

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 301**

**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; and

WHEREAS, a complete public participation program was followed for the proposed 2023 City Comprehensive Plan and 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 2023 City Development Code Amendments and RD-SAP-08-001 Development Code Amendments; and

WHEREAS, the City Council has reviewed the Planning Commission's Recommendations on the proposed amendments to City of Liberty Lake Development Code Amendments and RDSAP Amendments regarding Public Utility Local Distribution Facilities as a Limited Use, and Fencing Standards for Essential Public Facilities and Utilities; 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 regarding Public Utility Local Distribution Facilities is appended to this ordinance as "Exhibit A", and the approved Amendments for Fencing Standards for Essential Public Facilities and Utilities" is appended to this ordinance as "Exhibit B".

**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 2nd day of January, 2024.

Cristella Kaminskas  
Mayor Cristella Kaminskas

**ATTEST:**

Kelsey Hardy  
City Clerk, Kelsey Hardy

**Approved As To Form:**

Sean P. Boutz  
City Attorney, Sean P. Boutz

Date of Publication: 1/12/2024

Effective Date: 1/17/2024

Exhibit A

PROPOSED AMENDMENT TO CITY DEVELOPMENT CODE  
PUBLIC UTILITY LOCAL DISTRIBUTION FACILITIES AS A LIMITED USE

Proposed Amendment to §10-2A-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
Self-service storage facility (mini storage)	N	N	N	N	N	N	N	N	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	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	<del>L</del>	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

Deleted: CU

Proposed Amendment to City Development Code §10-2X-3(C)(x):

**10-2X-3 Limited Uses (L)**

C. Requirements for Specific Zone Limited Uses.

**x. Public utility local distribution facility**

- a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.
- b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.
- c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

Proposed Amendment to City Development Code §10-2X-4(C)(x):

**10-2X-4 Conditional Uses (CU)**

C. Requirements for Specific Zone Conditional Uses.

~~x. **Public utility local distribution facility**~~

- ~~a. The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.~~
- ~~b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.~~

**PROPOSED AMENDMENT TO RIVER DISTRICT DEVELOPMENT REGULATIONS  
PUBLIC UTILITY LOCAL DISTRIBUTION CENTER AS A LIMITED USE**

**Proposed Amendment to River District Zoning Districts Matrix:**

Utilities and facilities	RD-R	RD-M	RD-C
Macro cell wireless communication antenna array	N	L	L
Macro cell wireless communication support tower	N	L	L
Power plant - EPF	N	P	P
Public utility local distribution facility	<del>L</del>	<del>L</del>	<del>L</del>
Public utility transmission facility - EPF	N	N	L
Sewage treatment plant - EPF	N	N	N
Small wireless communication antenna array	L	L	L

Deleted: CU  
Deleted: CU  
Deleted: CU

**Proposed Amendment to River District Development Regulations §10-2X-3(C)(x):**

**10-2X-3 Limited Uses (L)**

D. Requirements for Specific Zone Limited Uses.

x. **Public utility local distribution facility**

- a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.
- b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.
- c. The utility shall implement all mitigation measures as may be identified through

the SEPA review for the project as a condition of permitting.

**Proposed Amendment to River District Development Regulations §10-2X-4(C)(x):**

**10-2X-4            Conditional Uses (CU)**

D.        Requirements for Specific Zone Conditional Uses.

~~x.    **Public utility local distribution facility**~~

- ~~a.    The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.~~
- ~~b.    The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.~~

## Exhibit B

### PROPOSED CITY DEVELOPMENT CODE AMENDMENT FENCING STANDARDS FOR ESSENTIAL PUBLIC FACILITIES AND UTILITIES

#### 10-3C-5 Fences and Walls

The following standards shall apply to all fences and walls:

- A. General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Article 10-4H - Conditional Use Permits or Article 10-4C - Site Design Review. Walls built for required landscape buffers or as enclosures shall comply with Section 10-3C-3 subsections G and H.
- B. Dimensions.
1. The maximum allowable height of residential fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for fences and walls exceeding 6 feet in height, in conformance with the Building Code, as well as retaining walls exceeding 4 feet in height.
  2. The height of fences and walls within a front yard shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Sight-obscuring fences shall not exceed 3 feet in height.
  3. Walls and fences to be built for required buffers shall comply with Section 10-3C-3 subsection G.
  4. Fences and walls shall comply with the vision clearance standards of Section 10-3B-2, subsection N.
- C. Materials. The following fencing materials shall be prohibited within the City:
1. Barb wire or razor wire (prohibited in all Zones)
  2. Chain link (prohibited in Residential Zones)
- These prohibitions shall not apply to essential public facilities and utilities, including but not limited to sewage treatment facilities, wells, water towers, lift stations, electrical substations, distribution and transmission facilities, and other critical public infrastructure.**
- D. Maintenance. For safety and for compliance with the purpose of this article, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

**PROPOSED RIVER DISTRICT DEVELOPMENT REGULATION AMENDMENT  
FENCING STANDARDS FOR ESSENTIAL PUBLIC FACILITIES AND UTILITIES**

**10-3C-5            Fences and Walls**

The following standards shall apply to all fences and walls:

- A.    General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Article 10-4H - Conditional Use Permits or Article 10-4C –Site Design Review. Walls built for required landscape buffers or as enclosures shall comply with Section 10-3C-3 subsections G and H.
- B.    Dimensions.
1. The maximum allowable height of residential fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for fences and walls exceeding 6 feet in height, in conformance with the Building Code, as well as retaining walls exceeding 4 feet in height.
  2. The height of fences and walls within a front yard shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Sight-obscuring fences shall not exceed 3 feet in height.
  3. Walls and fences to be built for required buffers shall comply with Section 10-3C-3 subsection G.
  4. Fences and walls shall comply with the vision clearance standards of Section 10-3B-2, subsection N.
- C.    Materials. The following fencing materials shall be regulated within the City:
1. Barb wire or razor wire (prohibited in all Zones)
  2. Chain link
    - a. Prohibited in RD-R except when part of fencing for parks, open space or sports facilities in private/public parks, or as provided in paragraph d of this section. Chain link with black or green vinyl coating is approved for tennis courts, ball fields or other sports facilities.
    - b. Prohibited in the RD-MU zone, except as provided for in paragraph d of this section.
    - c. Except as provided for in paragraph d of this section, chain link fence is restricted in the RD-C zone to rear yard and side yard fencing only when the zoning of the adjacent land use is RD-C. Chain link is not allowed for side yards adjacent to public rights of way or driveways.
    - d. Chain link fence material with green or vinyl coating shall be permitted when associated tennis courts, ball fields, or other sports facilities located on

publicly owned or maintained property in any zone within the River District.

These prohibitions shall not apply to essential public facilities and utilities, including but not limited to sewage treatment facilities, wells, water towers, lift stations, electrical substations, distribution and transmission facilities, and other critical public infrastructure.

- D. Maintenance. For safety and for compliance with the purpose of this article, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.