

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 178**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ADOPTING
THE RIVER DISTRICT SPECIFIC AREA PLAN OVERLAY (SAP-08-0001).**

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, as a City within Spokane County, Liberty Lake has crafted a Comprehensive Plan and Development Regulations which reflect and implement the community's vision for land use; 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, the comprehensive plan is the starting point for any planning process and the centerpiece of local planning. Development regulations implement the Comprehensive Plan and include a variety of land use regulations, such as zoning, subdivisions, critical areas, landscaping, planned unit development, signs, etc. and the City Development Code must be consistent with the adopted City Comprehensive Plan, as well as being internally consistent. State agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA; and

WHEREAS, the River District Specific Area Plan Overlay (SAP-08-0001) review process was a "bottom up" effort, involving early and continuous public participation and the public had the opportunity to comment throughout the process; and

WHEREAS, an extensive public participation program was followed and all public notification requirements were met and accomplished in a timely manner; and

WHEREAS, a Determination of Nonsignificance (DNS) was issued on the River District Specific Area Plan Overlay (SAP-08-0001) and additional environmental review will be conducted during subdivision process; and

WHEREAS, GMA requires proposed comprehensive plans and development regulations, including proposed amendments, be forwarded to the Department of Commerce for review and comment 60 days prior to the final City Council adoption and this has been completed; and

WHEREAS, the City Development Code Article 10-2M, Specific Area Plan Overlays

outlines the purpose and process for SAP designations; and

WHEREAS, Specific Area Plan Overlay districts (“specific plans”) describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan or zone map. The area covered by a specific plan can include multiple parcels and land owners, or a single large parcel. Some of the characteristics of specific plans are:

- a. Designation of site specific land uses (e.g., for individual parcels);
- b. Design standards or a development style specific to a geographic area (e.g., Transit Oriented Development);
- c. Detailed description of public facilities needed to serve development;
- d. The plan is adopted through a consensus-based process involving property owners;
- e. Streamlined development review for projects that are part of the plan; and
- f. May include intergovernmental agreements and complimentary zoning for sites that cross jurisdictional boundaries (e.g., between city and county); and

WHEREAS, Specific plans usually focus on some unique feature of the site, such as natural resources, economic activity, or desired neighborhood character. Specific plans may be used for large undeveloped areas, or partially developed areas with potential for infill and redevelopment; and

WHEREAS, Specific plans do not require phasing or a timeframe for development, and an application for future development (i.e., subdivision and/or site plan) need not accompany the application for specific plan approval. However, all land use applications for property within the specific plan area are required to comply with the specific area plan overlay districts policies and regulations; and

WHEREAS, Specific Area Plan Overlay Maps - Specific Area Plan Overlay District ordinances shall include the following plan maps:

- a. Boundary Map. A boundary map shall be prepared for every Specific Area Plan Overlay District. The boundary map (i.e., based on parcel boundaries or other surveyed boundaries) shall be used to delineate areas of the district that lie within the City’s boundaries on the official zoning map. The zoning map shall identify such areas as “SAP”, and reference the applicable specific area plan ordinance.
- b. Specific Area Plan Map. A Specific Area Plan Map shall designate the land use types and intensities permitted within the overlay district. The plan shall identify areas for the following land uses, as applicable:
 - i. Residential
 - ii. Commercial
 - iii. Industrial
 - iv. Mixed use
 - v. Open Space
 - vi. Other

The plan shall identify sufficient area for any needed parks, schools, libraries and other public and facilities based on the City's Comprehensive Plan and other applicable policies and plans.

- c. Conceptual Development Plan. The Specific Area Plan shall provide a conceptual development plan, with maps indicating the following features:
- i. Blocks. A map with the general location and configuration of all blocks (i.e., areas bounded by streets).
 - ii. Residential Land Use. A map with proposed residential densities, permitted housing types, and general lot patterns. Specific lot patterns shall be refined during land division approval.
 - iii. Transportation Plan. A transportation plan map shall indicate future street connections to existing streets, and connections within the plan area. At a minimum, the plan shall indicate the general alignment of collector and arterial streets, and potential local access street connections. Final street alignments and design shall be subject to final engineering approvals. The plan shall also indicate the location of bicycle, pedestrian, and transit improvements that are necessary to serve the area, in conformance with City Development Code Article 10-3B and 10-3G.
 - iv. Preliminary Grading and Utilities Plan. The preliminary grading and utilities plan shall indicate the extent of grading (i.e., cuts and fills) and the general alignment and sizing of major utility lines necessary to serve the area, including sanitary sewer, water, and storm drainage. Actual utility alignments and design shall be subject to engineering approvals through the land division and/or site design review process; and

WHEREAS, Specific Area Plan Overlay Text - Specific Area Plan Overlay District ordinances shall set forth the following provisions and standards:

- a. Name and Purpose of Overlay District. This section shall describe the overlay district in sufficient detail as to clarify the purpose and intent of the overlay district regulations.
- b. Implementation. This section shall describe the required land use application process for development within the overlay district, including any modifications to the procedures in City Development Code Chapter 4 (e.g., Type I or Type II application versus Type III, etc.). This section shall also reference intergovernmental agreements that apply to the plan area (i.e., when part of the plan area lies outside of the City, within an unincorporated area).
- c. Land Use & Development Standards. This section shall specify the City Development Code requirements that will be applicable or tailored to the SAP (based on City Development Code Ch.1, Ch.2, Ch.3, and Ch.6). The existing zones contained within the SAP overlay area shall be identified and an itemized list of proposed modifications to each of the items listed below shall be included at the beginning of this section. Please compare proposed changes to existing zoning standards. The standards proposed to be used for the SAP Overlay shall apply to the entire project duration, unless an amendment is proposed, as described in City

Development Code Section 10-2M-6. Subsequent changes to the City Development Code after the SAP Overlay proposal is approved shall not apply to the project.

- i. Definitions
Specify any definitions not included in the City Development Code or that will differ from the City Development Code for the SAP.
- ii. Land Uses
Identify permitted and prohibited land uses, and uses with special requirements or review procedures (i.e., site design review, conditional use, etc.).
- iii. Accessory Structures
Identify whether or not accessory structures will be permitted and if they are permitted, what the height and other standards will be.
- iv. Development Setbacks
Identify required building setbacks for front, side, rear, and flanking yards, as well as setback exceptions and special yards, as applicable.
- v. Lot Area, Dimensions, Coverage, & Residential Density
Identify minimum / maximum lot area, minimum / maximum lot width and depth, minimum lot coverage, and minimum / maximum residential density, as applicable.
- vi. Building Height
Identify the building height standards and method of measurement.
- vii. Building Orientation
Identify the building orientation standards for interior and corner lots, as well as specific use, as applicable.
- viii. Architectural Guidelines and Special Standards
Identify the overall detailed design and human scale components as well as components for specific uses, along with permitted / prohibited building materials (roof, siding, and detailing) and permitted / prohibited colors, as applicable.
- ix. Pedestrian and Transit Amenities
Identify the pedestrian and transit amenities that will be incorporated into the SAP site and/or specific buildings, as applicable.
- x. Identify any portion of the SAP that is proposed to be different from the requirements of City Development Code Chapter 3 (i.e. parking, landscaping, lighting standards, etc.), as applicable.
- xi. Identify if any portion of the site contains Critical Areas and any SAP standards that are proposed to be different from the requirements of City Development Code Chapter 6, as applicable.

The criteria in City Development Code Section 10-2M-4 shall be used in creating land use and development standards.

d. Additional Information

- i. All SAP applications must include an analysis of the number of dwelling units permitted under the original (pre-SAP) zoning. Although it is not possible to compute a concrete, single figure, this analysis will make estimates, based on reasonable assumptions about open space percentage, street coverage percentage, etc.
- ii. All SAP applications must include a binding minimum and maximum number of dwelling units that the SAP will include. These numbers may be higher or lower than the number of dwelling units contemplated under the original zoning.
- iii. All SAP applications must include the proposed amount of open space (i.e. maintained parks, natural areas, etc.); and

WHEREAS, Criteria for establishing Specific Area Plan Overlay Districts - The adoption of the Specific Area Plan Overlay District ordinance shall conform to the following standards and procedures:

- a. Comprehensive Plan Amendment and/or Zoning District Change Required. Specific Area Plan Overlay Districts are adopted by ordinance as an amendment to both the Comprehensive Plan and City Development Code Chapter 2 (Zoning Districts) of this code; except that only a zoning district change shall be required when the specific area plan is consistent with the Comprehensive Plan. Specific area plans that cover unincorporated areas within the Urban Growth Area shall also require amendment to Spokane County's Comprehensive Plan and/or Zoning and shall comply with the Countywide Planning Policies for joint planning.
- b. Specific Area Plan Overlay District Criteria. Specific Area Plan Overlay Districts shall meet the following minimum standards for adoption, in addition to the amendment criteria in City Development Code Article 10-4F:
 - i. Specific Area. The overlay district is necessary to provide land use or development standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.
 - ii. Land Use Compatibility. The overlay district provides equal or greater compatibility with surrounding land uses than what would likely occur with conventional zoning.
 - iii. Critical Areas. The overlay district provides equal or greater protection to critical areas than what would likely occur with conventional zoning.
 - iv. Efficient Land Use. The overlay district promotes efficient land use by allowing housing and commercial development at densities that are equal to or greater than the densities that would be allowed with conventional zoning. The overlay district may provide for density transfers or transferable development rights as a method of providing efficient land use while protecting critical areas.
 - v. Land Use and Transportation Relationship. The overlay district provides equal or greater opportunities for alternative modes of transportation (e.g.,

walking, bicycling, transit) than what would likely occur with conventional zoning by:

1. encouraging or requiring mixed use development where applicable;
 2. providing a master plan with direct and convenient pedestrian and bicycle connections between all land uses; and
 3. providing for transit service where applicable.
- vi. Design Standards. The design standards of City Development Code Chapters 2 and 3 shall apply to all development, unless the SAP provides development design standards (see City Development Code 10-2M-3C) that are equal to or greater than the standards that would be required with conventional zoning (e.g., building orientation, parking, open space, architectural guidelines, etc.). Development standards specified in the SAP ordinance are binding, and take precedence over standards in City Development Code Chapter 2 or 3; and

WHEREAS, Specific Area Plan Overlay District Amendment - SAP amendment review shall follow the process for Minor and Major Modifications identified in City Development Code Article 10-4F - Modifications to Approved Plans and Conditions of Approval; and

WHEREAS, the City Comprehensive Plan contains goals and policies which encourage developers to:

- a. Work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space.
- b. Develop community plans with specific design standards that advance and preserve community character.
- c. Provide mixed-use or mixed-density developments, which incorporate a range of densities within one development should be encouraged where they would be compatible with neighborhood character.
- d. Develop mixed use areas that foster community identity and that are designed to support pedestrian, bicycle, and transit transportation; and

WHEREAS, the City is encouraged to allow flexibility and innovative design through the use of performance standards which emphasize outcomes, to reduce regulatory barriers and allow greater flexibility in the housing development process, and encourage economic development through a variety of mechanisms; and

WHEREAS, as outlined within the City Comprehensive Plan, in pursuing the goal of making the City of Liberty Lake a livable and vibrant community, the City has utilized *The Ahwahnee Principles*, as a guide. These principles address the need for communities and regions to have a vision and strategy for economic development and an enriched sense of community. The principles that the City of Liberty Lake has outlined which are applicable to the River District Specific Area Plan (RDSAP) are as follows:

- a. All planning will be done to form a complete and integrated community containing housing, shops, work places, schools, parks, and civic facilities, essential to the daily life of the residents.
- b. The City shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- c. The Central Business District, Community Centers, and Neighborhood Centers will be designed so that housing, jobs, daily needs, and other activities are within easy walking or biking distance of each other.
- d. As many activities as possible should be located within easy walking distance of transit stops.
- e. The community will contain an ample supply of specialized open space in the form of squares, greens, and parks whose frequent use is encouraged through placement and design.
- f. Public spaces shall be designed to encourage the attention and presence of people.
- g. The City and clusters of neighborhoods should have a well-defined edge, such as greenbelts or wildlife corridors, permanently protected from development.
- h. Streets, pedestrian paths, and trails shall contribute to a system of fully-connected, interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees, and lighting; and by discouraging high speed traffic.
- i. Wherever possible, the natural terrain, drainage, and vegetation of the community should be preserved with superior examples contained within parks or greenbelts.
- j. The community design should help conserve resources and minimize waste.
- k. The City should encourage the efficient use of water.
- l. The street orientation, the placement of buildings, and the use of landscaping shall contribute to the aesthetics and energy efficiency of the City; and

WHEREAS, the original RDSAP proposal was reviewed by City Staff and the Planning Commission, and City Staff at the direction of the City Planning Commission, met with the applicant, Greenstone Corporation, to revise portions of the RDSAP so the proposal is more consistent with the City Comprehensive Plan and the direction of the existing City Development Code with further coordination continued during City Council review. The overall mixed use development and walkability concepts are consistent between the City Comprehensive Plan, City Development Code, and the RDSAP; and

WHEREAS, the Original and Revised River District Specific Area Plan Overlay Proposals, the Planning & Building Services Staff Report and Attachments which included a comparison between each section of the proposed RDSAP which differs from the City Development Code, the PowerPoint slides presented by the applicant, the Planning Commission Findings of Fact, Conclusion, and Recommendation, and the memos / supplementary information presented by the applicant and City staff throughout the review process were reviewed and considered on SAP-08-0001; and

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

Section 1. Contents of SAP-08-0001.

The final River District Specific Area Plan Overlay (SAP-08-0001) version, which is attached hereto, is hereby adopted.

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 & 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.

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 20th day of October, 2009.



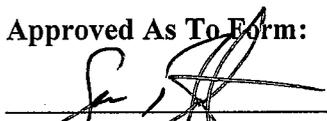
Mayor, Wendy VanOrman

ATTEST:



Deputy City Clerk, Ann Swenson

Approved As To Form:



City Attorney, Sean P. Boutz

Date of Publication: 11/25/09

Effective Date: 11/30/09

CERTIFICATION

I, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 178 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting placed thereof on October 20, 2009 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: 5-0.

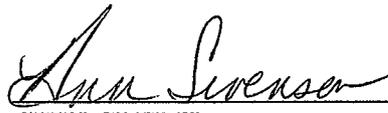
AYES, and in favor thereof: Mayor Pro Tem Crump; Council Members: Olander, Jenkins, Romney, and Schuler

NAYS, Council Member(s):

ABSENT, Council Member(s): Owens and Langford

ASTAINED, Council Member(s):

CITY OF LIBERTY LAKE


CITY CLERK