

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 231**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON
ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS OR
ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF MULTIFAMILY
HOUSING; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Liberty Lake, Washington (“City”) has prepared and is implementing a Comprehensive Plan and Development Regulations in accordance with the provisions of the Washington State Growth Management Act; and

WHEREAS, the City initiated and successfully completed a process in 2015 to update its Comprehensive Plan in accordance with the provisions of the Washington State Growth Management Act; and

WHEREAS, during the process of updating the Comprehensive Plan the City initiated a SEPA review of all property within the corporate boundaries of the City and issued a Determination of Non-Significance on July 22, 2015, which the City maintains in its Planning and Building Service Department; and

WHEREAS, the City may incorporate by reference the City’s SEPA review pursuant to WAC 197-11-600 and WAC 197-11-635; and

WHEREAS, the City has now initiated a process in 2016 to review and update its Development Regulations in accordance with the provisions of the updated Comprehensive Plan and the provisions of the Washington State Growth Management Act; and

WHEREAS, during the process of identifying potential revisions to the Development Regulations the City Council of the City of Liberty Lake (“City Council”) has determined that the public interest would be served by a more extensive discussion of where and under what circumstances that new multifamily developments should be permitted; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt a moratorium of up six (6) months on the acceptance of applications and the issuance of permits associated with the construction of multifamily housing that would enable the City to further research how to best implement the updated Comprehensive Plan, maintain established level of service standards, and protect the public health and safety; and

WHEREAS, the City may adopt a moratorium under RCW 35A.63.220 and RCW 36.70A.390 without first holding a public hearing on the moratorium as long as it holds a public hearing on the moratorium within sixty (60) days of its adoption, and

WHEREAS, the City Council has determined that it is in the best interest of the City and its citizens that a moratorium be established to study the appropriate Development Regulations,

including but not limited to the issuance of permits for the construction of multifamily housing, the impact on and consistency with the updated Comprehensive Plan, and as set forth in this Ordinance; and

WHEREAS, the adopting of a moratorium on the acceptance of applications or the issuance of permits for the construction of multifamily housing is necessary to protect the public health and safety and is in the public interest.

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

Section 1. Findings of Fact. The City Council adopts the above recitations as findings of fact justifying the moratorium, and may supplement these findings of fact before or immediately after the public hearing on this moratorium.

Section 2. Moratorium Established.

A moratorium is established in the City on the acceptance of applications or the issuance of permits associated with the construction of multifamily housing in the City, provided that this moratorium shall not apply to:

- A. Multifamily housing that is part of a mixed use development that otherwise complies with the provisions of the City's Municipal Code; or
- B. Multifamily developments that are consistent with approved Specific Area Plans; or
- C. Vested applications.

Section 3. Term of Moratorium. The moratorium established by this Ordinance shall be in effect immediately upon approval for an initial period of six (6) months, unless repealed, extended, or modified by the City Council after a public hearing and the entry of appropriate findings of fact as required by RCW 35A.63.220 and/or RCW 36A.70A.390. The City Council may renew this moratorium for one or more six month periods as permitted by law.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and/or RCW 36A.70A.390, the City Council shall hold a public hearing on this moratorium within sixty (60) days of the adoption of this moratorium.

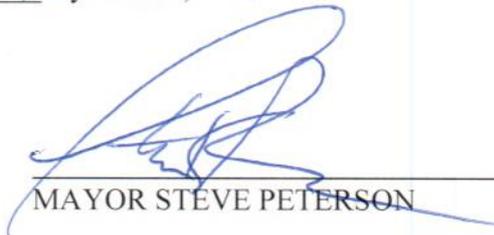
Section 5. Administrative Code Interpretations Authorized. In the event of any question or uncertainty regarding the applicability of this moratorium, the Mayor or his/her designee is hereby authorized to make such administrative code interpretations as may be necessary to implement this moratorium.

Section 6. 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 unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance, as a public emergency ordinance, necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force and effect immediately upon adoption. Pursuant to *Matson v. Clark County Bd. Of Com'rs*, 79 Wash.App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as set forth herein. This Ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this Ordinance, as applicable, at the earliest publication date.

Passed by the City Council this 21 day of June, 2016.



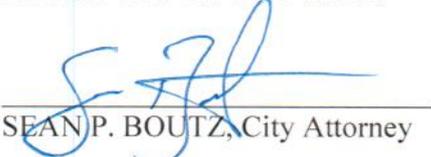
MAYOR STEVE PETERSON

ATTEST:



ANN SWENSON, City Clerk

APPROVED AS TO FORM:



SEAN P. BOUTZ, City Attorney

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CERTIFICATION

I, Ann Swenson, 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. 231 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at a the regular meeting place thereof on June 21, 2016 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: unanimous, 6-0.

AYES, and in favor thereof: Mayor Pro Tem Brickner, Council Members Langford, Dunne, Moore, Kaminskas, and Severs.

NAYS: None.

ABSENT: None.

ABSTAINED: Council Member McGuire.

CITY OF LIBERTY LAKE



CITY CLERK