

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 302A**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING
ORDINANCE 302 OF THE CITY OF LIBERTY LAKE TO INCLUDE
AMENDMENTS TO CITY OF LIBERTY LAKE DEVELOPMENT CODE SECTION
10-4I-1 REGARDING TEMPORARY USES**

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, on January 16, 2024, the City Adopted Ordinance No. 302, amending the City of Liberty Lake Municipal Code, The City of Liberty Lake Development Code, and Development Regulations Contained in the River District SAP regarding Permitting for Community Events, and Landscaping Standards in the River District SAP; and

WHEREAS, in Adopting Ordinance No. 302, City Staff inadvertently failed to attach amendments to City Development Code Section 10-4I-1 as had been addressed in public workshops and hearings before the Planning Commission and City Council, and as were contained in the Planning Commission recommendation to City Council; and

WHEREAS, a complete public participation program was followed for the proposed amendments addressed in Ordinance No. 302, including those amendments to City Development Code Section 10-4I-1 that were inadvertently excluded from Ordinance No. 302 exhibits; and

WHEREAS, all public notification requirements regarding said amendments 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 the City of Liberty Lake Development Code Amendments and RDSAP Amendments regarding Landscaping Standards, and Community Event Permits; 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 to Section 10-4I-1 regarding Temporary Uses.

The approved City Development Code Amendments to City Development Code 10-4I-1 are appended to this Ordinance as "Exhibit A".

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 4. 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 5 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 19th day of March, 2024.

Cris 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: 3/29/2024

Effective Date: 4/3/2024

Exhibit A

Article 10-4I — Miscellaneous Permits

Sections:

- 10-4I-1 Temporary Use Permits
- 10-4I-2 Home Occupation Permits
- 10-4I-3 Special Use Permits
- 10-4I-4 Small Wireless Facilities Permits
- 10-4I-5 Community Event Permits

10-4I-1 Temporary Use Permits

Temporary uses are characterized by the non-permanent nature of the facilities/site improvements, and/or the short term or seasonal nature of the use. Temporary uses include, but are not limited to: construction trailers, leasing offices, parking lot sales, retail warehouse sales, mobile sales / concessions, and seasonal sales such as Christmas tree sales and vegetable stands. The uses listed below have specific requirements for Temporary Use Permit approval. The uses below and other uses listed in the Zoning Matrix may require a Temporary Use Permit with additional regulations or requirements identified in the Limited or Conditional Use:

A. Temporary Sales Office or Model Home. Using the Exempt project procedure under Article 10-4B, the Zoning Administrator / Designee may approve, approve with conditions, or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, based on the following criteria:

1. Temporary sales office:
 - a. The use will be for no other purpose other than those described above; and
 - b. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - c. The property to be used for a temporary sales office shall not be permanently improved for that purpose and shall be removed or the sales office use shall be discontinued upon sell-out of the subdivision or tract of land, unless the temporary sales office is located within a model house where the use shall comply with the requirements in subsection "2-c" below; and
 - d. The temporary sales office may be located in the model house defined below.
2. Model house:
 - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
 - b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code; and
 - c. The model house use shall be discontinued and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years,

Deleted: temporary carnivals and fairs,

Deleted: ~~Seasonal and Special Events~~. These types of uses generally occur only once in a calendar year and for no longer a period than 90 days, unless approved for an extended period of time by the Zoning Administrator. Using the Exempt project procedure under Article 10-4B, the Zoning Administrator / Designee shall approve, approve with conditions, or deny a temporary use permit for a seasonal or special event based on findings that all of the following criteria are satisfied:¶

1. The use is permitted in the underlying zoning district and does not violate any conditions of approval for the property (e.g., prior development permit approval);¶
2. The use does not violate zoning ordinances or conditional use permits applicable to the site;¶
3. The applicant provides proof that the property-owner gave permission to use his/her property in the proposed manner;¶
4. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Article 10-3D - Vehicle and Bicycle Parking;¶
5. The use provides adequate vision clearance, as required in Section 10-3B-2, subsection N, and shall not obstruct pedestrian access on public streets;¶
6. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Article 10-3B - Access and Circulation;¶
7. The use does not create adverse, off-site impacts such as vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and¶
8. The use is adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)¶

unless the phase in which the model house is located is less than 80% sold-out in which case, the Zoning Administrator may grant up to two, one (1) year extensions for the model house use. If the model house contains a temporary sales office, the time limits specified above for the model house shall apply.

C. Temporary Building. Using the Exempt project procedure, as governed by Article 10-4B, the Zoning Administrator / Designee may approve, approve with conditions or deny an application for a temporary trailer, storage container, or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, based on the following criteria:

1. The temporary trailer, storage container, or prefabricated building will be for no other purpose other than those described above;
2. The temporary trailer, storage container, or building shall be located within the boundaries of the parcel of land on which it is located;
3. The primary use on the property on which the temporary trailer, storage container, or pre-fabricated building is to be located is already developed or under construction;
4. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Article 10-3B - Access and Circulation;
5. There is adequate parking for the customers or users of the temporary use, as required by Article 10-3D - Vehicle and Bicycle Parking;
6. The use will not result in vehicular traffic congestion on streets;
7. The use will pose no hazard to pedestrians in the area of the use;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
9. The building complies with applicable building codes;
10. The use can be adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
11. The length of time that the temporary building will be used does not exceed one (1) year, unless approved for an extended period of time by the Zoning Administrator. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit, if an extension is so approved.

D. Mobile Sales / Concessions. Using the Exempt project procedure under Article 10-4B, the Zoning Administrator / Designee shall approve, approve with conditions, or deny a temporary use permit for a mobile food service establishment or mobile sales booth, based on the following criteria:

1. Mobile food service establishment:
 - a. A truck, trailer, or cart located in a non-permanent fixed location utilized primarily for the sale of food;
 - b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City, or when associated with sports league play; the City has the right to

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limit the number of mobile food service establishments and types of products;

- c. May be permitted on private property or adjacent parking in the public right-of-way, when associated with a community event as defined in this Code and determined by the City;
- d. May be permitted on private property or adjacent parking in the public right-of-way when explicitly allowed within the zoning district of the proposed location, and subject to the standards of that zoning district.
- e. Mobile food service establishments associated with a community event cannot be utilized on public or private property for more than twenty one (21) consecutive days or the duration of an approved community event, unless approved for an extended period of time by the Zoning Administrator / Designee;
- f. Temporary use permits for mobile food service establishments that are explicitly allowed within the zoning district shall remain in effect for a period of one year. When the permit expires, the applicant shall be required to renew the temporary use permit, or remove the mobile food service establishment.
- g. A site plan must be submitted and the mobile food service establishment will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;
- h. The mobile food service establishment shall contain at least one functional fire extinguisher;
- i. The mobile food service establishment must have a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to ensure, at all times, public access and use of the container;
- j. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; or, if located in adjacent parking in public right-of-way, proof of permission from the adjacent property or business owner;
- k. Proper Health Department and City regulations, permits, and approvals must be obtained and complied with; and,
- l. 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.

Deleted: temporary carnival or fair, parking lot or sidewalk sale, non-profit fundraiser, or a

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2. Mobile sales booth:

- a. A booth (including trailer, canopy, or display area) utilized for the sale or display of goods or services located in a non-permanent fixed location;
- b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City;
 - i. The City has the right to limit the number of vendors and types of products and services.
 - ii. The following products and services shall be prohibited, and on-site enforcement of the prohibition shall be conducted by the Liberty Lake Police Department:
 - aa. Adult oriented merchandise or services
 - bb. Drug paraphernalia
 - cc. Hazardous materials
 - dd. Illegal merchandise or services
 - ee. Tobacco
 - ff. Weapons
 - gg. Similar products and services as listed above, as determined by the Zoning Administrator / designee;
- c. Only permitted on private property when associated with a community event as defined in this Code and determined by the City;
- d. Mobile sales booths cannot be utilized on public or private property for more than twenty one (21) consecutive days or the duration of an approved community event, unless approved for an extended period of time by the Zoning Administrator / Designee;
- e. A site plan must be submitted and the mobile sales booth will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;
- f. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; and
- g. City regulations, permits, and approvals must be obtained and complied with.

- 3. The requirement for individual permits for mobile sales/concessions vendors within a larger community event may be waived, provided the mobile sales/concessions have been addressed in the Community Event permit application and site plan associated with that event.

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