2021. The DNS was not appealed.

Site Description: The site is approximately 69.37 acres. Most of the site has been developed into an office park. The site is improved with four office buildings (providing 450,000 square feet of space), parking facilities, landscaping, and an amphitheater/picnic pavilion. There are approximately 17.9 acres remaining undeveloped. The site fronts on N. Molter Road to the west and E. Mission Avenue to the south, both classified as arterials.

Surrounding Conditions: The area north of the site is zoned Light Industrial (I) and is occupied by Huntwood Manufacturing. The area east of the site is also zoned Light Industrial (I) and is currently vacant. The area to the south is zoned Open Space (O) and Single-Family Residential (R-1) and is comprised of a home owners' association-owned open space/buffer and residential uses. Property to the west is zoned Community Commercial (C1) and I and is developed with mixed commercial offices and light industrial uses.

B. Procedural Information

Applicable Zoning Regulations: The proposal is generally regulated by Liberty Lake Development Code (LLDC) articles governing zoning districts (10-2J and 10-2F), amendments to the CP Land Use and Zoning Map (10-4B-5(C)), and Zoning District Map and Text Amendments (10-4J).

Hearing Date: The hearing was held on October 26, 2021, at 9:00 a.m.

Notice of Application and Public Hearing: Mailed: September 1, 2021
Posted: September 3, 2021
Publication: September 3, 2021

Site Visit: October 25, 2021

Testimony:

City of Liberty Lake	Applicant
Lisa D. Key and Megan Abhold 22710 East Country Vista Liberty Lake, WA 99019	Kevin Schneidmiller Greenstone 1421 N. Meadowwood Lane, Suite 200 Liberty Lake, WA 99019 kschneidmiller@greenstonehomes.com
	Michael Terrell 1421 N. Meadowwood Lane, Suite 150 Liberty Lake, WA 99019 mterrell@mt-la.com

Public Participants by Testimony or Comments Submitted to Record

Greg Cronin
1302 N. Winchester Lane
Liberty Lake, WA 99019
gpcronin@icloud.com

Tom Sahlberg
1617 N. Aladdin Road
Liberty Lake, WA 99016
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Marilyn Van Degrift
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Mai-Ling & Raymond Bell
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Kyla Scott
Kyla.scott@outlook.com

Richard Siler
rgsiler@hotmail.com

Ron Gray
Woodhog250@gmail.com

Shawn Mimnaugh and
Jo Lynne Seufer
1104 N. Winchester Lane
Liberty Lake, WA 99019
jline@comcast.net

Exhibits:

1. Staff Report, including:
 - A Proposed Map Amendments
 - B Application Materials
 - C SEPA Documents & Procedural Notices
 - D Agency Comments
 - E Public Comments
 - F Trip Generation & Distribution Letter
 - G Planning Commission Documents
2. Staff Presentation
3. Applicant Presentation

FINDINGS AND CONCLUSIONS

A site-specific property rezone must follow the Type II project procedure. In accordance with that procedure, the Hearing Examiner Pro Tem's decision on a property rezone is in the form of a recommendation to the City Council. To be recommended for approval, the proposed rezone must comply with the criteria for quasi-judicial amendments to the zoning map set forth in Section 10-4J-3(B) of the development code.

- A. *A comprehensive plan amendment was filed in conjunction with the request for a site-specific rezone. Therefore, the prerequisite to reclassifying the site to the M-2 zone has been satisfied. See LLDC 10-4J-3(B)(1).*

The development code provides that a recommendation to approve, deny, or condition a quasi-judicial amendment shall be based, in part, on:

Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.

See LLDC 10-4J-3(B)(1).

The Applicant seeks to develop the vacant area in the northeast portion of the campus with residential units. The Applicant is also seeking flexibility to re-develop five smaller areas of the campus, primarily with stand-alone commercial or retail spaces to be occupied by small businesses. However, the site is designated as Light Industrial under the CP. Light Industrial areas are comprised predominantly of industrial uses, such as manufacturing. See CP, Chapter 5, p. 49-50. Industrial uses may incorporate office or commercial uses, but only those that support and complement the industrial use. See *id.* The industrial designation does not contemplate residential uses. Nor would this designation support retail or commercial uses that are independent of the primary, industrial activities.

The Applicant's plans for the site are not consistent with its Light Industrial map designation. A CP amendment must be obtained to authorize the development/ redevelopment of the site in the proposed manner. Understanding this reality, the Applicant has applied for a CP amendment in conjunction with seeking a site-specific rezone. Three workshops and a public hearing were conducted by the Planning Commission to consider the proposed amendment. At the end of that process, the Planning Commission voted 4-3 to recommend approval of the proposal. Now the site-specific rezone request is before the Hearing Examiner Pro Tem for review and recommendation, having proceeded on a parallel track.

In order to develop/redevelop the property as intended, the Applicant was required to apply for a CP amendment. The Applicant did so, consistent with the terms of LLDC 10-4J-3(B)(1). The next question, then, is whether the proposed rezone is generally consistent with the goals and policies of the CP. In this regard, the Hearing Examiner Pro Tem agrees with the analysis provided by the Planning Director. See Staff Report, pp. 6-8; see also Exhibit 2; *Testimony of L. Key*. The Hearing Examiner Pro Tem deems it unnecessary to repeat all the points made by Staff, as those contentions are well-documented in this record. See *id.* However, some additional comments may assist the City Council in considering the matter.

The proposed rezone will clear the way for the development of approximately 250 new residential units and a handful of small commercial or retail uses. The proposal, therefore, facilitates high-quality, new housing, consistent with Housing Goal 1, as well as promotes a variety of housing densities and types, in furtherance of Housing Goal 2. There are five transit stops within and on the perimeter of the office park. *Testimony of L. Key*. Thus, the proposed housing will be located in a place where public transportation is available, in line with Housing Policy 8. The proposed mix of residential and smaller commercial uses is also supported by the Land Use Policy 2.

The 13.6-acre area in the northeast corner of the MTC sits vacant and undeveloped. See Exhibit 2 (Slide 3). If there was high market demand for use of that property for industrial purposes, perhaps that site would be developed by now. In any event, the CP encourages the development or redevelopment of vacant commercial and industrial land. See CP, Chapter 10, p. 86. The proposed rezone will facilitate that objective. In addition, the market for the existing buildings in the MTC has changed. One of the large call-center employers has advised the owner that it will not be renewing its lease. *Testimony of K. Schneidmiller*. Other tenants may follow suit in the coming years. See *id.* Employers' needs and

requirements are changing, and employees are increasingly working from home rather than working in offices. *See id.*

The CP suggests that the City should provide a regulatory environment that is flexible and responsive to market conditions. *See* Economic Development Policy 5. The plan incorporates the City's desire to retain existing businesses and to make contingency plans when employers are lost. *See* Economic Development Policies 4 & 8. The CP also favors a business climate that is conducive to new business. *See* Economic Development Policy 6. All of these policies would seem to compel approval of the proposed rezone. The proposal will put undeveloped land to productive use, provide housing for workers in the campus and others, create new commercial and retail businesses, and hopefully avoid the proliferation of empty offices or unproductive commercial sites.

Finally, the Hearing Examiner Pro Tem notes that the MTC already has many of the design features and characteristics of a community center. The Staff's comments discuss those features and characteristics in greater detail. *See* Exhibit 2 (Slide 10); *see also* Staff Report, pp. 8-10. Because the technology center is already developed with the amenities of a "campus," the transition from Light Industrial to Community Center makes sense, in the Hearing Examiner Pro Tem's view.

B. The proposed rezone is consistent with the standards and criteria set forth in the Liberty Lake Development Code and other applicable implementing ordinances. See LLDC 10-4J-3(B)(2).

The Applicant is proposing to rezone the MTC to M-2. There is no specific development proposal being made at this time. In other words, this proposal is a "non-project action." There is no reason, at this stage, to discuss the specific development standards that apply in the M-2 zone, as there is no project to review or analyze.

What is under review is only a proposal to rezone the land. The criteria that apply to site-specific rezone applications are set forth in LLDC 10-4J-3(B). The Hearing Examiner Pro Tem is not aware of any other criteria that apply specifically to site-specific rezones. The Staff Report does not identify any different criteria that govern these kinds of decisions. As a result, this recommendation primarily focuses on these criteria. *See* Paragraphs A-D. The Hearing Examiner Pro Tem ultimately concludes that the proposed rezone is consistent with the applicable criteria and, therefore, should be approved.

Although this is a non-project action, a SEPA analysis of the proposal is still required. It is primarily for this reason that the record includes a discussion of the Applicant's conceptual plans to develop/redevelop the MTC. Having a general idea of what the property may look like at build-out provides some basis to evaluate the probable impacts of the *rezoning decision*. This does not mean that further SEPA analysis will not occur. SEPA will be revisited at the time of any *project decision*. In any case, it is only the rezone decision that is under consideration at this stage.

If the proposed rezone is approved, the owner will have the option to develop the vacant, 13.6-acre area in the northeast corner of the campus with residential uses. *Testimony of L. Key*. There are approximately 3 to 4 additional acres of "opportunity zones" that could be redeveloped. *See id.* The portions of the site that may be redeveloped are shown on Comprehensive Plan/Zone Change Proposal map included in the Staff's presentation to the Hearing Examiner Pro Tem. *See* Exhibit 2 (Slide 3). The portions of the campus that

may be redeveloped include five distinct areas, shaded in orange. *See id.* Four of five of these areas would be redeveloped with retail or commercial uses operated by small businesses. *Testimony of K. Schneidmiller.* Only one of these areas, which is located centrally, closer to Molter and west of Building One, has potential for inclusion of some residential use. *See id.*

There is no maximum residential density standard in the M-2 zone. *Testimony of L. Key; see also LLDC 10-2F-7(D).* Theoretically, many more residential units could be developed than the Applicant considers realistic. *Testimony of M. Terrell, K. Schneidmiller.* Given factors such as total area available for development and the development standards applicable in the M-2 zone, the Applicant estimated that the approximately 250 residential units could be developed, at a reasonable density. *Testimony of K. Schneidmiller.* The Applicant's traffic engineer prepared its traffic estimates based upon this assumption. *See Exhibit 1F (Traffic Generation and Distribution Letter [TGDL]).* The Staff agreed that 250 residential units was a reasonable estimate of a full build-out of the site with residential uses. *Testimony of L. Key.* As a result, Staff based its SEPA review of the proposed rezone based upon this figure. *See id.*

On August 31, 2021, the City issued a DNS for the rezone proposal. *See Exhibit 1C.* Notably, no specific mitigation measures were attached to the DNS. In making its threshold determination, the City considered the TGDL, the SEPA checklist, the Applicant's concepts for further development, and other available information. On this record, the Hearing Examiner Pro Tem sees no basis to challenge the City's threshold determination. In addition, the DNS was not appealed. As a result, it appears that SEPA cannot form a proper basis to challenge the proposed rezone.

The Hearing Examiner Pro Tem concludes that the application is consistent with the standards and criteria of the development code. The criteria for a site-specific rezone have been properly addressed, as is discussed throughout this recommendation. In addition, the City followed the proper procedures under SEPA to evaluate a non-project action. If the ultimate development of the property gives rise to any environmental impacts, those matters can be addressed at the project stage. The standards and requirements applicable to a non-project rezone have been satisfied. Therefore, the Hearing Examiner Pro Tem recommends approval of the application.

C. The proposed rezone is justified by a change of conditions in the neighborhood or community. See LLDC 10-4J-3(B)(3).

The development code provides that a recommendation to approve, deny, or condition a quasi-judicial amendment shall be based, in part, on:

Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning district map regarding the property which is the subject of the application...

See LLDC 10-4J-3(B)(3).

There is no evidence of a "mistake or inconsistency in the comprehensive plan or zoning map" regarding the MTC. That was not the reason for the proposal to amend the CP map and change the zoning. Rather, the Applicant is seeking to amend the CP and reclassify

the property because of changed conditions affecting the current and future use of the property.

The Applicant explained that even prior to the pandemic, the needs and requirements of office users were changing. *Testimony of K. Schneidmiller*. The pandemic accelerated these changes. *See id.* Companies and employees have decided not to return to working in an office setting. *See id.* Many employees are now working from home. *See id.* A change in the economics of large technology campuses has occurred. *Testimony of M. Terrell*. These trends have led the Applicant to look for solutions and alternatives, in order to ensure that the MTC remains viable and successful. *Testimony of K. Schneidmiller & M. Terrell*.

The changing conditions described above are not just affecting other cities. These changes are being felt in Liberty Lake as well. The owners of the MTC have been notified by one call-center employer that it will not be renewing its lease. *Testimony of K. Schneidmiller*. Other tenants are likely to follow suit in the coming years, as their leases expire. *See id.* Changes are needed if the MTC is going to be a viable project going forward. *See id.* The MTC will likely be serving a greater number of tenants, who will utilize less space per tenant. *See id.* The style of campus will need to adjust to serve these types of tenants, providing them with the amenities they expect, such as availability of commercial businesses and services and housing options. *See id.* The revised vision for the MTC will also serve the surrounding community, providing commercial services and additional housing. *Testimony of K. Schneidmiller & M. Terrell*.

The Hearing Examiner Pro Tem concludes there is sufficient evidence of a change in the community or neighborhood to support the proposed rezone. The changes occurring are not just economic trends in the abstract. They are changes that directly impact the economic health of Liberty Lake. The proposed rezone seems to be an appropriate response to evolving market conditions. It also facilitates preservation of jobs, the establishment of new business, and the creation of more housing. The Hearing Examiner Pro Tem, therefore, concludes that changing conditions warrant approval of the proposed rezone.

D. The proposed rezone should be approved without imposing additional limitations or remedies because it does not significantly affect a transportation facility. See LLDC 10-4J-6(A).

The development code provides that a recommendation to approve, deny, or condition a quasi-judicial amendment should be based, in part, on "the provisions of Section 10-4J-6, as applicable." *See LLDC 10-4J-3(B)(3).*

Section 10-4J-6 states that when a development application includes a CP amendment or zone change, the application must be reviewed to determine whether "it significantly affects a transportation facility." *See LLDC 10-4J-6(A).* The term "significant affect" means one or more of the following:

- 1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Comprehensive Plan and Transportation Improvement Plan;*

2. *Change the standards implementing a functional classification system;*
3. *Allow types or levels of land use that would result in levels of travel or access [that] are inconsistent with the functional classification of a transportation facility; or*
4. *Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and Transportation Improvement Plan.*

See LLDC 10-4J-6(A)(1)-(4). If there is a "significant affect" on a transportation facility, then the development must assure that the allowed uses are "consistent with the function, capacity, and level of service" of the impacted facility. See LLDC 10-4J-6(B). To accomplish this objective, certain remedies may be required, such as limiting the allowed land uses; amending the Transportation Improvement Plan (TIP) to ensure that adequate facilities exist to support the proposed use; or altering design requirements or densities to reduce demand for automobile travel, to name some of the examples. See *id.*

Based upon this record, the Hearing Examiner Pro Tem concludes that the proposed rezone does not "significantly affect a transportation facility" within the meaning of the LLDC. The MTC is adjacent to two arterials (Molter to the west and Mission to the south). These arterials handle all the traffic to or from the campus. There is no evidence in this record that the traffic likely to arise from the rezone will result in levels of travel or access that are inconsistent with the classification of these roads. The record does not support a conclusion that the proposed rezone will prompt a change to the classification of the adjacent roads or require a change to the standards for classifying the roads. No evidence suggested that the proposed rezone would reduce the levels of service of the roads below minimum acceptable levels.

If anything, the proposed rezone will result in a net decrease in traffic when compared to full development of the site under its current zoning. The TGDL compares the amount of traffic that could be generated if the property is developed in accordance with its current, Light Industrial (I) zoning, with the amount of traffic that could result if the property is developed under the proposed Community Center (M-2) zoning. See Exhibit 1F.

Under the current zoning, Light Industrial (I), the undeveloped areas could be developed with 250,000 square feet of office space. See *id.* Such a development would generate approximately 2,581 average daily trips, resulting in approximately 262 AM peak-hour trips and 272 PM peak-hour trips. See *id.* If the property is rezoned to Community Center (M-2), as proposed, the estimated number of residential units that would be developed on the property is 250. See *id.* If 250 residential units were developed on the site, the project would result in approximately 1,361 average daily trips, resulting in approximately 85 AM peak-hour trips and 107 PM peak-hour trips. See *id.*

Developing the property under the proposed zoning will result in 1,220 fewer average daily trips. See *id.* With respect to peak-hour traffic, development of 250 residential units will result in 177 fewer AM peak-hour trips and 165 fewer PM peak-hour trips. See *id.* Thus, the future development of the property following the proposed rezone is very likely to be materially lower than full build-out of the site under the current zoning.

The Hearing Examiner Pro Tem concludes that the proposed rezone does not “significantly affect a transportation facility,” as defined by LLDC 10-4J-6(B). In the absence of a significant effect, there is no basis to craft remedies or impose limitations to ensure that the impacted facilities have sufficient capacity, maintain proper levels of service, etc. Therefore, the Hearing Examiner Pro Tem recommends that the proposed rezone be approved without imposing additional remedies or limitations pursuant to LLDC 10-4J-6.

E. The Hearing Examiner Pro Tem recommends approval of the proposed rezone despite the legitimate concerns raised in the public comments.

The public testimony before the Hearing Examiner Pro Tem was very limited. However, the Hearing Examiner Pro Tem received two written comments about the proposed rezone. Those comments raised various concerns about the application. See Exhibit 1(E) (Comments of G. Cronin & T. Sahlberg). The record also included several written comments directed to the Planning Commission, which the Hearing Examiner Pro Tem also considered. See *id.* (Comments of Mai-Ling & R. Bell, K. Scott, M. Rubin, R. Siler, and R. Gray).

Having considered these comments, the Hearing Examiner Pro Tem determines that two issues, in particular, call for specific comment: (1) traffic impacts and mitigation; and (2) the need for specific development plans to support a rezone.

With respect to traffic, public comments included concerns about increased traffic loads, the risks from speeding vehicles, and reduced safety for children. See *e.g.* Exhibit 1(E) (Comments of Mai-Ling & R. Bell and M. Rubin). There was also a suggestion that traffic flow problems should be addressed through installation of a roundabout and additional pedestrian crossings. See *id.* (Comment of G. Cronin).

The proposed rezone will facilitate the development of the MTC with approximately 250 residential units, as well as a handful of smaller commercial sites. This will inevitably result in additional traffic on the adjacent arterials, as the TGD L describes. However, the potential for additional traffic does not support denial of the proposed rezone. There is no evidence in this record that the existing arterials cannot handle the anticipated traffic due to this proposal. As discussed elsewhere, the traffic load following buildout of this site with residential uses is lower than would be the case if the property is fully developed for industrial purposes. In any case, no agency or department reported that the transportation system was insufficient to handle the traffic anticipated from the proposed rezone. There was no testimony from a traffic expert suggesting that Molter, Mission, or any other roads lacked sufficient capacity to serve the site, even in fully developed under the M-2 zoning.

Two additional points should also be made. First, the MTC is already participating in Harvard Road Mitigation Plan, and thus has made and will continue to make contributions for its fair share of needed road improvements. *Testimony of M. Terrell.* Second, any future development of the site must still go through project-level review, and this may result in the imposition of specific mitigation measures or additional impact fees, depending upon the proposal. The Hearing Examiner Pro Tem concludes that, under the circumstances, it would not be appropriate to condition the rezone itself on the installation of a roundabout, pedestrian crossings, or other specific improvements. Such requirements are better considered at the project stage.

Another often-repeated criticism of the proposal was that there were insufficient project details to properly evaluate the proposal, including its potential impacts. See e.g. Exhibit 1(E) (Comments of M. Rubin, T. Sahlberg, and G. Cronin). This is understandable, given the public's desire to know what the future holds. However, there is no requirement to submit specific development plans in order to qualify for a rezone. The development code allows rezones to be considered on a non-project basis, without such submissions. *Testimony of L. Key.* In addition, when a specific development proposal is made, there is a detailed, project-level review that will take place, including consideration of traffic and other potential impacts. It would not be proper to force the developer to submit detailed development plans solely to facilitate analysis of a potential development. See *Ullock v. City of Bremerton*, 17 Wn.App. 573, 581, 565 P.2d 1179 (1977) (holding that it would be “unreasonable to require every rezoning petition to be accompanied by a site plan solely to generate exact environmental consequence information.”).

DECISION

Based on the findings and conclusions above, the Hearing Examiner Pro Tem recommends that the City Council approve the proposed zone change.

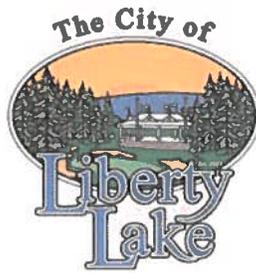
DATED this 10th day of December 2021.



Brian T. McGinn
City of Liberty Lake Hearing Examiner Pro Tem

NOTICE OF RIGHT TO APPEAL

Both the Planning Commission and Hearing Examiner Pro Tem make recommendations to the City Council, who plan to hold a public hearing tentatively scheduled for early 2022. The City Council decision is final, subject to appeals by the applicant or persons having standing, as defined in RCW36.70C to Spokane County Superior Court filed within 21 calendar days of the date of the written decision. Additionally, appeal of matters subject to board review, as outlined in RCW 36.70A.280, shall be made by a petition to the Eastern Washington Growth Management Hearings Board as outlined in RCW 36.70A.290, or review may be directed to the Superior Court as outlined in RCW 36.70A.295.



**PLANNING COMMISSION FINDINGS, CONCLUSIONS & RECOMMENDATIONS
IN THE MATTER OF CASE NO. LUA2021-0006, A REQUEST BY GREENSTONE CORPORATION TO
AMEND THE COMPREHENSIVE PLAN LAND USE PLAN FOR MEADOWWOOD TECHNOLOGY
CAMPUS FROM I (LIGHT INDUSTRIAL) TO M-2 (COMMUNITY CENTER MIXED USE)**

PLANNING COMMISSION HEARING DATE: October 13 @ 4:00 p.m.

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

PROPOSAL SUMMARY:	
Project Name & File No.	LUA2021-0006 -Meadowwood Technology Campus (MTC) Comprehensive Plan Land Use Map Amendment & Zone Change
Location	Meadowwood Technology Campus, located on the NE Corner of E Mission Ave and N Molter Rd. A portion of the SW 1/2 of SW ¼ of Section 11, Township 25, Range 45 EWM
Proposal Description	The applicant is requesting a change in the Comprehensive Plan Land Use and Zoning Designation for the subject property (MTC) from I (Light Industrial) to M-2 (Community Center Mixed Use) on 69.37 acres
Tax Parcel Numbers	55113.0220; 55113.0221; 55113.0222; 55113.0223; 55113.0224; 55113.0225; 55113.0226; 55113.0227; and 55113.0228.
Applicant/ Contact	Greenstone/Kevin Schneidmiller
Proposed Amendment: Comprehensive Plan / Chapter / Section	City of Liberty Lake 2015 – 2037 Comprehensive Plan / Chapter 5, Land Use/ Map 5.1 Comprehensive Plan Land Use Map
Proposed Amendment: City Development Code Section	City Development Code §10-2A-5, Zoning District Map Exhibit
Proposed Amendment Exhibit	See Exhibit A , Comprehensive Plan Land Use & Zoning Map Proposed Amendments.
Existing Land Use	Partially developed Office Park on 69.37 acres, with approximately 17.9

	acres remaining undeveloped.
Surrounding Zoning/ Land Use	<u>North:</u> I (Light Industrial) / Huntwood Manufacturing. <u>East:</u> I (Light Industrial) / Vacant. <u>South:</u> O (Open Space) & R-1 (Single-Family Residential / HOA-owned open space/buffer & residential <u>West:</u> C1 (Community Commercial) & I (Light Industrial) / Mixed commercial offices & light industrial uses
Transportation Network	The subject property fronts on N Molter Rd to the west, and E Mission to the south, both of which are classified as arterials.
Transit Service	Five transit stops are located within and on the perimeter of the office park.
Nearest Park	Amphitheater and picnic pavilion located on-site; Rocky Hill Community Park is located approximately 0.43 miles from the campus.
Water & Sewer Purveyor	Liberty Lake Sewer & Water District
School District	Central Valley School District

APPLICATION MATERIALS:

The application was submitted on March 30, 2021. The application was deemed complete on December 8, 2020. A corrected and revised preliminary plat, based on staff and agency comments, was submitted on January 13, 2021.

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:

Comprehensive Plan Land Use and Zoning Designations are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.

CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:

City Code §10-2J: I (Light Industrial) Zoning District Regulations

This chapter details development standards, required setbacks, building heights, architectural design standards, and performance standards for limited and conditional uses within the light industrial zone. Outright allowed uses in this zoning district include manufacturing, warehousing and distribution, and offices. Limited uses permitted in this zone include retail, restaurants, and similar commercial uses.

City Code §10-2F: M-2 (Community Center – Mixed Use) Zoning District Regulations

This chapter details development standards, required setbacks, building heights, architectural design standards, and performance standards for limited and conditional uses within the community center-mixed use zone. Outright allowed uses in this zoning district include offices, commercial, and retail uses. Limited uses permitted in this zone include light manufacturing, multi-family dwellings, single-family attached town homes, and single-family courtyard homes.

City Code §10-4B-5(C): Amendments to the Comprehensive Plan Land Use and Zoning Map:

Comprehensive Plan Land Use Map Amendments and district or City-wide Zoning Map Amendments are Type IV Projects. Property rezones for individual properties are Type II Project Permits. The Comprehensive Plan Land Use Map and the Zoning Map must be consistent and applications for property rezones must also include a Comprehensive Plan Land Use Map amendment request. The Planning Commission holds a public hearing and provides a recommendation regarding the Comprehensive Plan Land Use Amendments, and provides comments regarding the rezone, which will be incorporated into the staff report prepared for the Hearing Examiner. The Hearing Examiner will conduct a public hearing regarding the property rezone request. The Hearing Examiner's recommendation will be forwarded to the City Council, and a public hearing before City Council will be held regarding the Comprehensive Plan amendment and zoning amendment. City Council will adopt its own findings of fact and statement setting forth the factors considered at the hearing and the property rezones consistency with the Comprehensive Plan Land Use Map, as well as its own analysis of findings considered by the Council. The Council, after the public hearing, may adopt the property rezone, make minor changes, or deny it. If approved, the property rezone becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper and a Notice of Decision shall be provided for the property rezone.

City Code §10-4J: Zoning District Map & Text Amendments:

City Code §10-4J-3 identifies property re-zones as quasi-judicial. Quasi-judicial amendments require a hearing before the Hearing Examiner, whose decision is a recommendation to City Council. If a Comprehensive Plan Land Use Map amendment is required, the Planning Commission holds a public hearing and makes a recommendation to City Council regarding the Comprehensive Plan map amendment, which is a Type IV process required to be reviewed during

the annual amendment process. It also states that property rezones and Comprehensive Plan Amendments should be conducted concurrently.

City Code §10-4J-4 indicates a quasi-judicial decision may be denial, approval, or approval with conditions.

City Code §10-4J-6 requires that Comprehensive Plan amendments and zoning district changes be evaluated to determine if the proposed change would significantly affect transportation facilities.

SEPA REVIEW:

On August 31, 2021, the City of Liberty Lake issued a Notice of Availability and disseminated the SEPA checklist for review and comment, along with a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Document under the provisions of WAC 197-11-340(2), which allowed for a 14-day agency comment period ending on September 14, 2021, before it took effect. The deadline for SEPA procedural appeals and appeals of the threshold determination was September 28, 2021. No appeal of the SEPA procedure or threshold determination has been filed.

PROCEDURAL INFORMATION:

Application Received:	March 30, 2021
Planning Commission Workshops LUA2021-0006:	April 14, 2021
	June 9, 2021
	September 9, 2021
Agency & Web Notice of Availability/Hearings:	August 31, 2021
Mailings to 400' Radius:	September 1, 2021
Newspaper Publication - Notice of Availability/Hearings:	September 3, 2021
Posting of Public Notice on Site:	September 3, 2021
End of SEPA Comment Period:	September 14, 2021
End of SEPA Appeal Period:	September 28, 2021
Department of Commerce 60 Day Notice:	October 5, 2021
Planning Commission Hearing:	October 13, 2021
Hearing Examiner Hearing:	October 26, 2021
City Council Hearing:	November 16, 2021 (tent)

The proposed amendment to the Comprehensive Plan Land Use Designation was the subject of the Planning Commission hearing scheduled for October 13, 2021. The proposed zone change will be the subject of the Hearing Examiner hearing scheduled for Oct 26, 2021. Both the Planning Commission and Hearing Examiner make recommendations to the City Council, who will hold a public hearing tentatively scheduled for November 16, 2021. The City Council decision is final, subject to appeals by the applicant or persons having standing, as defined in RCW36.70C to Spokane County Superior Court filed within 21 calendar days of the date of the written decision. Additionally, appeal of matters subject to board review, as outlined in RCW 36.70A.280 shall be made by a petition to the Eastern Washington Growth Management Hearings Board as outlined in RCW 36.70A.290, or review may be directed to the Superior

Planning Commission Findings, Conclusions & Recommendations
2021 Comprehensive Plan & Development Code Amendment LUA2021-0006

Court as outlined in RCW 36.70A.295.

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions during Annexation Proceedings: 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; WS Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Spokane Transit; Liberty Lake Water & Sewer District; Consolidated Irrigation District; Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

Only two comments were received from agencies. Spokane Tribe Historic Preservation Office commented that a case-by-case review will be required for all future project actions on the site. Spokane Transit commented that the site is served by five bus stops, and asked that any changes to stops or sidewalks in the vicinity of the project be coordinated with STA.

PUBLIC COMMENT:

As of the time of the Planning Commission public hearing, the following written comments had been received on the requested Comprehensive Plan Amendment and Zone Change:

- Mai-Ling & Raymond Bell – Opposed to zone change due to concerns regarding traffic, and a desire to not see multi-family residential in the vicinity of a “single-family zoned neighborhood”.
- Kyla Scott - Request denial based on the opinion that “I” already allows retail, Liberty Lake is small and residential zones are already within walking distance, if rezoned, the City has no ability to stop high density residential development and questions the number of residential units that could be located on the property if request was approved.
- Rick Siler – Does not support the request because the proposed change would allow apartments to be built, occupancy on campus would not necessarily be for workers, current zoning allows for retail and restaurants on the campus.
- Marc Rubin – Uncomfortable in granting a “blank check” that could result in dense apartments/condos, small retail businesses, tight streets and limited parking. Likely to result in an increase in traffic and crimes.
- Ron Gray – Questions of the applicant: Impact of the zone change on future business development? Is there still adequate opportunities for future growth if approved? How to ensure development will be used by local employees?

Additionally, during the Public Hearing, the following public testimony was heard:

- Greg Cronin: City resident, inquired whether low-income housing was allowed in this area. Director Key responded that there are no restrictions on low-income housing.
- Hayley Steward: City resident, inquired whether there would be any changes to current access points. Greenstone responded stating that they don’t have any intentions of adding additional entrance points at this time. Director Key added that a traffic analysis would be required at time of each specific project application.
- Tom Sahlberg: City resident, spoke in opposition of the amendment, stating he agreed with Commissioner Siler’s view that Liberty Lake is not Kendall Yards, and he believes that this change is to benefit the developer and not to Liberty Lake.
- Ron Gray: Non city resident, inquired whether this change would take away opportunities for

light industrial.

- Rich Maes: City resident, asked if the allowed uses in the M2 zone are published somewhere. Director Key advised that the City's Development Code is published on the City Website.

TRANSPORTATION CONCURRENCY:

While Transportation Concurrency is generally not required for a non-project action, City Code §10-4J-6A requires that zone changes be reviewed to determine whether the proposed amendment will result in a significant impact to transportation facilities.

At the request of staff, the applicant provided a Trip Generation and Distribution Letter prepared by Whipple Consulting Engineers to assess the potential transportation impact of the potential change of use on the 17.9 acres of potentially developable land within the subject property. For the purpose of this analysis, it was determined that the maximum number of residential units that could be developed on the nearly 18 acres is 250 units if the zoning is changed to M-2, while taking into consideration parking, required open space, and density requirements in the M-2 zone. The trip generation for 250 new residential units was compared to the trip generation from the full build-out of the remaining acreage as 250,000 office space if the zoning was not changed. The result of the analysis indicated that 250 new dwelling units in lieu of 250,000 sq. ft. of office space would result in a net reduction in PM peak hour trips. On this basis, it was determined that the requested change in the land use designation and zoning would minimize traffic impacts that would otherwise be generated by MTC at build-out under its current land use and zoning designation.

COMPREHENSIVE PLAN LAND USE DESCRIPTIONS:

Light Industrial: The Light Industry category is intended for industrial areas that have a special emphasis and attention given to aesthetics, landscaping, and internal and community compatibility. Light Industrial areas are comprised of predominantly industrial uses such as manufacturing but may incorporate office and commercial uses that support and complement the industrial area.

Community Center-Mixed Use: Community centers are higher-intensity mixed-use areas designed to serve two or more neighborhoods. Community centers may have a mix of uses, including commercial, civic, light manufacturing or industrial, office, recreational uses, and residential when associated with the other permitted uses.

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

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

Land Use Goal 1: Provide a healthful, safe, and sustainable urban environment.

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.

Economic Development Goal 1: Maintain a healthy and sustainable local economy.

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.

Land Use Policy 2: Provide for a compatible mix of housing and commercial uses in all commercial districts, neighborhood centers, community centers, and the Central Business District.

Urban Design Policy 19: Maintain design standards and land use plans for neighborhood centers, community centers, and the Central Business District that are based on the following principles:

- a. Centers should be compact, nonlinear development to encourage transit, bicycle, and pedestrian travel. Multistory construction, structured parking, and other techniques to use land efficiently should be encouraged.
- b. Aesthetic quality and compatibility among land uses within and adjacent to centers should be enhanced through landscaping, building orientation and setbacks, traffic control, and other measures to reduce potential conflicts. Distinctive or historical local character and natural features should be reflected in development design to provide variety within centers.
- c. Unsightly views, such as heavy machinery, storage areas, loading docks, and parking areas, should be screened from the view of adjacent uses and from arterials.
- d. Signs should be regulated to reduce glare and other adverse visual impacts on nearby residents without limiting their potential contribution to the color and character of the center.
- e. Routes for pedestrian, auto, bicycle, transit, and truck travel within centers should have convenient access to each major destination. Buildings should be close to sidewalks to promote walking and browsing, with parking areas located on the side or rear of buildings or adjacent to the street causing the appearance of on-street angle or parallel parking.
- f. Commercial development in centers should provide or contribute to public spaces such as plazas, parks, and building atriums to enhance the appearance of the center and to provide amenities for employees and shoppers.
- g. Off-street parking areas should be designed to enhance pedestrian and handicapped access to commercial uses.
- h. To encourage the use of alternative modes of transportation require the installation of secure bicycle parking facilities that are convenient for users and safe for pedestrians.
- i. Facilitate the safe use of golf carts where appropriate.

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 8: To support mobility for those with special needs, locate housing in areas accessible to public transportation.

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.

Economic Development Policy 8: Encourage development of contingency plans for the possible loss of any of the employers in the City that have a significant economic impact on the City.

Economic Development Policy 14: Maintain an inventory of usable industrial and commercial land that is sufficient to meet projected demand and encourage marketability of the City.

STAFF ANALYSIS:

Meadowwood Technology Campus is an area encompassing nearly 70 acres, developed in the mid-1990's as corporate offices for Hewlett Packard. The site consists of 4 office buildings totaling 450,000 sq. ft. of office space, including an on-site dining area, meeting space, and parking, along with an outdoor amphitheater and picnic pavilion. Approximately 14 acres of the property are currently undeveloped. The site is bordered to the west by N Molter Road, and to the south by east Mission Avenue, both classified as arterials. The site is currently served by a total of 5 transit stops.

Currently, several of the larger tenants within the campus are call centers, and with changes in work patterns, those tenants are not expected to renew their lease. In an effort to remain relevant to a 21st century workforce, the applicant has requested a Comprehensive Plan Land Use amendment and zone change to allow for a mixed use campus that would allow for some in-fill housing, as well as amenities such as sandwich and coffee shops, and small, neighborhood-oriented commercial.

The proposed land use/zoning category is less intensive than the current designation and appears to be compatible with surrounding uses. If residential uses are proposed along northern or eastern areas of the site, the City's landscaping standards do require a 10 ft. landscape buffer with evergreens trees and a solid 6 ft fence or wall against the Light Industrial properties located to the north and east.

The proposed amendment appears to be generally consistent with Comprehensive Plan goals and policies, particularly in the areas of:

- Promoting a variety of housing types and densities, as well as a mix of housing and commercial uses;
- The general intent of community centers, as detailed in Urban Design Policy 19;
- Housing policies related to accessibility to transit; and,
- Economic development policies regarding:
 - Responsiveness to the business climate and new economic development techniques;
 - Contingency plans for the possible loss of employers; and,
 - Maintaining marketable inventory of commercial and industrial properties.

Procedural requirements and policies regarding public engagement have been met.

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, and the Notice of Application & Hearing was properly posted on the site.
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.

Deliberations:

While the Development Code is not explicit regarding criteria for approval of a Comprehensive Plan Land Use Map Amendment, the following are criteria were considered by the Planning Commission in their deliberations:

- *Is the proposed amendment consistent with Comprehensive Plan Goals & Policies?*

Several Commissioners felt that the proposed amendment was consistent with the Comprehensive Plan regarding diversity of housing, mixed use, and economic development policies.

- *Has a change in economic, technological, or land use conditions occurred to warrant the proposed amendment?*

Commissioners acknowledged that Covid-19 has resulted in changes to the workforce and the economy with a potential impact on call centers and similar types of industries as a result of more remote work opportunities and less investment in brick and mortar offices.

- *Will the proposed amendment be compatible with adjacent land uses, or are there mitigations that will make the proposed amendments compatible with the surrounding land uses?*

Commissioners had a divergence of opinion regarding compatibility with surrounding land uses. Several thought townhomes to be very compatible with the character of the nearby Rocky Hill and Stone Hill neighborhoods, and that it provides an opportunity for affordable, workforce housing. Others indicated a concern regarding compatibility, with the property surrounded on nearly all sides by Light Industrial-zoned properties.

- *Will the proposed amendment negatively impact transportation facilities? If so, can those impacts be mitigated?*

Commissioners generally agreed that, based upon the Trip Generation Letter submitted into the record, the proposal would not result in negative impacts to traffic.

- *Is the proposed amendment detrimental to the public good?*

Some Commissioners indicated that a diversity of housing types and range of affordability was in the public interest, though others questioned whether it was appropriate in this location.

- *Is the proposed amendment in the public interest?*

Commissioner Olsen moved to approve an amendment to the City of Liberty Lake 2015 – 2037 Comprehensive Plan Land Use Map, to change the Comprehensive Plan Land Use Designation of the

subject property from Light Industrial to Community Center – Mixed Use. Commissioner Cargill seconded the motion. A roll call vote followed. Commissioners Mann, Olsen, Cargill and Band voted in favor; Commissioners Baird, Ramirez and Van Degrift voted in opposition. The motion carried with a final tally of 4-3.

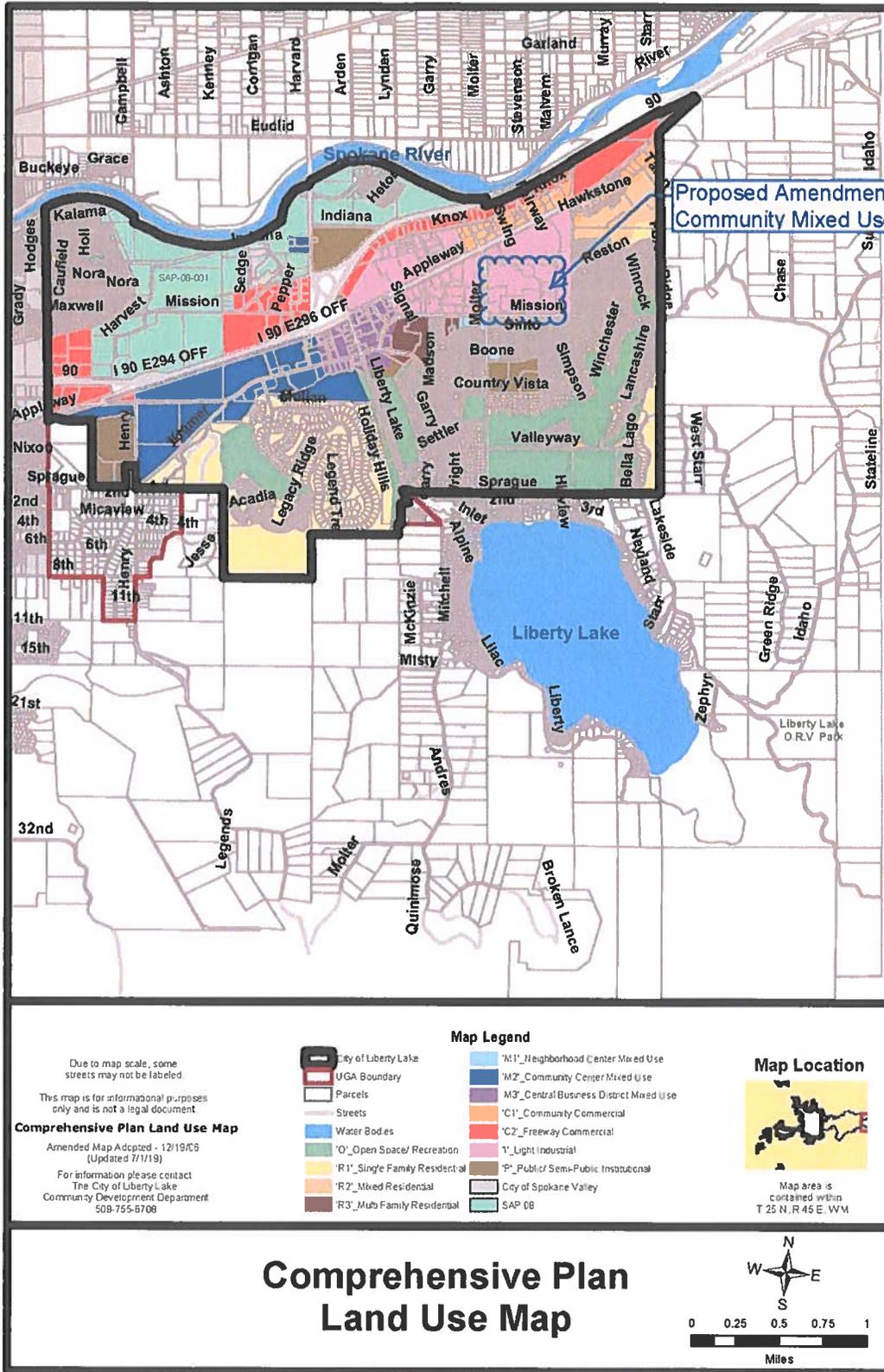
RECOMMENDATION:

In the matter of Case No. LUA2021-0006, an amendment to the City of Liberty Lake 2015 – 2037 Comprehensive Plan Land Use Map, to change the Comprehensive Plan Land Use Designation of the subject property from Light Industrial to Community Center – Mixed Use, the City of Liberty Lake Planning Commission does hereby recommend to the Hearing Examiner and City Council that the amendment be **APPROVED**.

List of Exhibits: Exhibit A - Proposed Map Amendments

EXHIBIT A
COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

MAP 5.1



ZONING MAP AMENDMENT

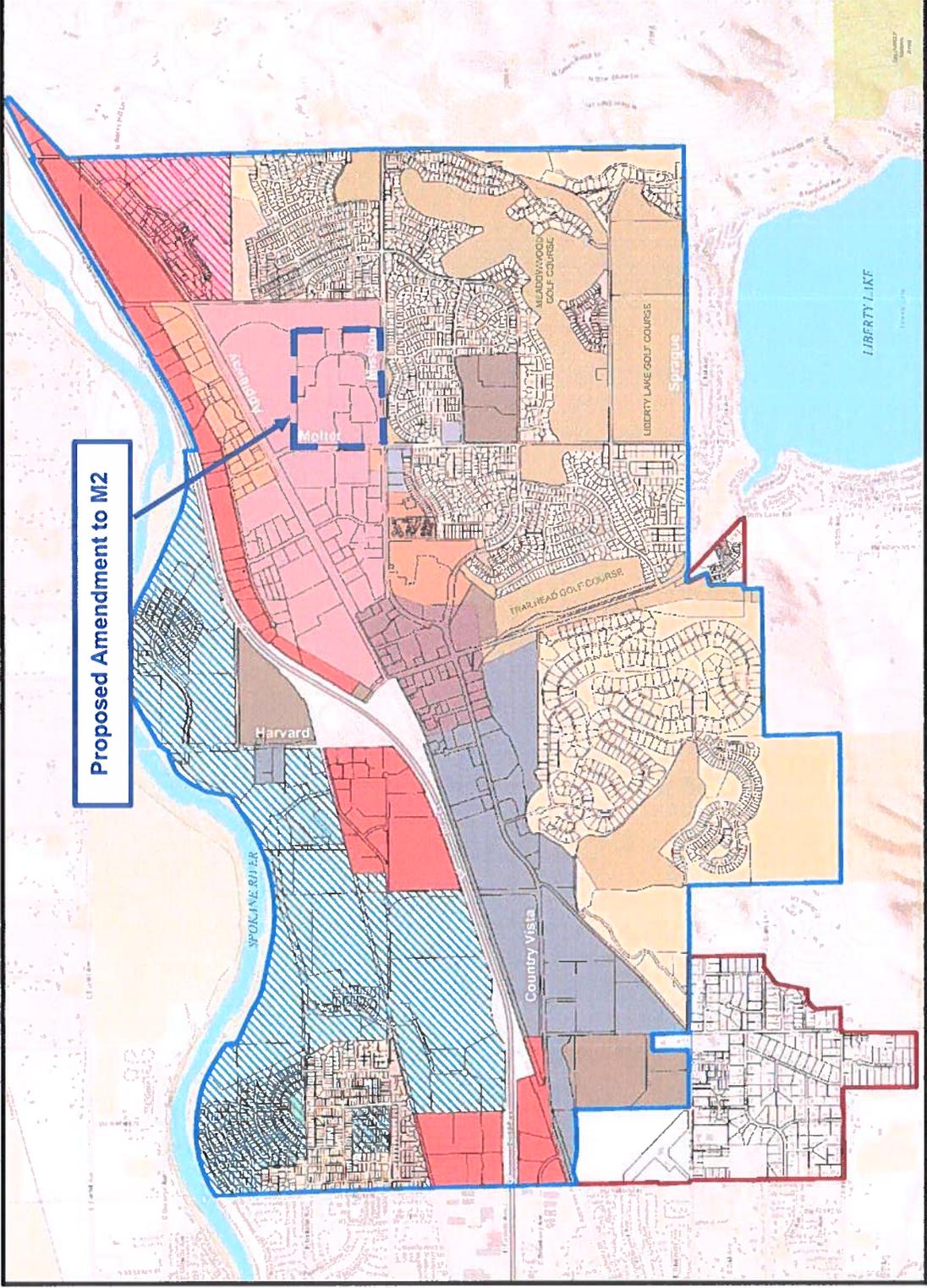
City of Liberty Lake Zoning Map - 2021



- City of Liberty Lake
- Urban Growth Area
- Parcels
- River District SAP
- Lakemore/Hawstone SAP
- R1
- R2
- R3
- M1
- M2
- M3
- C1
- C2
- I
- P
- O

Due to map scale, some streets may not be labeled

This map is for informational purposes only and is not a legal document





STAFF REPORT TO CITY COUNCIL

IN THE MATTER OF CASE NO. LUA2021-0006, A REQUEST BY GREENSTONE CORPORATION TO AMEND THE COMPREHENSIVE PLAN LAND USE PLAN AND ZONING DESIGNATION FOR MEADOWWOOD TECHNOLOGY CAMPUS FROM I (LIGHT INDUSTRIAL) TO M-2 (COMMUNITY CENTER MIXED USE)

CITY COUNCIL PUBLIC HEARING: April 26 @ 7:00 p.m.

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

PROPOSAL SUMMARY:	
Project Name & File No.	LUA2021-0006 -Meadowwood Technology Campus (MTC) Comprehensive Plan Land Use Map Amendment & Zone Change
Location	Meadowwood Technology Campus, located on the NE Corner of E Mission Ave and N Molter Rd. A portion of the SW 1/2 of SW ¼ of Section 11, Township 25, Range 45 EWM
Proposal Description	The applicant is requesting a change in the Comprehensive Plan Land Use and Zoning Designation for the subject property (MTC) from I (Light Industrial) to M-2 (Community Center Mixed Use) on 69.37 acres
Tax Parcel Numbers	55113.0220; 55113.0221; 55113.0222; 55113.0223; 55113.0224; 55113.0225; 55113.0226; 55113.0227; and 55113.0228.
Applicant/ Contact	Greenstone/Kevin Schneidmiller
Proposed Amendment: Comprehensive Plan / Chapter / Section	City of Liberty Lake 2015 – 2037 Comprehensive Plan / Chapter 5, Land Use/ Map 5.1 Comprehensive Plan Land Use Map
Proposed Amendment: City Development Code Section	City Development Code §10-2A-5, Zoning District Map Exhibit
Proposed Amendment Exhibit	See Exhibit A , Comprehensive Plan Land Use & Zoning Map Proposed Amendments.

Existing Land Use	Partially developed Office Park on 69.37 acres, with approximately 17.9 acres remaining undeveloped.
Surrounding Zoning/ Land Use	<u>North:</u> I (Light Industrial) / Huntwood Manufacturing. <u>East:</u> I (Light Industrial) / Vacant. <u>South:</u> O (Open Space) & R-1 (Single-Family Residential / HOA-owned open space/buffer & residential <u>West:</u> C1 (Community Commercial) & I (Light Industrial) / Mixed commercial offices & light industrial uses
Transportation Network	The subject property fronts on N Molter Rd to the west, and E Mission to the south, both of which are classified as arterials.
Transit Service	Five transit stops are located within and on the perimeter of the office park.
Nearest Park	Amphitheater and picnic pavilion located on-site; Rocky Hill Community Park is located approximately 0.43 miles from the campus.
Water & Sewer Purveyor	Liberty Lake Sewer & Water District
School District	Central Valley School District

APPLICATION MATERIALS:

The application was submitted on March 30, 2021. The application was deemed complete on December 8, 2020. A corrected and revised preliminary plat, based on staff and agency comments, was submitted on January 13, 2021. The original application, and related materials are appended to this report as **Exhibit B**.

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:

Comprehensive Plan Land Use and Zoning Designations are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.

CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:

City Code §10-2J: I (Light Industrial) Zoning District Regulations

This chapter details development standards, required setbacks, building heights, architectural design standards, and performance standards for limited and conditional uses within the light industrial zone. Outright allowed uses in this zoning district include manufacturing, warehousing and distribution, and offices. Limited uses permitted in this zone include retail, restaurants, and similar commercial uses.

City Code §10-2F: M-2 (Community Center – Mixed Use) Zoning District Regulations

This chapter details development standards, required setbacks, building heights, architectural design standards, and performance standards for limited and conditional uses within the community center-mixed use zone. Outright allowed uses in this zoning district include offices, commercial, and retail uses. Limited uses permitted in this zone include light manufacturing, multi-family dwellings, single-family attached town homes, and single-family courtyard homes.

City Code §10-4B-5(C): Amendments to the Comprehensive Plan Land Use and Zoning Map:

Comprehensive Plan Land Use Map Amendments and district or City-wide Zoning Map Amendments are Type IV Projects. Property rezones for individual properties are Type II Project Permits. The Comprehensive Plan Land Use Map and the Zoning Map must be consistent and applications for property rezones must also include a Comprehensive Plan Land Use Map amendment request. The Planning Commission holds a public hearing and provides a recommendation regarding the Comprehensive Plan Land Use Amendments, and provides comments regarding the rezone, which will be incorporated into the staff report prepared for the Hearing Examiner. The Hearing Examiner will conduct a public hearing regarding the property rezone request. The Hearing Examiner's recommendation will be forwarded to the City Council, and a public hearing before City Council will be held regarding the Comprehensive Plan amendment and zoning amendment. City Council will adopt its own findings of fact and statement setting forth the factors considered at the hearing and the property rezones consistency with the Comprehensive Plan Land Use Map, as well as its own analysis of findings considered by the Council. The Council, after the public hearing, may adopt the property rezone, make minor changes, or deny it. If approved, the property rezone becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper and a Notice of Decision shall be provided for the property rezone.

City Code §10-4J: Zoning District Map & Text Amendments:

City Code §10-4J-3 identifies property re-zones as quasi-judicial. Quasi-judicial amendments require a hearing before the Hearing Examiner, whose decision is a recommendation to City Council. If a Comprehensive Plan Land Use Map amendment is required, the Planning

Commission holds a public hearing and makes a recommendation to City Council regarding the Comprehensive Plan map amendment, which is a Type IV process required to be reviewed during the annual amendment process. It also states that property rezones and Comprehensive Plan Amendments should be conducted concurrently.

City Code §10-4J-4 indicates a quasi-judicial decision may be denial, approval, or approval with conditions, as based on the following criteria:

- 1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a pre-requisite to approval;*
- 2. Demonstration of compliance with applicable standards and criteria of this code, and other implementing ordinances; and,*
- 3. Evidence of change in the neighborhood or community or inconsistency in the comprehensive plan or zoning district map regarding the property which is the subject of the application, and the provisions Section 10-4J-6, as applicable.*

City Code §10-4J-6 requires that Comprehensive Plan amendments and zoning district changes be evaluated to determine if the proposed change would significantly affect transportation facilities.

SEPA REVIEW:

On August 31, 2021, the City of Liberty Lake issued a Notice of Availability and disseminated the SEPA checklist for review and comment, along with a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Document under the provisions of WAC 197-11-340(2), which allowed for a 14-day agency comment period ending on September 14, 2021, before it took effect. The deadline for SEPA procedural appeals and appeals of the threshold determination was September 28, 2021. No appeal of the SEPA procedure or threshold determination has been filed.

PROCEDURAL INFORMATION:

Application Received:	March 30, 2021
Planning Commission Workshops LUA2021-0006:	April 14, 2021
	June 9, 2021
	September 9, 2021
Agency & Web Notice of Availability/Hearings:	August 31, 2021
Mailings to 400' Radius:	September 1, 2021
Newspaper Publication - Notice of Availability/Hearings:	September 3, 2021
Posting of Public Notice on Site:	September 3, 2021
End of SEPA Comment Period:	September 14, 2021
End of SEPA Appeal Period:	September 28, 2021
Department of Commerce 60 Day Notice:	October 5, 2021
Planning Commission Hearing:	October 13, 2021
Hearing Examiner Hearing:	October 26, 2021

Hearing Examiner Findings, Conclusions & Recommendation Issued:	December 10, 2021
Posting of City Council Hearing Notice on Site:	April 7, 2022
Newspaper Publication – Notice of City Council Public Hearing:	April 8, 2022
Web Notice of City Council Public Hearing:	April 11, 2022
City Council Hearing	April 26, 2022

The proposed amendment to the Comprehensive Plan Land Use Designation was the subject of the Planning Commission hearing held on October 13, 2021. The proposed zone change was the subject of the Hearing Examiner hearing held on Oct 26, 2021. Both the Planning Commission and Hearing Examiner make recommendations to the City Council, with that public hearing tentatively scheduled for April 26, 2022. The City Council decision is final, subject to appeals by the applicant or persons having standing, as defined in RCW36.70C to Spokane County Superior Court filed within 21 calendar days of the date of the written decision. Additionally, appeal of matters subject to board review, as outlined in RCW 36.70A.280 shall be made by a petition to the Eastern Washington Growth Management Hearings Board as outlined in RCW 36.70A.290, or review may be directed to the Superior Court as outlined in RCW 36.70A.295. SEPA documents and procedural notices are appended to this document as **Exhibit C**.

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions during Annexation Proceedings: 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; WS Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Spokane Transit; Liberty Lake Water & Sewer District; Consolidated Irrigation District; Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

Only two comments were received from agencies. Spokane Tribe Historic Preservation Office commented that a case-by-case review will be required for all future project actions on the site. Spokane Transit commented that the site is served by five bus stops, and asked that any changes to stops or sidewalks in the vicinity of the project be coordinated with STA. Agency comments are appended to this report as **Exhibit D**.

PUBLIC COMMENT:

As of the time of this writing, the following written comments had been received on the requested Comprehensive Plan Amendment and Zone Change:

- Mai-Ling & Raymond Bell – Opposed to zone change due to concerns regarding traffic, and a desire to not see multi-family residential in the vicinity of a “single-family zoned neighborhood”.
- Kyla Scott - Request denial based on the opinion that “I” already allows retail, Liberty Lake is small and residential zones are already within walking distance, if rezoned, the City has no ability to stop high density residential development and questions the number of residential units that could be located on the property if request was approved.
- Rick Siler – Does not support the request because the proposed change would allow apartments to be built, occupancy on campus would not necessarily be for workers, current zoning allows for retail and restaurants on the campus.
- Marc Rubin – Uncomfortable in granting a “blank check” that could result in dense

apartments/condos, small retail businesses, tight streets, and limited parking. Likely to result in an increase in traffic and crimes.

- Ron Gray – Questions of the applicant: Impact of the zone change on future business development? Are there still adequate opportunities for future growth if approved? How to ensure development will be used by local employees?
- Shawn Mimnaugh & Jo Lynne Seufer: Object to the potential for apartments, and state that Greenstone or any other developer of the site should be responsible for all infrastructure/traffic upgrades.
- Greg Cronin: Would like to see Greenstone be granted approval for the Zone change with conditions to include detailed plans for the commercial space, residential dwellings, open space, parking streets, pathways, and community gardens.
- Tom Sahlberg: Expressed concern about the lack of specificity of plans for development that would occur should the zone change be granted. Would like details on the type and number of residential units, if the additional housing will be limited to those who “work” on campus, and questioned on this proposal “supports leading edge technology and a progressive business environment that will help lead to a financially secure community” as identified in the Comp Plan Vision.

Written public comments received are appended to this document as **Exhibit E**.

During the Planning Commission Public Hearing, the following public testimony was heard:

- Greg Cronin: City resident, inquired whether low-income housing was allowed in this area. Director Key responded that there are no restrictions on low-income housing.
- Hayley Steward: City resident, inquired whether there would be any changes to current access points. Greenstone responded stating that they don’t have any intentions of adding additional entrance points at this time. Director Key added that a traffic analysis would be required at time of each specific project application.
- Tom Sahlberg: City resident, spoke in opposition of the amendment, stating he agreed with Commissioner Siler’s view that Liberty Lake is not Kendall Yards, and he believes that this change is to benefit the developer and not to Liberty Lake.
- Ron Gray: Non city resident, inquired whether this change would take away opportunities for light industrial.
- Rich Maes: City resident, asked if the allowed uses in the M2 zone are published somewhere. Director Key advised that the City’s Development Code is published on the City Website.

During the Hearing Examiner Hearing, the following public testimony was heard:

- Greg Cronin: Simply referenced his written comment.
- Tom Sahlberg: Testified that conditioning approval on a developer agreement limiting the development to 250 residential units and 5 commercial units would make the proposal more palatable to the public.
- Marilyn Van Degrift: Indicated that she thought the proposal was ironic, given that recent development proposals within the City demonstrate the need for more industrial space.

TRANSPORTATION CONCURRENCY:

While Transportation Concurrency is generally not required for a non-project action, City Code §10-4J-6A requires that zone changes be reviewed to determine whether the proposed amendment will result in a significant impact to transportation facilities.

At the request of staff, the applicant provided a Trip Generation and Distribution Letter prepared by Whipple Consulting Engineers to assess the potential transportation impact of the potential change of use on the 17.9 acres of potentially developable land within the subject property. For the purpose of this analysis, it was determined that the maximum number of residential units that could be developed on the nearly 18 acres is 250 units if the zoning is changed to M-2, while taking into consideration parking, required open space, and density requirements in the M-2 zone. The trip generation for 250 new residential units was compared to the trip generation from the full build-out of the remaining acreage as 250,000 office space if the zoning was not changed. The result of the analysis indicated that 250 new dwelling units in lieu of 250,000 sq. ft. of office space would result in a net reduction in PM peak hour trips. On this basis, it was determined that the requested change in the land use designation and zoning would minimize traffic impacts that would otherwise be generated by MTC at build-out under its current land use and zoning designation.

The Trip Generation and Distribution Letter prepared by Whipple Consulting Engineers is appended to this report as **Exhibit F**. It should be noted that transportation impacts will be evaluated for project specific development proposals that may occur on this site in the future.

COMPREHENSIVE PLAN LAND USE DESCRIPTIONS:

Light Industrial: The Light Industry category is intended for industrial areas that have a special emphasis and attention given to aesthetics, landscaping, and internal and community compatibility. Light Industrial areas are comprised of predominantly industrial uses such as manufacturing but may incorporate office and commercial uses that support and complement the industrial area.

Community Center-Mixed Use: Community centers are higher-intensity mixed-use areas designed to serve two or more neighborhoods. Community centers may have a mix of uses, including commercial, civic, light manufacturing or industrial, office, recreational uses, and residential when associated with the other permitted uses.

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

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

Land Use Goal 1: Provide a healthful, safe, and sustainable urban environment.

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.

Economic Development Goal 1: Maintain a healthy and sustainable local economy.

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.

Land Use Policy 2: Provide for a compatible mix of housing and commercial uses in all commercial districts, neighborhood centers, community centers, and the Central Business District.

Urban Design Policy 19: Maintain design standards and land use plans for neighborhood centers, community centers, and the Central Business District that are based on the following principles:

- a. Centers should be compact, nonlinear development to encourage transit, bicycle, and pedestrian travel. Multistory construction, structured parking, and other techniques to use land efficiently should be encouraged.
- b. Aesthetic quality and compatibility among land uses within and adjacent to centers should be enhanced through landscaping, building orientation and setbacks, traffic control, and other measures to reduce potential conflicts. Distinctive or historical local character and natural features should be reflected in development design to provide variety within centers.
- c. Unsightly views, such as heavy machinery, storage areas, loading docks, and parking areas, should be screened from the view of adjacent uses and from arterials.
- d. Signs should be regulated to reduce glare and other adverse visual impacts on nearby residents without limiting their potential contribution to the color and character of the center.
- e. Routes for pedestrian, auto, bicycle, transit, and truck travel within centers should have convenient access to each major destination. Buildings should be close to sidewalks to promote walking and browsing, with parking areas located on the side or rear of buildings or adjacent to the street causing the appearance of on-street angle or parallel parking.
- f. Commercial development in centers should provide or contribute to public spaces such as plazas, parks, and building atriums to enhance the appearance of the center and to provide amenities for employees and shoppers.
- g. Off-street parking areas should be designed to enhance pedestrian and handicapped access to commercial uses.
- h. To encourage the use of alternative modes of transportation require the installation of secure bicycle parking facilities that are convenient for users and safe for pedestrians.
- i. Facilitate the safe use of golf carts where appropriate.

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 8: To support mobility for those with special needs, locate housing in areas accessible to public transportation.

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.

Economic Development Policy 8: Encourage development of contingency plans for the possible loss of any of the employers in the City that have a significant economic impact on the City.

Economic Development Policy 14: Maintain an inventory of usable industrial and commercial land that is sufficient to meet projected demand and encourage marketability of the City.

STAFF ANALYSIS:

Meadowwood Technology Campus is an area encompassing nearly 70 acres, developed in the mid-1990's as corporate offices for Hewlett Packard. The site consists of 4 office buildings totaling 450,000 sq. ft. of office space, including an on-site dining area, meeting space, and parking, along with an outdoor amphitheater and picnic pavilion. Approximately 14 acres of the property are currently undeveloped. The site is bordered to the west by N Molter Road, and to the south by east Mission Avenue, both classified as arterials. The site is currently served by a total of 5 transit stops.

Currently, several of the larger tenants within the campus are call centers, and with changes in work patterns, those tenants are not expected to renew their lease. In an effort to remain relevant to a 21st century workforce, the applicant has requested a Comprehensive Plan Land Use amendment and zone change to allow for a mixed use campus that would allow for some in-fill housing, as well as amenities such as sandwich and coffee shops, and small, neighborhood-oriented commercial.

The proposed land use/zoning category is less intensive than the current designation and appears to be compatible with surrounding uses. If residential uses are proposed along northern or eastern areas of the site, the City's landscaping standards do require a 10 ft. landscape buffer with evergreens trees and a solid 6 ft fence or wall against the Light Industrial properties located to the north and east.

The proposed amendment appears to be generally consistent with Comprehensive Plan goals and policies, particularly in the areas of:

- Promoting a variety of housing types and densities, as well as a mix of housing and commercial uses;
- The general intent of community centers, as detailed in Urban Design Policy 19;
- Housing policies related to accessibility to transit; and,
- Economic development policies regarding:
 - Responsiveness to the business climate and new economic development techniques;
 - Contingency plans for the possible loss of employers; and,
 - Maintaining marketable inventory of commercial and industrial properties.

Procedural requirements and policies regarding public engagement have been met.

PLANNING COMMISSION PUBLIC HEARING:

On October 13, 2021, the Planning Commission held a public hearing on the proposed Comprehensive Plan Land Use Map Amendment. They reviewed the staff report, the record provided by Staff regarding the process and procedures that had been followed to date, public comments received prior to the hearing, and the testimony of staff, the applicant, and the public. The following sections summarize their findings, conclusions, and recommendation.

Planning Commission 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, and the Notice of Application & Hearing was properly posted on the site.

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.

Planning Commission Deliberations & Conclusions:

While the Development Code is not explicit regarding criteria for approval of a Comprehensive Plan Land Use Map Amendment, the following are criteria were considered by the Planning Commission in their deliberations:

- *Is the proposed amendment consistent with Comprehensive Plan Goals & Policies?*

Several Commissioners felt that the proposed amendment was consistent with the Comprehensive Plan regarding diversity of housing, mixed use, and economic development policies.

- *Has a change in economic, technological, or land use conditions occurred to warrant the proposed amendment?*

Commissioners acknowledged that Covid-19 has resulted in changes to the workforce and the economy with a potential impact on call centers and similar types of industries as a result of more remote work opportunities and less investment in brick-and-mortar offices.

- *Will the proposed amendment be compatible with adjacent land uses, or are there mitigations that will make the proposed amendments compatible with the surrounding land uses?*

Commissioners had a divergence of opinion regarding compatibility with surrounding land uses. Several thought townhomes to be very compatible with the character of the nearby Rocky Hill and Stone Hill neighborhoods, and that it provides an opportunity for affordable, workforce housing. Others indicated a concern regarding compatibility, with the property surrounded on nearly all sides by Light Industrial-zoned properties.

- *Will the proposed amendment negatively impact transportation facilities? If so, can those impacts be mitigated?*

Commissioners generally agreed that, based upon the Trip Generation Letter submitted into the record, the proposal would not result in negative impacts to traffic.

- *Is the proposed amendment detrimental to the public good?*

Some Commissioners indicated that a diversity of housing types and range of affordability was in the public interest, though others questioned whether it was appropriate in this location.

- *Is the proposed amendment in the public interest?*

Several Commissioners agreed that various types of housing and additional, small neighborhood-

centric commercial uses were in the public interest, others expressed concerns regarding housing in this location, and lack of specific information regarding the actual uses to be developed there.

Based upon the proposed amendments consistency with Comprehensive Plan Policies, the change in economic conditions warranting the amendment, and the public interest served by increasing the diversity of housing options in the City, Commissioner Olsen moved to approve an amendment to the City of Liberty Lake 2015 – 2037 Comprehensive Plan Land Use Map, to change the Comprehensive Plan Land Use Designation of the subject property from Light Industrial to Community Center – Mixed Use. Commissioner Cargill seconded the motion. A roll call vote followed. Commissioners Mann, Olsen, Cargill, and Band voted in favor; Commissioners Baird, Ramirez and Van Degrift voted in opposition. The motion carried with a final tally of 4-3.

Planning Commission Recommendation:

In the matter of Case No. LUA2021-0006, regarding an amendment to the City of Liberty Lake 2015 – 2037 Comprehensive Plan Land Use Map, to change the Comprehensive Plan Land Use Designation of the subject property from Light Industrial to Community Center – Mixed Use, the City of Liberty Lake Planning Commission recommended to the Hearing Examiner and City Council that the amendment be **APPROVED**.

A draft of the Planning Commission Findings, Conclusions & Recommendations, along with a draft of the meeting minutes from the October 13th meeting are appended to this document as **Exhibit G**. The findings and minutes were ratified by the Commission at their November 10th meeting.

HEARING EXAMINER PUBLIC HEARING:

On October 26, 2021, the Hearing Examiner held a public hearing on the proposed Zone Change. He reviewed the staff report, the record provided by Staff regarding the process and procedures that had been followed to date, public comments received prior to the hearing, and the testimony of staff, the applicant and the public, and the Planning Commission’s Findings, Conclusions & Recommendation regarding the proposed Comprehensive Plan Land Use Map Amendment. The following sections summarize his findings, conclusions, and recommendation.

Hearing Examiner Findings & Conclusions:

1. A comprehensive plan amendment was filed in conjunction with the request for a site-specific rezone. Therefore, the prerequisite to reclassifying the site to the M-2 zone has been satisfied. See LLDC 10-4J-3(B)(1).
2. The proposed rezone is consistent with the standards and criteria set forth in the Liberty Lake Development Code and other applicable implementing ordinances. See LLDC 10-4J-3(B)(2).
3. The proposed rezone is justified by a change of conditions in the neighborhood or community. See LLDC 10-4J-3(B)(3).
4. The proposed rezone should be approved without imposing additional limitations or remedies because it does not significantly affect a transportation facility. See LLDC 10-4J-6(A).

Hearing Examiner Recommendation:

In the matter of Case No. LUA2021-0006, regarding an amendment to the zoning designation for the Meadowwood Technology Campus from “I” (Light Industrial) to “M-2” (Community Center Mixed Use)

be approved, based upon the findings and conclusions as detailed in the Hearing Examiner's Findings, Conclusions and Decision, appended to this document as **Exhibit H**.

CITY COUNCIL DELIBERATIONS ON THE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT:

While testimony in the hearing for the Meadowood Technology Campus Comprehensive Plan Land Use Map Amendment and Zone Change were combined for expediency, City Council must deliberate and decide the Comprehensive Plan Land Use Map Amendment separately, prior to deliberating and deciding on the Zone Change Request, as the Comprehensive Plan Land Use Amendment must be approved, in order to even consider approving (or approving with conditions) the Zone Change Request.

Recommended Findings:

1. The required SEPA review has been completed on the proposed Comprehensive Plan Amendment and Zone Change Request.
2. All public and agency notice requirements were met and accomplished in a timely manner, and the Notices of Application & Hearings were properly posted on the site.
3. The public was provided the opportunity for early and continuous participation.
4. The public had opportunities to submit written comments and testify at public hearings before the Planning Commission, the Hearing Examiner, and City Council.

Comprehensive Plan Amendment Criteria for Consideration in Deliberations:

While the Development Code is not explicit regarding criteria for approval of a Comprehensive Plan Land Use Map Amendment, the following are criteria the City Council may wish to consider in their deliberations:

- *Is the proposed amendment consistent with Comprehensive Plan Goals & Policies?*
- *Has a change in economic, technological, or land use conditions occurred to warrant the proposed amendment?*
- *Will the proposed amendment be compatible with adjacent land uses, or are there mitigations that will make the proposed amendments compatible with the surrounding land uses?*
- *Will the proposed amendment negatively impact transportation facilities? If so, can those impacts be mitigated?*
- *Is the proposed amendment detrimental to the public good?*
- *Is the proposed amendment in the public interest?*

Comprehensive Plan Amendment Conclusions:

To be identified by City Council in their deliberations.

NOTE: City Council should consider the above-listed questions in their deliberations and/or identify other factors upon which their decision is based.

Motion for Comprehensive Plan Amendment Decision:

In the matter of Case No. LUA2021-0006, regarding the requested amendment to the City of Liberty Lake 2015 – 2037 Comprehensive Plan Land Use Map, to change the Comprehensive Plan Land Use Designation of the subject property from Light Industrial to Community Center Mixed Use, the Liberty Lake City Council does hereby **APPROVE/NOT APPROVE** the requested Comprehensive Plan Amendment.

CITY COUNCIL DELIBERATIONS ON THE ZONE CHANGE REQUEST:

Recommended Findings:

1. The required SEPA review has been completed on the proposed Comprehensive Plan Amendment and Zone Change Request.
2. All public and agency notice requirements were met and accomplished in a timely manner, and the Notices of Application & Hearings were properly posted on the site.
3. The public was provided the opportunity for early and continuous participation.
4. The public had opportunities to submit written comments and testify at public hearings before the Planning Commission, the Hearing Examiner, and City Council.

Criteria for Consideration in the Zone Change Deliberations:

Criteria for decision-making regarding a quasi-judicial zone change are explicitly identified in City Development Code §10-4J-4, as follows:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a pre-requisite to approval;
2. Demonstration of compliance with applicable standards and criteria of this code, and other implementing ordinances; and,
3. Evidence of change in the neighborhood or community or inconsistency in the comprehensive plan or zoning district map regarding the property which is the subject of the application, and general concurrency with planned transportation improvements.

Zone Change Conclusions:

To be identified by City Council in their deliberations.

NOTE: City Council should consider the above-listed questions in their deliberations and/or identify other factors upon which their decision is based.

Motion for Zone Change Decision:

In the matter of Case No. LUA2021-0006, regarding the re-zoning of the subject property from “I” (Light Industrial) to “M-2” (Community Center Mixed Use), the Liberty Lake City Council does hereby **APPROVE/APPROVE WITH CONDITONS/NOT APPROVE** the requested Zone Change.

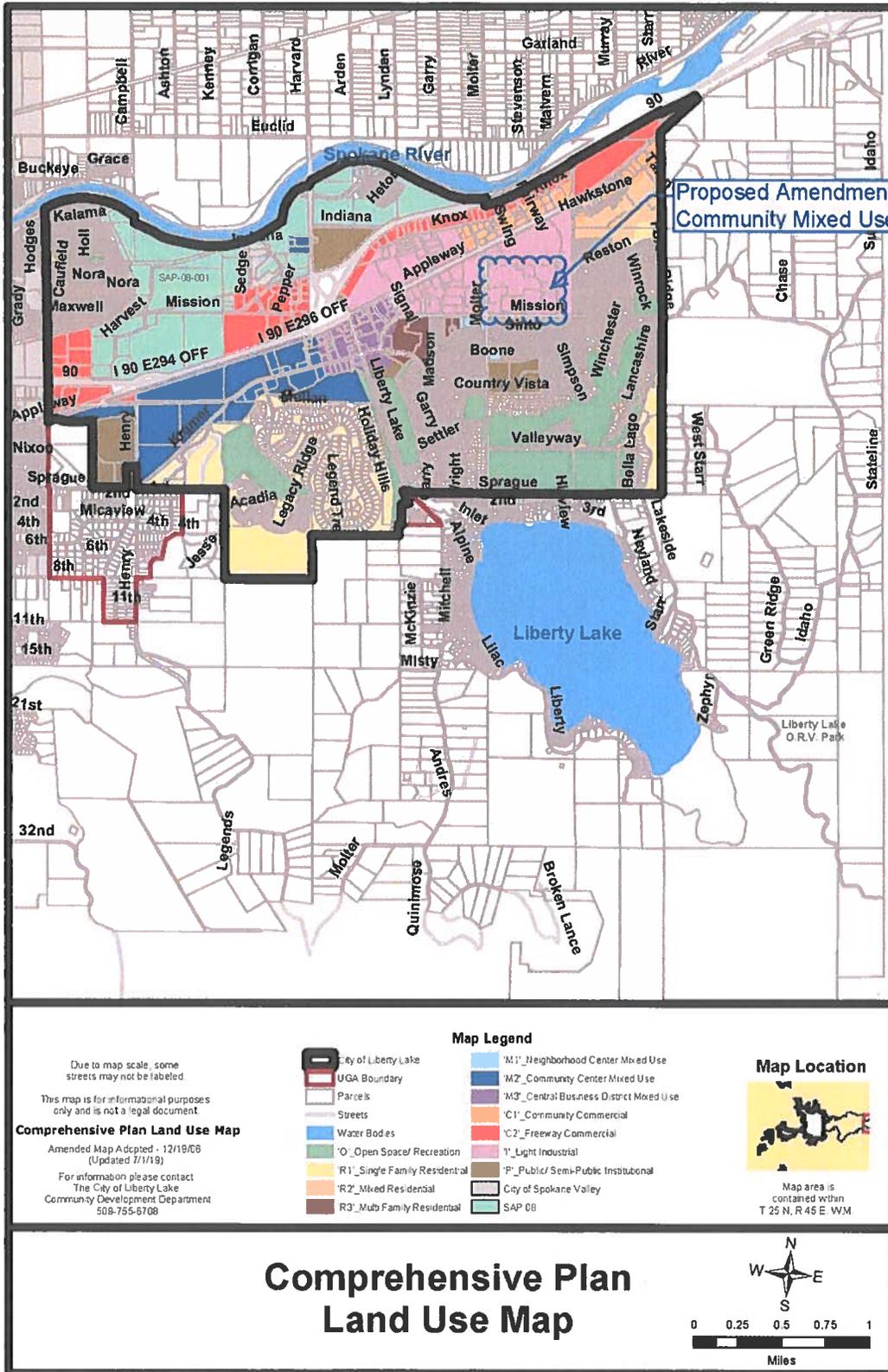
LIST OF EXHIBITS:

- Exhibit A - Proposed Map Amendments
- Exhibit B – Application Materials
- Exhibit C – SEPA Documents & Procedural Notices
- Exhibit D – Agency Comments
- Exhibit E – Public Comments
- Exhibit F – Trip Generation & Distribution
- Exhibit G – Planning Commission Documents
- Exhibit H – Hearing Examiner Findings, Conclusions & Decision

EXHIBIT A

COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

MAP 5.1



ZONING MAP AMENDMENT

City of Liberty Lake Zoning Map - 2021



- City of Liberty Lake
- Urban Growth Area
- Parcels
- River District SAP
- Lakemore/Hawstone SAP
- R1
- R2
- R3
- M1
- M2
- M3
- C1
- C2
- I
- P
- O

Due to map scale, some streets may not be labeled

This map is for informational purposes only and is not a legal document

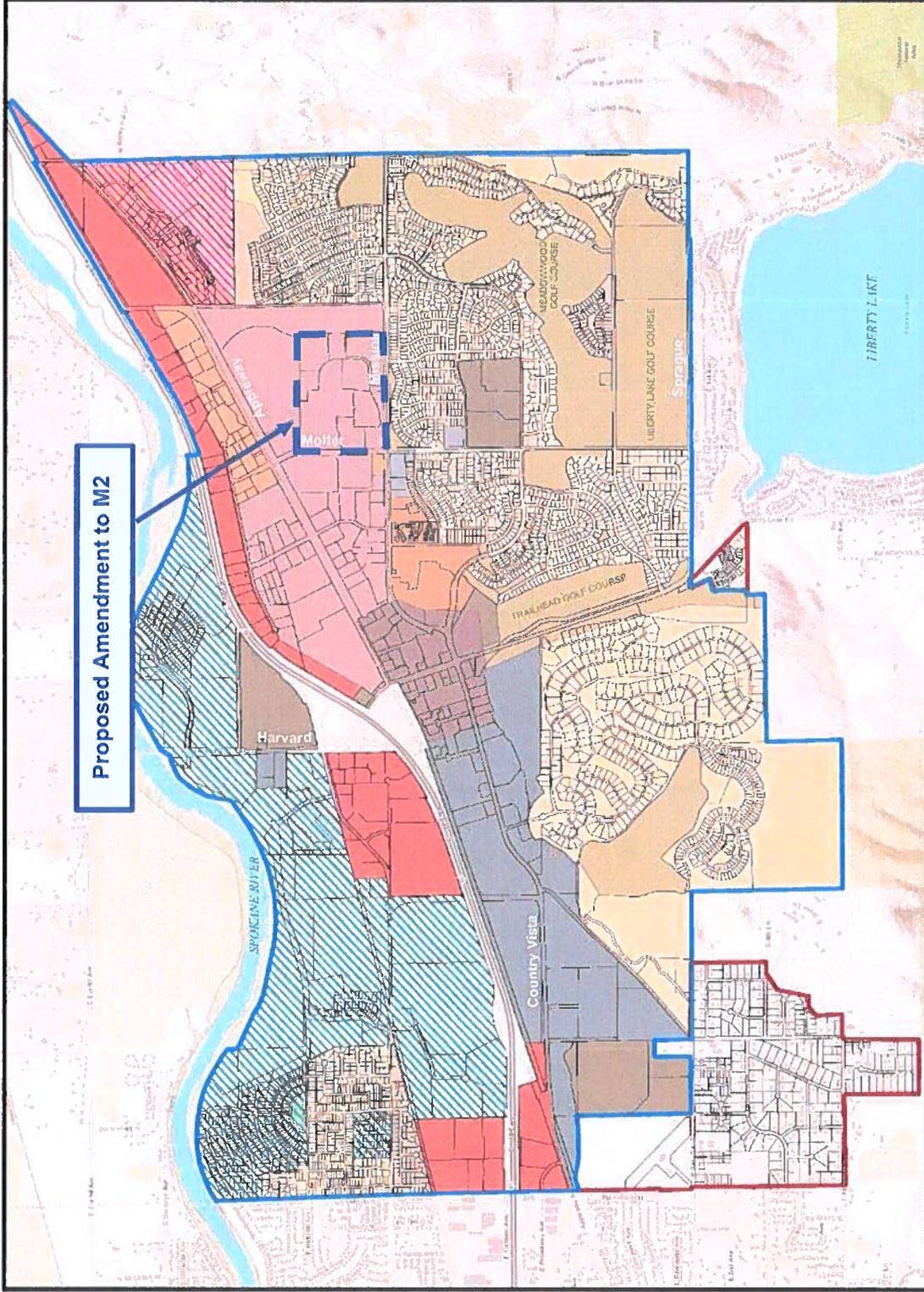


EXHIBIT C

Development Agreement

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made this 16th day of June, 2022, by and between the City of Liberty Lake, a noncharter code city of the State of Washington with a mailing address of 22710 E Country Vista Blvd., Liberty Lake, Washington 99019 ("City") and MTC Properties, L.L.C., Meadowwood Partners, L.L.C., Meadowwood One, L.L.C., Meadowwood Three, L.L.C., Meadowwood Four, L.L.C., and Meadowwood Five, L.L.C., Washington limited liability companies, all with a mailing address of 1421 N. Meadowwood Lane, Ste. 200, Liberty Lake, WA 99019, both individually and collectively ("Owners").

RECITALS

1. RCW 36.70B.170 authorizes a city to enter into a development agreement with the entity having ownership or control of real property within the city. The development agreement must set forth development standards and other provisions that shall apply to and govern the development, and mitigation of the development of real property, consistent with City Development Regulations.

2. RCW 36.70B.170(1) establishes that a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement. For the purposes of this development agreement, "development standards" includes, but is not limited to, the standards listed in RCW 36.70B.170(3).

3. City Development Code §10-4J-3 identifies property re-zones as quasi-judicial actions. City Code §10-4J-4 indicates a quasi-judicial decision may be denial, approval, or approval with conditions. A Development Agreement, as authorized in RCW 36.70B.170, is the appropriate mechanism to enact and implement standards specific to a particular development as may be required as a condition of approval for a quasi-judicial action.

4. This Development Agreement by and between the City and the Owners (hereinafter the "Development Agreement"), relates to the development known as Meadowwood Technology Campus, which is located at or
on the northeast corner of E. Mission Avenue and N. Molter Avenue, more particularly described in Exhibit A (hereinafter the "Property").

5. The following events have occurred in the processing of the Owners' application:

- a) After a public hearing, by Ordinance No. 285, the City amended the City's Comprehensive Plan land use and zoning designation for the Property to "M-2" (Community Center Mixed Use), with the following conditions:
 1. All freestanding residential units (townhomes or apartments) shall be limited to a height of two stories;

2. No freestanding residential units shall be allowed on the Mission Avenue frontage, from the main campus entrance to the east property line; and,
 3. Vertically mixed-use structures shall be limited to a height of three stories, with ground floor commercial use, and up to two stories of residential use (limited to the second and third stories), with such vertically mixed-use structures being permitted along the Mission Avenue frontage.
- b) By Ordinance No. 285, the City Council authorized the Mayor to sign this Development Agreement with the Owners; and

NOW THEREFORE, the parties hereto agree as follows:

TERMS, CONDITIONS AND COVENANTS

In consideration of the following terms, conditions and covenants, and the Recitals herein, which are incorporated into this Agreement and made a material part hereof, the parties enter into this Agreement as follows:

DEFINITIONS

For the purpose of this Agreement the following words and terms are defined.

- A. "Adopting Ordinance" means the Ordinance which approves this Development Agreement, as required by RCW 36.70B.200.
- B. "Development Agreement" means this Agreement and all its terms, conditions and covenants.
- C. "Development Regulations" means the City of Liberty Lake Development Codes and Regulations as set forth in the City's Building and Development Codes.
- D. "Property" means the property located on the northeast corner of E Mission Avenue and N Molter Avenue in the City of Liberty Lake, commonly known as Meadowwood Technology Campus, more specifically described in Exhibit A, legal description.

1. Purpose. The purpose of this Agreement is to establish standards and conditions applicable to the subject property as established as conditions to the rezoning of the property as "M-2" (Community Center Mixed Use), in addition to the development standards and regulations applicable to properties zoned "M-2" as established in the City's Development Regulations

2. Property. The real property which is benefitted by this Agreement is described on Exhibit "A"(the "Property").

2.1 Ownership. The Property, as of the date of this Agreement is owned by MTC Properties, L.L.C., Meadowwood Partners, L.L.C., Meadowwood One, L.L.C., Meadowwood Three, L.L.C., Meadowwood Four, L.L.C., and Meadowwood Five, L.L.C., Washington limited liability companies, all with a mailing address of 1421 N. Meadowwood Lane, Ste. 200, Liberty Lake, WA 99019.

2.2 Authority. Owners or assigns were the applicant for the Zoning Amendment Request and have the authority to enter into this Agreement.

2.3 Development Regulations. Unless otherwise modified by the City, all Development Regulations in existence on the effective date of this Development Agreement shall apply to and govern the development of the Property during the term of this Agreement, excepting that the additional standards and conditions, as detailed in this Development Agreement, shall also apply.

3. Development Standards and Conditions. In addition to the development regulations detailed in the City Development Regulations, both generally and specifically as applied to properties with a zoning designation of “M-2” (Community Center Mixed Use), the following standards shall apply to the Property described in Exhibit A:

2.1 Freestanding Residential Structures.

2.1.1 All freestanding residential units (townhomes or apartments) shall be limited to a height of two stories.

2.1.2 No freestanding residential units shall be allowed on the Mission Avenue frontage, from the main campus entrance to the east property line.

2.2 Vertically Mixed-Use Structures.

2.2.1 Vertically mixed-use structures shall be limited to a height of three stories, with one story, ground floor commercial use, and up to two stories of residential use (limited to the second and third stories).

2.2.2 Such vertically mixed-use structures may be permitted along the Mission Avenue frontage.

4. Modifications. No modification or amendment to this Agreement shall be valid unless the same is in writing and signed by the parties to this Agreement. This Agreement contains the full understanding between the parties and is not intended to be modified by any previous oral or written understandings unless specifically incorporated herein.

5. Successors and Assigns. This Agreement inures to the benefit of the Property and shall be binding upon all successors and assigns of Owner including individual purchasers of Buildings within the Property which is the subject of this Agreement.

6. **Notices.** All notices which are given pursuant to this Agreement shall be deposited in the United States mail, postage prepaid and addressed to the party at the following address:

To the City: City of Liberty Lake
22710 E Country Vista Blvd.
Liberty Lake, WA 99019

To Owners: Joe Frank
1421 N. Meadowwood Lane, Ste. 200,
Liberty Lake, WA 99019

7. **Covenant.** This Agreement is a covenant running with land referred to in Exhibit "A".

8. **Remedies.** The City may seek specific performance and/or injunctive relief under this Agreement including enjoining future construction activities on the Owner's property, if necessary to enforce its terms and conditions.

8.1 **Party Consultation.** In event of any dispute as to interpretation or application of the terms or conditions of this Agreement, the Owner and the City Director of Planning, Engineering and Building Services shall meet within ten (10) business days after request from any party for the purpose of attempting, in good faith, to resolve the dispute. The meeting may, by mutual agreement, be continued to a date certain in order to include other parties or persons, or to obtain additional information.

8.2 **Appeal to Council.** In the event that a dispute is not resolved through consultation, as set forth in paragraph 8.1, the matter may be appealed to the Liberty Lake City Council.

8.3 **Judicial Appeal.** Any aggrieved party may appeal the decision of the City Council to the Spokane County Superior Court, as may be allowed by RCW Chapter 36.70C.

9. **Applicable Law and Attorneys' Fees.** This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party.

10. **Third Party Legal Challenge.** In the event any legal action or special proceeding is commenced by any person or entity other than the City or Owners to challenge this Agreement or any provision herein, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Owners, their Successors and Assigns. In such event, Owners, Successors and Assigns shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit or individual claims in the lawsuit, including but not limited to, attorneys' fees and expenses of litigation, and damages awarded to the prevailing party or

parties in such litigation. The Owners shall not settle any lawsuit without the consent of the City. The City shall act in good faith and shall not unreasonably withhold consent to settle.

11. **Specific Performance.** The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Development Agreement by any party in default hereof.

12. **Term.** This Agreement shall not be effective until approved by the Liberty Lake City Council and shall remain in effect until otherwise amended by Ordinance of the City Council.

13. **Governing Law.** This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceeding for the enforcement or breach of this Agreement, or any provision hereto, shall be instituted in Spokane County.

14. **Documents Incorporated by Reference.** The City hereby incorporates the documents and decisions in this matter into this Agreement as though fully set forth herein and the Owner is required to comply with the same.

CITY OF LIBERTY LAKE

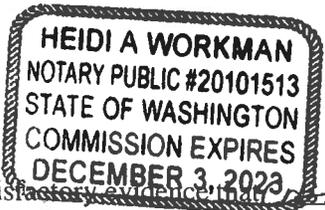
Attest: Kelsey Hardy
Kelsey Hardy, City Clerk

Cristella Kaminiskas
Mayor, Cristella Kaminiskas

Approved As To Form:
Sean P. Boutz
Sean P. Boutz, City Attorney

OWNER
By: [Signature]
Its: MANA/BGFW

State of Washington)
) ss.
County of Spokane)



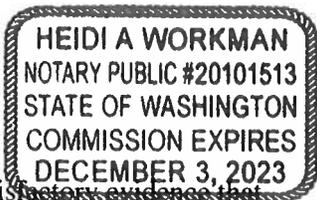
I certify that I know or have satisfactory evidence that Cristella Kaminiskas is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be h__ free and voluntary act, for the uses and purposes mentioned in the instrument.

DATED: 06/14/2022.

[Signature]
Notary Public in and for the State of

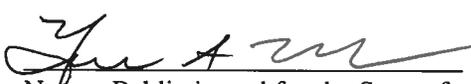
Washington, residing at Spokane
Appointment expires: 12/3/2023

State of Washington)
) ss.
County of Spokane)



I certify that I know or have satisfactory evidence that See Frank is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be h__ free and voluntary act, for the uses and purposes mentioned in the instrument.

DATED: 06/06/2022.


Notary Public in and for the State of
Washington, residing at Spokane
Appointment expires: December 3, 2023