

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 293**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING
THE CITY OF LIBERTY LAKE DEVELOPMENT CODE, AND THE
DEVELOPMENT CODE CONTAINED IN THE RIVER DISTRICT SPECIFIC AREA
PLAN.**

WHEREAS, the Growth Management Act ("GMA") was established in the State of Washington in 1990 to provide a framework for land use planning and development regulation; and

WHEREAS, Spokane County and the cities within it were mandated to plan under the GMA in 1993; and

WHEREAS, the City of Liberty Lake has adopted its own comprehensive land use plan pursuant to RCW 36.70A; and

WHEREAS, the City has adopted a Development Code to implement the Comprehensive Plan; and

WHEREAS, the 14 planning goals outlined in RCW 36.70A.020 and .480, guide the development and adoption of comprehensive plans and development regulations; and

WHEREAS, planning is an ongoing process, and improved data or changing circumstances require amendment to the Comprehensive Plan and Development Code from time to time; and

WHEREAS, a public participation program was incorporated into the review of the proposed Development Code Amendments, including amendments to the development code contained in the River District Specific Area Plan 08-001 ("RDSAP Amendments"); and

WHEREAS, all public notification requirements were met and accomplished in a timely manner; and

WHEREAS, a SEPA DNS Threshold Determination and Adoption of Existing Environmental Document was issued on each of the proposed amendments with a fourteen (14) day public comment period; and

WHEREAS, the GMA requires proposed development regulations, including proposed amendments, be forwarded to the Washington State Department of Commerce ("DOC") for review and comment prior to the final City Council adoption; and

WHEREAS, all applicable state and local agencies received a copy of the proposed amendments, and were given the opportunity to comment; and

WHEREAS, the City of Liberty Lake has met the GMA notice to state agency requirements in RCW 36.70A.106 for the proposed City Development Code Amendments and RD-SAP-08-001 Development Code Amendments; and

WHEREAS, the City Council has reviewed the Planning Commission’s Findings of Fact, Conclusions, and Recommendations, and other documents in the proposed amendments file that were available for review;

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

Section 1. City Development Code Amendments and River District Specific Area Plan 08-001 Development Code Amendments.

The approved City Development Code Amendments and RDSAP Amendments are attached hereto as “Exhibit A, Amendments to Building Height Definition & Method of Measurement”, and “Exhibit B, Recreational & Ministorage as a Limited Use in the C-2 Zone”, reflecting amendments originally proposed in Case File Numbers LUA2022-0011, and LUA2022-0013, respectively.

Section 2. Severability.

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

Section 3. Administration and Enforcement.

- A. Administration. Planning, Engineering & Building Services shall be responsible for the administration of this Ordinance.
- B. Enforcement. Projects that are subject to the provisions of this Ordinance and do not comply with the standards of this Ordinance shall be subject to the enforcement provisions of the Liberty Lake Municipal Code and City Development Code.

Section 4. Effective Date.

This Ordinance shall be in full force and effect 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 6th day of June, 2023.

Cris Kaminskas
Mayor Cristella Kaminskas

ATTEST:

Kelsey Hardy
City Clerk, Kelsey Hardy

Approved As To Form:

SPB
City Attorney, Sean P. Boutz

Date of Publication: 6/16/2023

Effective Date: 6/21/2023

LIST OF EXHIBITS

Exhibit A: Building Heights Amendment

Exhibit B: RV & Ministorage as a Limited Use in C-2

Exhibit A: Amendments to "Building Height" Definition & Method of Measurement

PROPOSED AMENDMENT TO CITY DEVELOPMENT CODE §10- 1C, DEFINITIONS:

Building height - The vertical distance measured from the highest grade on the front elevation to the highest roofline on the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall conform to the height requirements of the R-1, R-2, or R-3 zones.

Deleted: above a reference datum measured to the highest point of the roof. The reference datum

Deleted: shall be selected by either of the following, whichever yields a greater height of building (see Chapter 2):
 ¶ The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 ¶ An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.¶

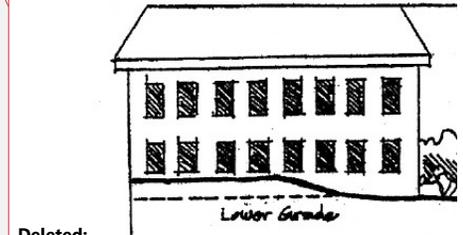
PROPOSED AMENDMENT TO CITY DEVELOPMENT CODE AND RIVER DISTRICT SAP §10- 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L

10-2X-8 Building Height

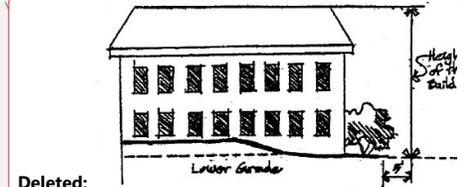
The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

- A. **Building Height Standard.** Buildings within the R-1 Zone shall be no more than 35 feet tall. Building height may be restricted to less than this maximum when necessary to comply with the Building Height Transition standard in "C" below.
- B. **Method of Measurement.** "Building height" is measured as the vertical distance from the highest grade on the front elevation to the highest roofline on the building.

Not included in the maximum height are: chimneys, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall conform to the height requirements of the R-1 zone.



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Deleted: above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see above examples):

Deleted: ¶ The elevation of the highest sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 ¶ An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.¶

PROPOSED DEVELOPMENT CODE AMENDMENT

Recreational Vehicle & Ministorage As A Limited Use In The C-2 (Freeway Commercial Zone)

10-2 A-4 Zoning Districts Matrix

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Tire salvage yard	N	N	N	N	N	N	N	N	N	N	N
Storage, freight, and wholesale facilities											
Outdoor vehicle storage	N	N	N	N	N	N	N	N	N	N	N
Recreational vehicle storage & Self-service storage facility (mini storage)	N	N	N	N	N	N	N	N _L	N	N	N
Warehouse & freight movement	N	N	N	N	N	N	P	P	P	N	N
Wholesaling / distribution facility	N	N	N	N	L	N	P	P	P	N	N
Utilities and facilities											
Macro cell wireless communication antenna array	N	CU	CU	CU	N						
Macro cell wireless communication support tower	N	N	N	N	N	N	N	N	CU	CU	N
Power plant - EPF	N	N	N	N	N	N	N	N	N	CU	N
Public utility local distribution facility	CU	CU	CU	N							
Public utility transmission facility - EPF	N	N	N	N	N	N	CU	L	L	L	N
Sewage treatment plant - EPF	N	N	N	N	N	N	N	N	N	CU	N
Small wireless facility	L	L	L	L	L	L	L	L	L	L	L

10-2I-3 Limited Uses (L)

- A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-2 (Freeway Commercial) District with the letter “L” are allowed in the C-2 zone if they comply with the development standards of the C-2 (Freeway Commercial) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.
- B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.
- C. Requirements for Specific C-2 Limited Uses.

1. Agricultural product / craft sales stand (Farmer's market)

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

2. Large-scale retail establishments

- a. The following standards and the standards identified in Section 10-2F-10, subsection C-4 apply to all Large-scale retail establishments, as defined in Article 10-1C that make application for any of the following:
 - i. New construction;
 - ii. An addition that would increase the building(s) square footage to equal or greater than the square footages above; or
 - iii. A remodel of a building(s) with square footage that is equal or greater than the square footages defined for Large-scale retail establishments within these standards and which the remodel exceeds fifty percent (50%) of the assessed value of the existing structure. The value of the remodel shall be based on the current Building Valuation Data Table adopted by the City of Liberty Lake.
 - iv. Exceptions - Waivers to these standards may be granted through a Class A Variance process under the following circumstances and in accordance with the chart below:
 - aa. Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or
 - bb. A proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
 - cc. The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and
 - dd. Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Requirements	New Construction	Addition	Interior Remodel	Exterior Remodel
Compliance with the City Development and Building Codes	Required	Required	Required	Required
Application Requirements	Required	Required	Required	Required
Site Design & Features	Required	x	Exempt	x
Outdoor Display / Sales Area & Accessory Uses	Required	x	N/A	x
Building Design	Required	Required	N/A	x
Materials & Colors	Required	Required	N/A	Required
Adaptability for Reuse / Compartmentalization / Redevelopment	Optional	Optional	N/A	Optional
Signage	Optional	Optional	Optional	Optional

- b. Development Agreement - Prior to building permit issuance for a large-scale retail establishment or at the time of a property ownership change, the City will require property owners (including assigns, heirs, and successors in interest) to sign an agreement, that the City will record with the Spokane County Auditor, to cover the following:
 - i. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large-scale retail establishment from occupying the vacated building);
 - ii. The property owner agrees to provide a notice of closure to the Zoning Administrator as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and
 - iii. The property owner agrees to meet with the Zoning Administrator at least three (3) months prior to an anticipated store closure to discuss their exit strategy and facilitate opportunities for building / property reuse and redevelopment. At this meeting, the property owner will provide a maintenance plan for normal repairs and upkeep of property, in compliance with Article 10-31 (Property Maintenance Standards) of the City Development Code and elimination of legible impressions, images, or remnants of signs remaining on a building or sign surface after the use for which the sign was permitted ceases to operate.
- c. Pedestrian & Bicycle Circulation / Facilities
 - i. Ten (10) foot wide sidewalks will be required across the front of all buildings or wherever public access areas are located around the building;
 - ii. Distinct pedestrian crossing markers or changes in surfacing must be used; and
 - iii. Publicly accessible focal points with features such as a patio /seating area are required.
- d. Shopping Cart Storage & Return Stations - When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations
 - i. Shopping cart return stations shall be identified on the site plan and the locations shall be approved by the City;
 - ii. Shopping cart return stations shall incorporate landscaping, architectural features, or similar design elements to draw attention to and lessen the impact of stand-alone features within parking areas;

- iii. Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at any time; and
 - iv. The applicant shall submit a working plan for the collection of shopping carts from the parking lot.
- e. Outdoor Storage Uses & Service / Loading Areas -
- i. Outdoor storage of items such as products, racks, and pallets, and the use of cargo containers for storage is prohibited;
 - ii. Areas for truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or private street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;
 - iii. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape; and
 - iv. When the site is abutting a Residential Zone / Use, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m., unless mitigating measures can be proposed to prevent noise or light nuisances.
- f. Outdoor Display / Sales Areas & Accessory Uses
- i. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;
 - ii. Outdoor displays of merchandise, equipment, vending machines, etc. located on building aprons or along the storefront are only permitted if shown on the approved site plan and permitted by the Zoning Administrator or permitted through a Temporary Use Permit (see temporary sales / displays below). Display areas on building aprons or along the storefront must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives;
 - iii. All outdoor display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet;
 - iv. Any permanent display / sales areas not located on building aprons, shall be permanently defined and screened with walls, fences, or evergreen hedges, a minimum of five (5) feet in height;
 - v. Outdoor display / sales areas and accessory uses such as food vendors shall be incorporated into the overall design of the building and the landscaping; and

- vi. Temporary sales / displays, such as Christmas trees, landscape materials, etc.
 - aa. Temporary sales / displays shall be reviewed and approved by the Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.
- g. Adaptability for Reuse / Compartmentalization / Redevelopment - It is recommended that the building design include specific elements for adaptation for multi-tenant re-use. The design standards above will aid in adaptive reuse of a building, additionally, the building design should also allow for the following:
 - i. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
 - ii. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; and
 - iii. Landscaping schemes that complement the multiple entrance design.

3. Mobile sales / concessions

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

4. Parking structure

- a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
- b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

5. Public assembly

- a. Requires application for and approval of a Public Assembly Permit from the Building Official.

6. Seasonal and special events

- a. Requires application for and approval of a Temporary Use Permit as

outlined in Section 10-4I-1.

7. Temporary construction / sales office

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

8. Tower, private

- a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.
- b. The tower shall not exceed the maximum height of the underlying zone.
- c. The tower must be accessory to a residence on the same site.

9. Animal health services / veterinarian - domestic animals

- a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.
- b. Short term boarding of animals not currently under treatment may be permitted within the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.
- c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the animal health services / veterinarian building.

10. Automobile / truck repair or maintenance (service station)

- a. All vehicles being repaired or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

11. Boat, recreational vehicle, & trailer - construction, repair, parts sales, & maintenance

- a. All boats, recreational vehicles, and/or trailers being constructed, repaired, or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

12. Gas station / convenience store

- a. Underground storage tanks and stormwater disposal shall not be located within the 1000 foot radius of a wellhead.
- b. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).
- c. Convenience stores/gas stations shall not exceed 8 pump sites and the building footprint area shall not exceed 5,000 square feet per lot. A pump site is one dispenser which may be double sided.

13. Maintenance / public works facility

- a. All equipment shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

14. Accessory caretaker's residence

- a. The residence is an accessory use to the primary use and is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner's property, building, and/or use.
- b. Construction of the primary use shall occur previous to or simultaneous with the construction of the residential unit.
- c. The caretaker's residence shall be limited in size to 1,000 square feet and shall be served with public water and sewer.

15. Emergency Housing & Shelters

- a. The facility must be open 24 hours per day, 7 days per week.
- b. The maximum number of residents in the facility is limited to the general capacity of the building, but in no case shall it exceed 75 residents,
- c. Beds or rooms shall be assigned to specific residents.
- d. On-site services such as laundry, hygiene, and meals are limited to the residents of the facility and shall not be available for drop-in use by non-residents.
- e. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.
- f. The facility must be located within 1/4 mile of a fixed transit route.
- g. The facility shall meet any applicable state and federal licensing requirements.

16. Transitional & Supportive Housing, 8 Beds or Less

- a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.
- b. The facility shall meet any applicable state and federal licensing requirements.

17. Transitional & Supportive Housing, More than 8 Beds

- a. The facility should be limited to 50 or fewer housing units within a single facility or complex.
- b. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.
- c. The facility must be located within 1/4 mile of a fixed transit route.
- d. The facility shall meet any applicable state and federal licensing requirements.

18. Machine shop, plastic injection molding, sandblasting / cutting, & tool and dye making

- a. The uses shall be completely enclosed within a building.

19. Welding / sheet metal shops

- a. The welding / sheet metal shop use shall be completely enclosed within a building.
- b. Open air welding shall be prohibited

20. Woodworking / cabinet manufacturing with and without retail sales showroom

- a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

21. Research facility / laboratory

- a. The research facility / laboratory use shall be completely enclosed within a building.

22. Recreational vehicle storage & self-service storage facility (mini storage)

- a. Storage facilities shall be limited in size to a maximum area of seven (7) acres.
- b. All storage shall be screened from view using:
 - i. Buildings or walls with a minimum height of ten (10) feet, with all exterior buildings and walls meeting architectural design standards as detailed in paragraph “k” below; and
 - ii. Decorative fences with a minimum height of 6 ft., in combination with evergreen trees spaced to provide a continuous screen within 15 years of planting, shall be permitted between breaks in building walls along the perimeter of the facility, provided that the fencing does not exceed 25% of the right-of-way frontage.
- c. All storage shall be covered by a roof.
- d. All driving, parking, and storage shall be located on an impervious surface approved by the City.
- e. All drains shall be equipped with an oil-water separator.
- f. Storage facilities shall install and maintain secure access control.
- g. Entrance gates shall be of an ornamental design that is semi-sight obscuring.
- h. Buildings shall be set back a minimum of 20 feet from edge of right-of-way.
- i. A Type II visual relief landscape buffer shall be required along all right-of-way frontage.
- j. The use of units shall be limited to storage only. No manufacturing, assembly, or retail sales shall be permitted.
- k. Architectural design standards:
 - i. Outward-facing, exterior building walls shall incorporate architectural detailing through use of varied materials and features, in a manner that breaks up large surfaces and provides spacing and articulation.

- ii. Outward-facing walls shall incorporate articulation and divide large masses though such techniques including but not limited to building offsets, projections, modulation, recessed or projected entries, windows, canopies, etc.

23. Public utility transmission facility – EPF

- l. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- m. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.
- n. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
- o. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

24. Small Wireless Facilities

- a. Siting Hierarchy.
 - i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.
 - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.
 - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.