

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 268**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING
THE CITY OF LIBERTY LAKE DEVELOPMENT CODE TO ALLOW
“AUTOMOBILE, MANUFACTURED HOME, RECREATIONAL VEHICLE,
TRAILER, & BOAT SALES & RENTALS” AND “BOAT, RECREATIONAL
VEHICLE, & TRAILER - CONSTRUCTION, REPAIR, PARTS SALES, &
MAINTENANCE” AS LIMITED USES IN THE C-1 ZONE**

WHEREAS, the City of Liberty Lake (“City”) promulgated development regulations that have included development regulations regarding uses allowed in the C-1 (Community Commercial) Zone, which have been amended periodically, and were most recently amended by Ordinance No. 241 in July of 2017 (“Development Regulations”); and

WHEREAS, the Development Regulations currently lists “Automobile, Manufactured Home, Recreational Vehicle, Trailer & Boat - Sales”, “Automobile, Recreational Vehicle, Trailer, Truck & Taxi - Rentals”, and “Boat, Recreational Vehicle & Trailer – Construction, Repair, Parts Sales, & Maintenance” as “Not Permitted” uses in the C-1 Zone; and

WHEREAS, there are currently several instances of legal, non-conforming uses falling into those categories already located within the C-1 zone; and

WHEREAS, the Development Regulations currently do list “Automobile, Manufactured Home, Recreational Vehicle, Trailer & Boat - Sales”, “Automobile, Recreational Vehicle, Trailer, Truck & Taxi - Rentals”, and “Boat, Recreational Vehicle & Trailer – Construction, Repair, Parts Sales, & Maintenance” as “Permitted” uses in the C-2 (Freeway Commercial) Zone directly adjacent to the C-1 Zone; and

WHEREAS, the Planning Commission found the proposed amendment to be consistent with Comprehensive Plan and warranted by a change in economic, technical and land use conditions; and

WHEREAS, a complete public engagement process was followed for the proposed amendments to the City’s Site Design Review regulations; and

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

WHEREAS, consistent with the Washington State Environmental Protection Act (SEPA), a Determination of Non-Significance (DNS) Threshold Determination and Adoption of Existing Environmental Document was issued on the proposed amendments with a fourteen (14) day public comment period; and

WHEREAS, the Washington State Growth Management Act (GMA) requires proposed

development regulations, including proposed amendments, be forwarded to the Washington State Department of Commerce ("DOC") for review and comment prior to 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 has met the GMA notice to state agency requirements in RCW 36.70A.106 for the proposed amendments to the City's Site Design Review regulations contained in City Development Code, and the River District Specific Area Plan Development Regulations; and

WHEREAS, the City Council has reviewed the Planning Commission's Findings, Conclusions, and Recommendations regarding amendments to the City's Site Design Review regulations;

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

Section 1. Amendments to the City of Liberty Lake's Development Regulations.

The approved amendments to the City's Development Regulations allowing for "Automobile, Manufactured Home, Recreational Vehicle, Trailer & Boat - Sales", "Automobile, Recreational Vehicle, Trailer, Truck & Taxi - Rentals", and "Boat, Recreational Vehicle & Trailer - Construction, Repair, Parts Sales, & Maintenance" as limited uses in the C-1 Zone are attached hereto as "Exhibit A" and incorporated herein.

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 18th day of August, 2020.



Mayor, Shane Brickner

ATTEST:



City Clerk, Ann Swenson

Approved As To Form:



City Attorney, Sean P. Boutz

Date of Publication: August 28, 2020

Effective Date: September 2, 2020

EXHIBIT A
PROPOSED DEVELOPMENT CODE AMENDMENTS

Proposed Amendments to City Development Code §10-2A-4, Zoning Matrix:

Comprehensive Plan Category	Implementation - Zoning District
Single Family Residential	R-1 (Single Family Residential)
Mixed Residential	R-2 (Mixed Residential)
Multi-Family Residential	R-3 (Multi-Family Residential)
Neighborhood Center	M-1 (Neighborhood Center)
Community Center	M-2 (Community Center)
Central Business District	M-3 (Central Business District)
Community Commercial	C-1 (Community Commercial)
Freeway Commercial	C-2 (Freeway Commercial)
Light Industrial	I (Light Industrial)
Public / Semi-Public Institutional	P (Public / Semi-Public Institutional)
Open Space / Recreation	O (Open Space / Recreation)
Aesthetic Corridors / Boulevards	Aesthetic Corridors / Boulevards Overlay

Types of Uses

- **Permitted Uses (P):** Permitted uses are designated in matrix (10-2A-4) with the letter “P”. These uses may occur without special action by the Hearing Body, subject to development standards of the zone in which it is located, and other applicable portions of this Code.
- **Limited Uses (L):** Limited uses are designated in matrix (10-2A-4) with the letter “L”. These uses are allowed if they comply with the development standards of the zone in which it is located, 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.
- **Conditional Uses (CU):** Conditional uses are designated in matrix (10-2A-4) with the letters “CU”. Conditional uses are permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner.
- **Not Permitted (N):** Uses designated in matrix (10-2A-4) with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
- **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with similar uses. Classifications shall also be consistent with Comprehensive Plan policies.
- **Essential Public Facilities (EPF's):** Facilities that may have statewide or regional/countywide significance are listed in the Facilities and Uses column as EPF and shall additionally be evaluated to determine applicability with the “Spokane County Regional Siting Process for Essential Public Facilities”, as amended.

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Agriculture (actively farmed)	N	N	N	N	L	N	N	N	N	N	N
Agricultural product / craft sales stand (Farmer's market)	N	N	N	L	L	L	L	L	L	L	L
Church / religious institution	P	P	P	P	P	P	P	P	P	N	N
Funeral home / mortuary	N	N	N	N	N	N	P	N	N	N	N
Home occupation	L	L	L	L	L	L	N	N	N	N	N
Hospital - EPF	N	N	N	N	P	N	P	P	P	N	N
Large-scale retail establishments	N	N	N	N	L	L	N	L	N	N	N
Marijuana Producer	N	N	N	N	N	N	N	N	N	N	N
Mobile sales / concessions	L	L	L	L	L	L	L	L	L	L	L
Parking structure	N	N	L	L	L	L	L	L	L	N	N
Planned unit development (PUD)	P	P	P	P	P	P	P	P	P	N	N
Public assembly	L	L	L	L	L	L	L	L	L	L	L
Seasonal & special events	L	L	L	L	L	L	L	L	L	L	L
Temporary construction / sales office	L	L	L	L	L	L	L	L	L	L	L
Tower	N	N	N	N	N	N	L	N	L	N	N
Tower, private	L	L	L	L	L	L	L	L	L	N	N
Animal related											
Animal health services / veterinarian - domestic animals	N	N	N	L	L	L	L	L	N	N	N
Animal shelter / kennel	N	N	N	N	N	N	N	N	L	L	N
Animal, wildlife rehabilitation facility	N	N	N	N	N	N	N	N	N	N	N
Dangerous animal / livestock keeping	N	N	N	N	N	N	N	N	N	N	N
Automobile, etc. oriented											
Automobile, manufactured home, recreational vehicle, trailer, & boat -sales	N	N	N	N	N	N	NL	P	N	N	N
Automobile parts sales (retail)	N	N	N	N	L	L	P	P	P	N	N
Automobile parts sales (wholesale)	N	N	N	N	N	N	N	N	P	N	N
Automobile, recreational vehicle, trailer, truck, & taxi - rentals	N	N	N	N	N	N	NL	P	N	N	N

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Automobile/truck repair or maintenance (service station)	N	N	N	N	N	N	L	L	P	N	N
Automobile impound yard	N	N	N	N	N	N	N	N	N	P	N
Automobile wrecking / recycling, junk, & salvage yards	N	N	N	N	N	N	N	N	N	N	N
Boat, recreational vehicle, & trailer - construction, repair, parts sales, & maintenance	N	N	N	N	N	N	NL	L	P	N	N
Car wash (automatic or self-service)	N	N	N	N	N	N	P	P	P	N	N
Gas station / convenience store	N	N	N	N	N	L	L	L	N	N	N
Child day-care											
Family child day-care home (5 or fewer children)	P	P	P	P	P	P	N	N	N	N	N
Family child day-care home (6 to 12 children)	P	P	P	P	P	P	N	N	N	N	N
Child day-care center	CU	P	P	P	P	P	P	P	L	P	N
Child day-care center (in a church or a school)	L	P	P	P	P	P	P	P	L	L	N
Community recreation and facilities											
Athletic club / exercise facility / gym	N	N	N	P	P	P	P	P	P	N	L
Community center / hall / club	L	P	P	P	P	P	P	P	N	P	L
Golf course	N	N	N	N	N	N	N	N	N	N	P
Parks & recreation	P	P	P	P	P	P	P	P	P	P	P
Participant & spectator sports facilities	N	N	N	L	L	N	P	P	P	N	L
Recreational vehicle park / campground	N	N	N	N	N	N	N	N	N	N	N
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented)											
Adult entertainment establishment	N	N	N	N	N	N	CU	N	N	N	N
Adult retail use establishment	N	N	N	N	N	N	CU	N	N	N	N
Banks / financial institutions (without drive-thru)	N	N	N	P	P	P	P	P	P	N	N
Banks / financial institutions (with drive-thru)	N	N	N	L	L	L	P	P	P	N	N
Bed and breakfast inn	CU	CU	CU	CU	CU	CU	N	N	N	N	N
Building supply / hardware - sales (inside sales & storage)	N	N	N	P	P	P	P	P	N	N	N

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
	N	N	N	N	N	N	N	P	P	N	N
Commercial laundromat & dry cleaning facility (without drive-thru)	N	N	N	P	P	P	P	P	N	N	N
Commercial laundromat & dry cleaning facility (with drive-thru)	N	N	N	L	L	L	P	P	N	N	N
Cultural center, library, museum	N	P	P	P	P	P	N	N	N	P	N
Espresso stand	N	N	N	N	N	N	L	N	N	N	N
General retail	N	N	N	P	P	P	P	P	L	N	L
Grocery store	N	N	N	P	P	P	P	P	N	N	N
Hotel, motel, inn	N	N	N	P	P	P	P	P	N	N	N
Landscape supply, greenhouse, or commercial nursery	N	N	N	N	P	N	P	P	P	N	N
Marijuana Retailer	N	N	N	N	N	N	N	N	N	N	N
Personal care services such as barber shops, hair and nail salons, tanning salons, etc.	N	N	N	P	P	P	P	P	N	N	N
Pharmacy (without drive-thru)	N	N	N	P	P	P	P	P	N	N	N
Pharmacy (with drive-thru)	N	N	N	L	L	L	P	P	N	N	N
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented), <i>continued</i>											
Printing, reprographics, bookbinding, & graphic services	N	N	N	P	P	P	P	P	P	N	N
Restaurant, cafe, deli, or ice cream parlor (without drive-thru)	N	N	N	P	P	P	P	P	L	N	L
Restaurant, cafe, deli, or ice cream parlor (with drive-thru)	N	N	N	P	P	P	P	P	N	N	N
Sports Bar	N	N	N	N	L	L	P	P	N	N	N
Tavern / pub / liquor store	N	N	N	N	L	L	P	P	N	N	L
Theater -motion picture	N	N	N	N	P	N	N	N	N	N	N
Theater - performing arts	N	N	N	P	P	P	P	P	L	N	L
Winery / Microbrew	N	N	N	N	P	P	P	P	P	N	N
Government / civic offices and facilities											
Detention facility - EPF	N	N	N	N	N	N	N	N	N	CU	N
Maintenance / public works facility	N	N	N	N	L	L	L	L	L	P	L
Municipal Offices / Facilities	N	N	P	P	P	P	P	P	P	P	N
Post office	N	N	N	L	L	L	N	N	N	P	N
Prison / correctional facility - EPF	N	N	N	N	N	N	N	N	CU	N	N
Public transit facilities - EPF	P	P	P	P	P	P	P	P	P	P	N
Schools - public / private											
Nursery / pre-school	P	P	P	P	P	P	N	N	N	P	N

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Elementary school	P	P	P	P	P	N	N	N	N	P	N
Middle school / Junior High	N	P	P	P	P	N	N	N	N	P	N
High school	N	N	P	N	P	N	N	N	N	P	N
College or university - EPF	N	N	P	N	P	N	N	N	N	P	N
Specialized / vocational / trade school	N	N	P	N	P	P	N	N	P	P	N
Housing											
Accessory caretaker's residence	N	N	N	N	N	N	N	L	L	N	L
Accessory dwelling unit (ADU), attached or detached	L	L	L	L	L	L	N	N	N	N	N
Adult family home	P	P	P	P	P	P	P	P	N	N	N
Dwelling, multi-family	N	L	L	L	L	L	N	N	N	N	N
Dwelling, multi-family (greater than 30 units per net acre)	N	N	CU	N	L	N	N	N	N	N	N
Dwelling, single family	P	P	P	N	N	N	N	N	N	N	N
Dwelling, single family attached townhome	L	L	L	L	L	L	N	N	N	N	N
Dwelling, two-family duplex	N	L	L	N	N	N	N	N	N	N	N
Manufactured homes (on individual lots)	L	L	L	N	N	N	N	N	N	N	N
Manufactured home park	N	L	L	N	N	N	N	N	N	N	N
Housing, continued											
Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)	N	L	L	L	L	L	L	N	N	N	N
Zero lot line (single family courtyard home)	N	L	L	L	L	N	N	N	N	N	N
Manufacturing, equipment, and industrial production											
Concrete product manufacturing / ready mix concrete (excluding extraction / mining)	N	N	N	N	N	N	N	N	N	N	N
Construction / industrial equipment sales or rental	N	N	N	N	N	N	N	P	P	N	N
High impact uses	N	N	N	N	N	N	N	N	N	N	N
Light manufacturing & assembly	N	N	N	N	L	L	P	P	P	N	N
Light manufacturing & assembly w/ retail sales showroom	N	N	N	N	L	L	P	P	P	N	N
Lumber mill, sawmill, shingle mill, plywood mill	N	N	N	N	N	N	N	N	N	N	N
Machine shop	N	N	N	N	N	N	N	L	P	N	N
Marijuana Processor	N	N	N	N	N	N	N	N	N	N	N
Plastic injection molding	N	N	N	N	N	N	L	L	P	N	N

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
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											
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
Wireless communication antenna array	N	CU	CU	CU	N						
Wireless communication support tower	N	N	N	N	N	N	N	N	CU	CU	N

Proposed Amendments to City Development Code §10-2H-3, Limited Uses in the C-1 Zone:

10-2H-3 Limited Uses (L)

- A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-1 (Community Commercial) District with the letter “L” are allowed in the C-1 zone if they comply with the development standards of the C-1 (Community 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-1 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. Mobile sales / concessions

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

3. 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.

4. Public assembly

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

5. Seasonal and special events

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

6. Temporary construction / sales office

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

7. Tower

- a. The tower shall be enclosed by a 6-foot sight-obscured fence with a locking gate; however, no barbed wire or razor wire shall be permitted.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. The tower shall not exceed 15 feet above the maximum height of the underlying zone.
- d. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, 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 of Liberty Lake Planning & Community Development Department or its successor agency can remove the easement.
- e. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

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 of Liberty Lake Planning & Community Development Department or its successor agency 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, manufactured home, recreational vehicle, trailer, & boat – sales

- a. Only permitted on sites that are at least 300 feet away from any residential zones or use.

40-11. Automobile, recreational vehicle, trailer, truck, & taxi – rentals

- a. Only permitted on sites that are at least 300 feet away from any residential zones or use.

44-12. 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.

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

- 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.
- b. Only permitted on sites that are at least 300 feet away from any residential zones or use.

42-14. 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.

43-15. Espresso stand

- a. The facility shall be located on a separate platted lot with a tax parcel number or shall be part of a leasable commercial strip or structure.
- b. The building shall contain an ADA accessible bathroom, as specified in the building code.

44-16. 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.

45-17. Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)

- a. All specialty housing shall be duly licensed by the State of Washington, if required by the State.
- b. A minimum of one parking space shall be provided for each employee

and typical number of visitors, in accordance with Article 10-3D-3 - Parking requirements.

~~16.18.~~ Plastic injection molding, Sandblasting / cutting, & Tool and die making

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

~~17.19.~~ Welding / sheet metal shops

- a. Open air welding shall be prohibited

~~18.20.~~ Woodworking / cabinet manufacturing with & without retail sales showroom

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

~~19.21.~~ Research facility / laboratory

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