STAFF REPORT TO THE PLANNING COMMISSION

IN THE MATTER OF CASE NO. CPA2019-0002/LUA2019-0009, A CITY-INITIATED PROPOSAL TO AMEND CITY OF LIBERTY LAKE COMPREHENSIVE PLAN MAPS, TO INCLUDE THE RECENTLY ANNEXED CENTRAL VALLEY SCHOOL DISTRICT (CVSD) PROPERTY

HEARING DATE: August 14, 2019 @ 4:00 p.m.

PROPOSAL COORDINATOR: Lisa D. Key, Director of Planning, Engineering & Building Services

PROPOSAL SUMMARY:	
Location	Citywide
Applicant(s)	City of Liberty Lake
Proposal Information	2019 Comprehensive Plan Amendment CPA2019-0002/LUA2019-0009
Code Chapter / Section	**Proposed Comprehensive Plan Map Amendments**
Comprehensive Plan Map Amendments: Map 1.1, Liberty Lake Boundary Map 3.2, Cultural Landmarks Map 5.1, Comp Plan Land Use Map 5.3, City Annexed Areas Map 8.1, City Street System	On December 18, 2018, Liberty Lake City Council adopted Ordinance No. 256, annexing 59.68 acres of land owned by CVSD into the City of Liberty Lake, and establishing a zoning designation of "P" (Public/Semi-Public Institutional). The annexation went into effect on February 19, 2019. The proposed Comprehensive Plan amendment updates the City of Liberty Lake Comprehensive Plan Maps contained in Chapters 1, 3, 5 and 8 of the 2015 -2037 City of Liberty Lake Comprehensive Plan. A certified copy of Ordinance 256 is attached as Exhibit A. The proposed revisions to Comprehensive Plan Maps are reflected in Exhibit B, Revised Comprehensive Plan Maps.

STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:

RCW 36.70A: Growth Management Act (GMA):

Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.

RCW 35.13.177: Comprehensive land use plan for area to be annexed:

Provides that the legislative body of the city may establish a comprehensive land use plan for the property proposed for annexation, to become effective upon annexation.

RCW 35A.14.330: Proposed zoning regulations:

Provides that the legislative body of a non-charter code city may prepare and establish zoning regulations for the property proposed for annexation, to become effective upon annexation.

WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations

Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.

WAC 197-11: State Environmental Policy Act (SEPA) Rules:

While annexations are exempt from SEPA, Comprehensive Plan Land Use and Zoning Designations are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.

CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:

City Code §10-4B-5: Type IV Projects:

Comprehensive Plan and Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.

SEPA REVIEW:

While annexation is exempt from SEPA review, the Comprehensive Plan land use and zoning designation for the subject property requires a SEPA review as a non-project action. The City of Liberty Lake issued a Notice of Application and disseminated the SEPA checklist for review and comment on October 24, 2018. The City issued a Determination of Nonsignificance (DNS) for this project on November 6, 2018 following the close of the agency comment period. The appeal period closed at 4 p.m. on November 19, 2018 and

no appeals were filed. The optional DNS process in WAC 197-11-355 was used in this review, and a copy of the threshold determination for this proposal was provided to reviewing agencies after the close of the comment period. A project-specific SEPA review will be required prior to development of the subject property.

PROCEDURAL INFORMATION:

CVSD Letter of Intent to Annex Submitted to City:	September 14, 2018
City Council Authorizes School District to Proceed with Petition:	September 18, 2018
CVSD Submits Petition to Annex to City:	September 24, 2018
Department of Commerce 60 Day Notice:	September 27, 2018
Notice of Application/Hearings & Site Posting:	October 24, 2018
Public Hearings:	November 6, 2018 & December 18, 2018
Ordinance 256 Adopted:	December 18, 2019
Effective Date of Annexation:	February 19, 2019
Planning Commission 2019 Annual Comprehensive Plan and Code Amendment Docket Review:	May 8, 2019
Planning Commission Workshop on CPA2019-0002/LUA2019-0009:	July 10, 2019
Planning Commission Hearing:	August 14, 2019
Ratification of Recommendations:	September 11, 2019

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions during Annexation Proceedings: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; WS Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District; Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

Governance Policy 1: The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

Governance Policy 6: Review and update this Comprehensive Plan and the City's Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

Economic Development Policy 11: Encourage educational institutions to locate in the City of Liberty Lake, especially those that provide technical training to support businesses targeted for recruitment and retention.

Capital Facilities Policy 6: Encourage the Central Valley School District to allow for shared access of facilities for recreational or other public purposes.

Capital Facilities Policy 7: Support the Central Valley School District in maintaining a Capital Facilities Plan that is consistent with the Growth Management Act and the City's Comprehensive Plan.

STAFF ANALYSIS:

City Council already adopted the Comprehensive Plan Land Use Designation and Zoning designation for the property annexed as part of Ordinance 256. The proposed amendments simply amends the Comprehensive Plan Land Use Map imbedded in the Comprehensive Plan, and modifies other Comprehensive Plan Maps with respect to the new City boundary. The Comprehensive Plan Map 3.2, Cultural Landmarks, has also been updated to identify the new Selkirk Middle School, the recently permitted Ridgeline High School, Orchard Park and the City Public Works Yard. SEPA related to the Comprehensive Plan Land Use and Zoning designation for the annexed property and the revised City boundary was completed as part of the annexation proceedings, so no further SEPA Review is required. The school projects were also the subject of SEPA reviews prior to permitting.

FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.

2. All public and agency notice requirements were met and accomplished in a timely manner.

3. The public was provided the opportunity for early and continuous participation.

4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:
*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

CONCLUSIONS:

1. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan and **IS / IS NOT** detrimental to the public welfare.

2. The proposed amendment **IS / IS NOT** warranted by a change in economic, technological and/or land use conditions.

3. The proposed amendment **IS / IS NOT** necessary to correct an error.

4. The proposed amendment **IS / IS NOT** necessary to clarify meaning or intent.

5. The proposed amendment **IS / IS NOT** necessary to provide for a proposed use that was not previously addressed.

6. The proposed amendment **IS / IS NOT** deemed necessary as being in the public interest.

NOTE: The Planning Commission should consider the above-listed statements in their deliberations. These conclusions should inform the motion for recommendation, as based on the "Criteria for Amendment" detailed in City Code §10-4B-5(A).

RECOMMENDATION:

In the matter of Case No. CPA2019-0002/ LUA2019-0009, an amendment to the City of Liberty Lake 2015-2037 Comprehensive Plan, to update Comprehensive Plan Maps to include property annexed by Ordinance No. 256, and to update the Comprehensive Plan Land Use Map to include a land use designation of "P" (Public/Semi-Public Institutional) for that recently annexed property, as established in that ordinance, the City of Liberty Lake Planning Commission does hereby recommend to City Council that the amendment be **APPROVED/APPROVED WITH MODIFICATIONS/NOT APPROVED.**

NOTE: The Planning Commission should vote on a motion for recommendation using the above format. If the recommendation is to approve with modifications, the motion should identify the modifications proposed.

CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 256

AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ANNEXING THE PROPERTY DESCRIBED ON EXHIBIT A TO THE CITY OF LIBERTY LAKE.

WHEREAS, on September 14, 2018, the City of Liberty Lake received a Notice of Intent to Commence Annexation Proceedings from the Central Valley School District ("CVSD"), for lands owned by the school district contiguous to the corporate boundaries of the City of Liberty Lake, as more particularly described in the attached Exhibit A ("Property"), pursuant to the provisions of RCW28A.335.110 and RCW 35.13.125; and

WHEREAS, on September 18, 2018, City Council voted unanimously to accept the Notice of Intent to Commence Annexation Proceedings as proposed, and concurrently consider the requested Comprehensive Plan Land Use and Zoning Designation of "P" (Public/Semipublic Institutional); and

WHEREAS, on November 6, 2018, the City of Liberty Lake issued a completed environmental review process on the Comprehensive Plan Land Use and Zoning Designation for the Property and issued a Determination of Non-Significance pursuant to the optional DNS process detailed in WAC 197-11-355; and

WHEREAS, on November 6, 2018 and December 18, 2018, the City Council conducted public hearings in order to receive information and take public testimony on the proposed annexation, Comprehensive Plan Land Use and Zoning Designation of "P" (Public/Semi-public Institutional), with the City Council determining it is in the best interest of the City to annex the Property, and provide for the Comprehensive Plan Land Use and Zoning Designation as proposed; and

WHEREAS, the City Council desires to annex the Property and provide for: (1) the levy of taxes at the same rate and on the same basis as property presently located in the City; (2) the application of the general laws of the City; and (3) the application of the City Comprehensive Plan and Development Code.

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

Section 1. Approval of Annexation. The annexation of the Property is hereby approved and accepted by the City Council of the City of Liberty Lake, on the 18th day of December, 2018, with an effective date of February 19, 2019 (the "Effective Date"). See RCW 35A.14.801(6).

Section 2. Effect of Annexation. From and after the Effective Date, The Property and all persons thereon are subject to the jurisdiction of the City of Liberty Lake with all laws, ordinances, rules and regulations of the City being in full force and effect as now enacted or hereinafter amended. The Property and persons shall receive all available City services in the

same manner as other City property and persons. The Property shall have levied thereon the real property tax assessment of the City and shall be assessed for the indebtedness of the City.

Section 3. Zoning. The Property shall be developed and used in accordance with the City of Liberty Lake Comprehensive Plan, related Development Code and other land use regulations or polices of the City. The land use and zoning designation of "P" (Public/Semipublic Institutional) shall be applied to the Property, and regulations as set forth on the Comprehensive Plan Map, Zoning Map and Development Code shall apply to and regulate the Property as of the Effective Date. Permit applications for the land use shall be made to the City of Liberty Lake.

Section 4. Duty of the Clerk. The City Clerk is directed to provide to the Spokane County Auditor a certified copy of this Ordinance, a map of the Property, related legal description and request that the above be maintained on file in the Office of the Auditor.

Section 5. 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 constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. 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 December, 2018.

Mayor, Steve Peterson

ATTEST:

City Clerk, Ann Swenson

APPROVED AS TO FORM:

City Attorney, Sean P. Boutz

Date of Publication: 12.28.18
Effective Date: 1.2.19

EXHIBIT A

LEGAL DESCRIPTION
OF THE
ANNEXATION BOUNDARY
TO
THE CITY OF LIBERTY LAKE

That portion of the E1/2 of the SE1/4 of Section 17, Township 25 North, Range 45 East, Willamette Meridian, Spokane County, Washington, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 17 (from which the S1/4 corner of said Section bears South 87°17'32" West, 2,630.31 feet); thence North 03°23'40" West along the east line of the E1/2 of the SE1/4 of said Section 17, 30.00 feet, more or less, to the northerly right-of-way line of Sprague Avenue;

thence South 87°17'32" West along said northerly right-of-way line, 300.03 feet, more or less, to the POINT OF BEGINNING;

thence continuing South 87°17'32" West along said northerly right-of-way line, 1,015.16 feet, more or less, to the west line of the E1/2 of the SE1/4 of said Section 17;

thence North 03°27'23" West along said west line, 2,028.07 feet, more or less, to the centerline of the main canal of the Spokane Valley Irrigation District No. 10.;

thence along the centerline of said main canal the following sixteen (16) courses:

1. North 81°30'44" East, 107.37 feet;
2. 81.27 feet along the arc of a curve to the left, having a radius of 1,145.92 feet, through a central angle of 04°03'49', said curve having a long chord which bears North 79°28'50" East, 81.26 feet;
3. North 77°26'55" East, 263.84 feet;
4. 69.89 feet along the arc of a curve to the left, having a radius of 716.20 feet, through a central angle of 05°35'29', said curve having a long chord which bears North 74°39'11" East, 69.86 feet;
5. North 71°51'26" East, 39.00 feet;
6. 51.69 feet along the arc of a curve to the right, having a radius of 143.24 feet, through a central angle of 20°40'39', said curve having a long chord which bears North 82°11'46" East, 51.41 feet;
7. South 87°27'55" East, 68.56 feet;
8. 78.25 feet along the arc of a curve to the left, having a radius of 190.99 feet, through a central angle of 23°28'23', said curve having a long chord which bears North 80°47'54" East, 77.70 feet;
9. North 69°03'42" East, 83.87 feet;

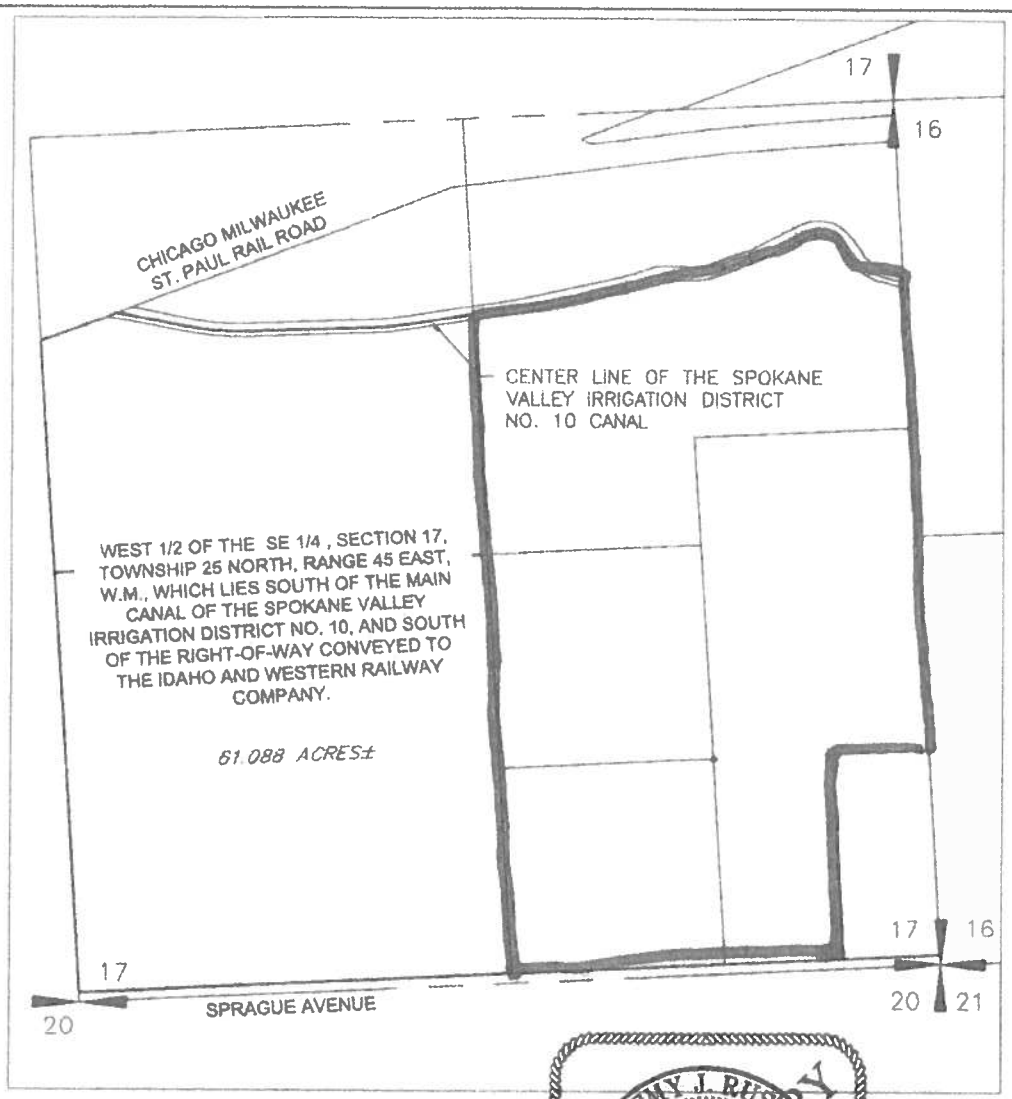
10. 75.63 feet along the arc of a non-tangent curve to the left, having a radius of 716.20 feet, through a central angle of 06°03'00', said curve having a long chord which bears North 66°22'22" East, 75.59 feet;
11. North 63°20'52" East, 132.96 feet;
12. 134.53 feet along the arc of a curve to the right, having a radius of 95.49 feet, through a central angle of 80°43'24', said curve having a long chord which bears South 76°17'26" East, 123.68 feet;
13. South 35°55'44" East, 60.75 feet;
14. 98.41 feet along the arc of a curve to the left, having a radius of 143.24 feet, through a central angle of 39°21'57', said curve having a long chord which bears South 55°36'41" East, 96.49 feet;
15. South 75°17'40" East, 48.22 feet;
16. 21.21 feet along the arc of a curve to the left, having a radius of 286.48 feet, through a central angle of 04°14'34', said curve having a long chord which bears South 77°24'57" East, 21.21 feet, more or less, to the east line of the E1/2 of the SE1/4 of said Section 17;

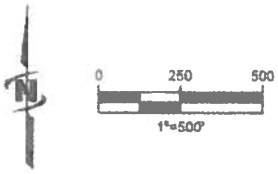
thence South 03°23'40" East along the east line of the E1/2 of the SE1/4 of said Section 17, 1,437.83 feet;

thence South 87°16'45" West, 300.03 feet;

thence South 03°23'39" East, 633.06 feet, more or less, to the POINT OF BEGINNING.

Containing 59.678 acres, more or less.





JUB

J-U-B ENGINEERS, INC.

CAD FILE: SpokaneGunClub

EXHIBIT_____

SPOKANE GUN CLUB, INC.

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4, SECTION 17
TOWSHIP 25 NORTH, RANGE 45 EAST, W.M.
CITY OF SPOKANE VALLEY, SPOKANE COUNTY, WASHINGTION

* *

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. 256 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 December 18, 2018 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.

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

NAYS: None.

ABSENT: Councilman Severs.

ABSTAINED: None.

CITY OF LIBERTY LAKE

CITY CLERK

* *

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. 256 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 December 18, 2018 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.

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

NAYS: None.

ABSENT: Councilman Severs.

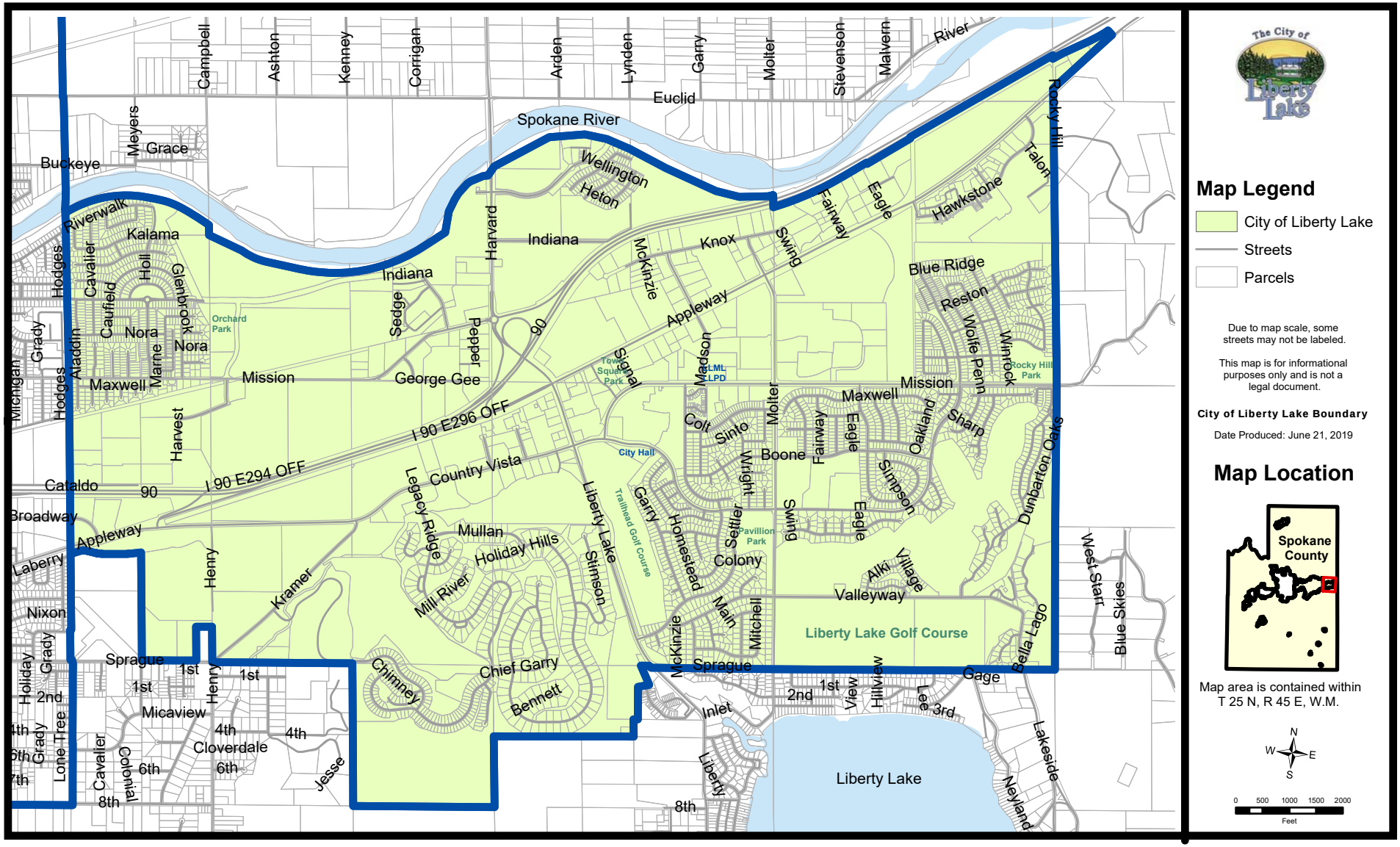
ABSTAINED: None.

CITY OF LIBERTY LAKE

Ann Swenson

CITY CLERK

MAP 1.1


Map Legend
City of Liberty Lake
Streets
Parcels
Due to map scale, some streets may not be labeled.
This map is for informational purposes only and is not a legal document.
City of Liberty Lake Boundary
Date Produced: June 21, 2019
Map Location
Spokane County
Map area is contained within T 25 N, R 45 E, W.M.
N
W
E
S
0 500 1000 1500 2000
Feet
Spokane River
Liberty Lake
Liberty Lake Golf Course
City Hall
Orchard Park
Town Square Park
LML LPD
Pavilion Park
Trailhead Golf Course
Rocky Hill Park
Euclid
Campbell
Ashton
Kenney
Corrigan
Arden
Lynden
Garry
Molter
Stevenson
Malvern
River
Rocky Hill
Talon
Hawkstone
Eagle
Fairway
Swing
Knox
Wellington
Heton
Indiana
Harvard
Meyers
Grace
Buckeye
Riverwalk
Kalama
Hodges
Cavalier
Caufield
Holl
Glenbrook
Nora
Grady
Aladdin
Michigan
Maxwell
Marne
Mission
Harvest
Sedge
Pepper
George Gee
90
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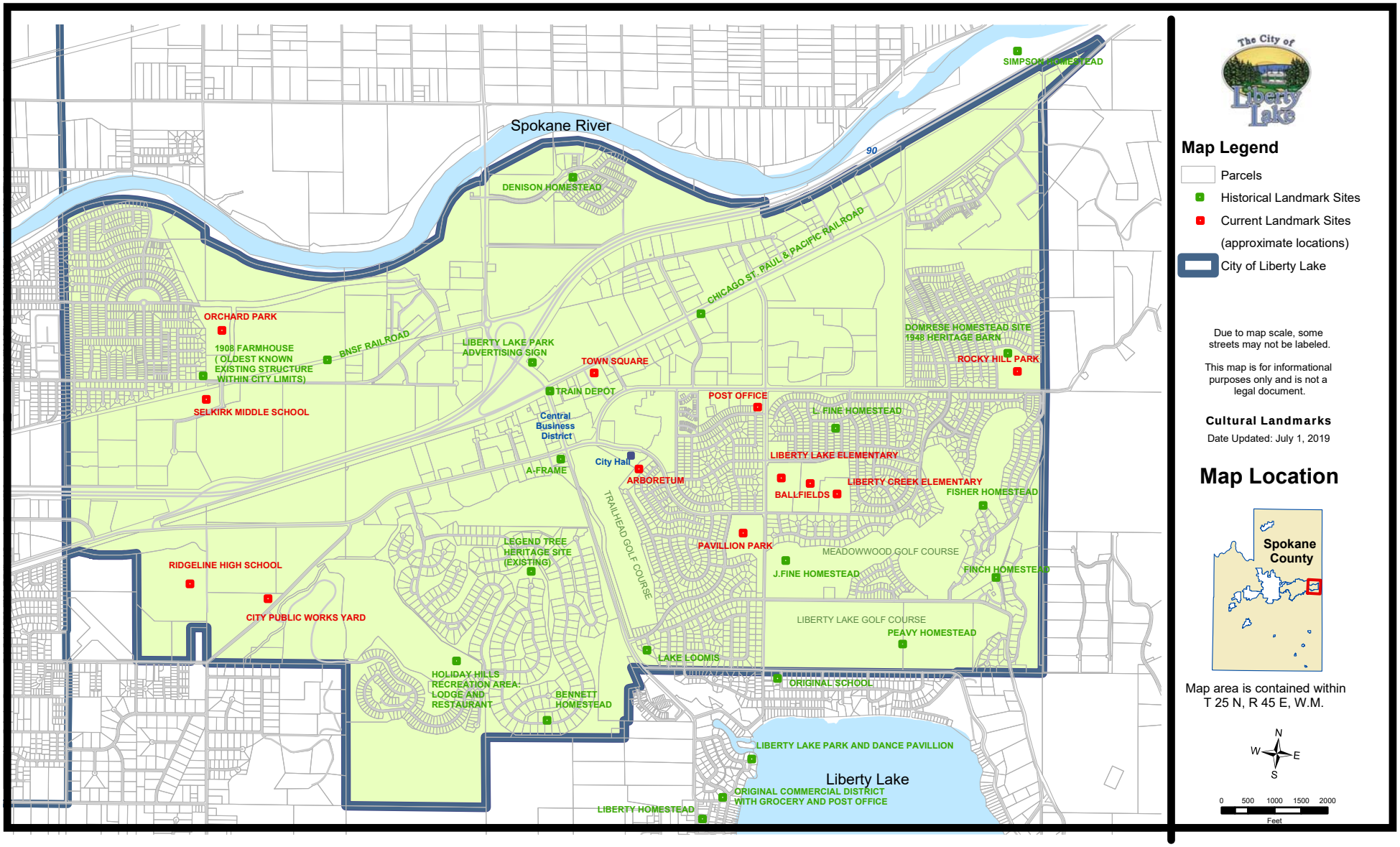
I 90 E294 OFF
Cataldo
Broadway
Appleway
Laberry
Nixon
Henry
Kramer
Country Vista
Legacy Ridge
Mullan
Holiday Hills
Mill River
Chimney
Chief Garry
Bennett
Jesse
Sprague
1st
2nd
Micaview
4th
Cloverdale
6th
8th
Colonial
Lone Tree
Holiday
McKinzie
Appleway
Madson
Signal
Colt
Sinto
Molter
Boone
Wright
Settler
Colony
Homestead
Garry
Liberty Lake
Stimson
Main
Mitchell
Inlet
Liberty
Blue Ridge
Reston
Wolfe Penn
Winrock
Mission
Maxwell
Oakland
Sharp
Simpson
Dumbarton Oaks
Alki
Village
Valleyway
View
Hillview
Lee
3rd
Gage
Bella Lago
Lakeside
Neyland
West Starr
Blue Skies

MAP 3.2



The City of Liberty Lake

Map Legend

- Parcels
- Historical Landmark Sites
- Current Landmark Sites (approximate locations)
- City of Liberty Lake

Due to map scale, some streets may not be labeled.

This map is for informational purposes only and is not a legal document.

Cultural Landmarks

Date Updated: July 1, 2019

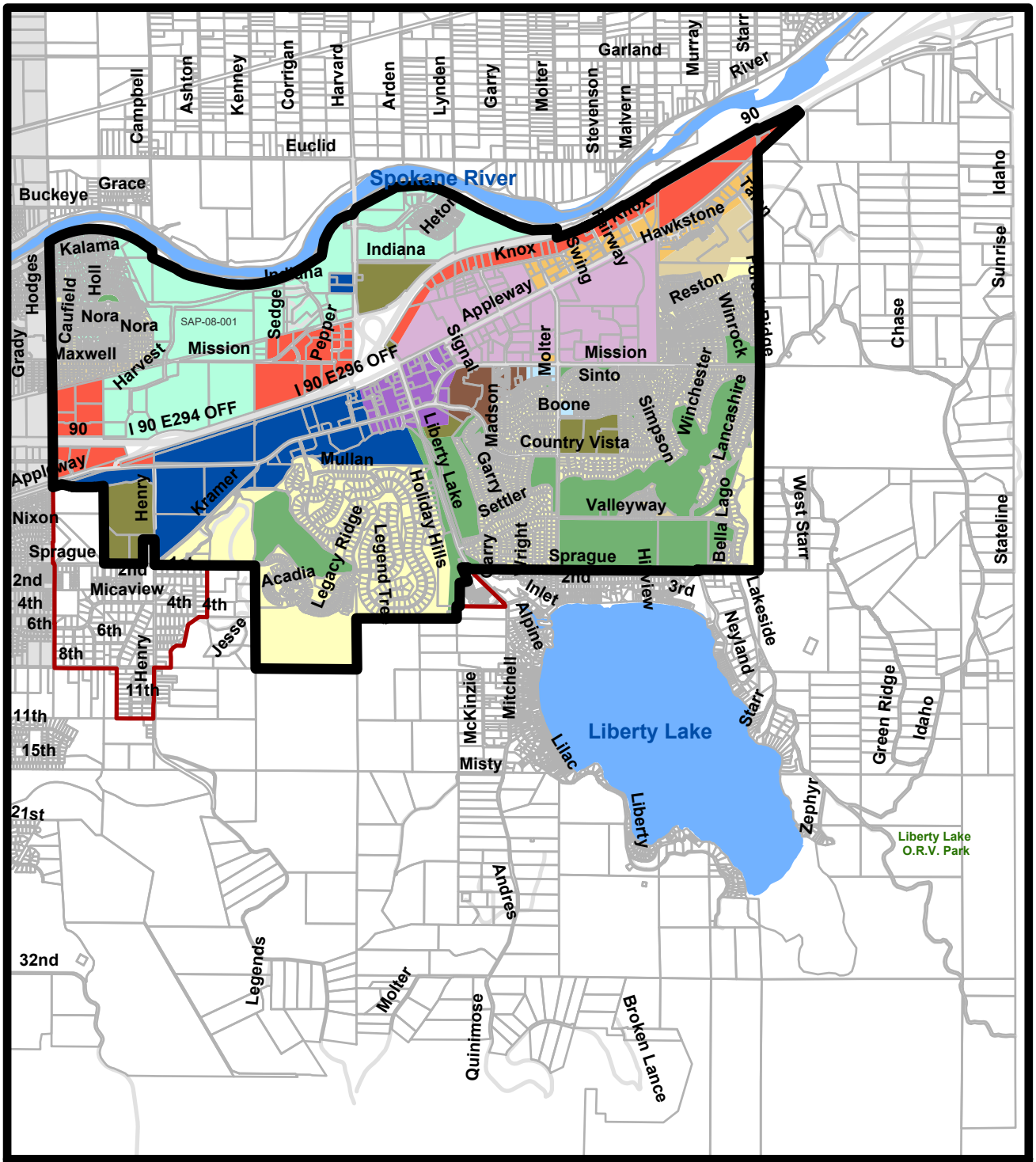
Map Location

Map area is contained within T 25 N, R 45 E, W.M.

N W E S

0 500 1000 1500 2000
Feet

MAP 5.1



Due to map scale, some streets may not be labeled.

This map is for informational purposes only and is not a legal document.

Comprehensive Plan Land Use Map

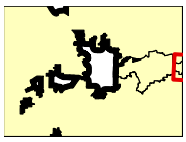
Amended Map Adopted - 12/19/06
(Updated 7/1/19)

For information please contact
The City of Liberty Lake
Community Development Department
509-755-6708

Map Legend

- City of Liberty Lake
- UGA Boundary
- Parcels
- Streets
- Water Bodies
- 'O'_Open Space/ Recreation
- 'R1'_Single Family Residential
- 'R2'_Mixed Residential
- 'R3'_Multi Family Residential
- 'M1'_Neighborhood Center Mixed Use
- 'M2'_Community Center Mixed Use
- 'M3'_Central Business District Mixed Use
- 'C1'_Community Commercial
- 'C2'_Freeway Commercial
- 'I'_Light Industrial
- 'P'_Public/ Semi-Public Institutional
- City of Spokane Valley
- SAP 08

Map Location



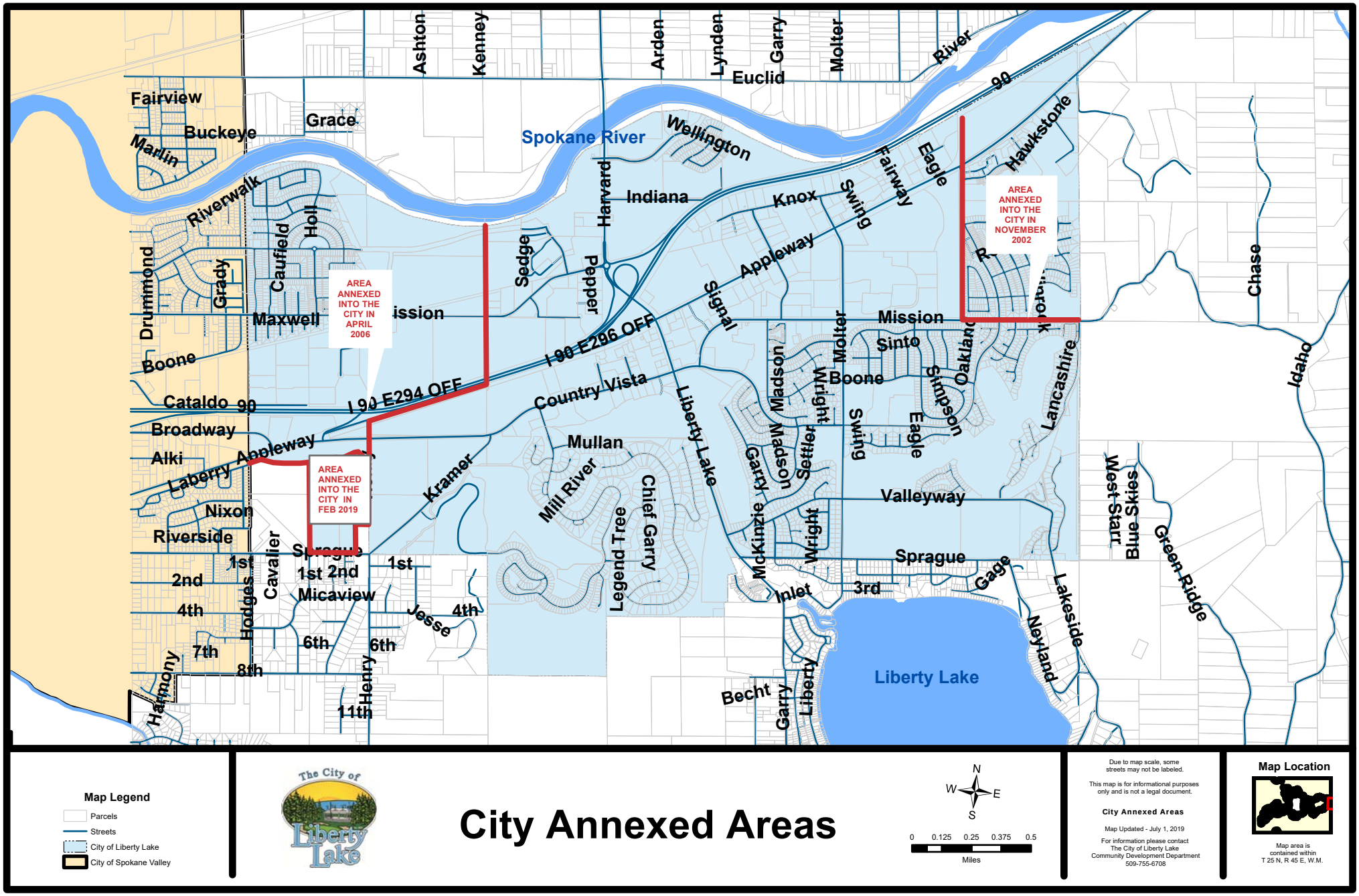
Map area is contained within
T 25 N, R 45 E, W.M.

Comprehensive Plan Land Use Map

N
W E
S

0 0.25 0.5 0.75 1
Miles

MAP 5.3



Map Legend

- Parcels
- Streets
- City of Liberty Lake
- City of Spokane Valley

The City of Liberty Lake

City Annexed Areas

N W E S

0 0.125 0.25 0.375 0.5 Miles

Due to map scale, some streets may not be labeled.

This map is for informational purposes only and is not a legal document.

City Annexed Areas

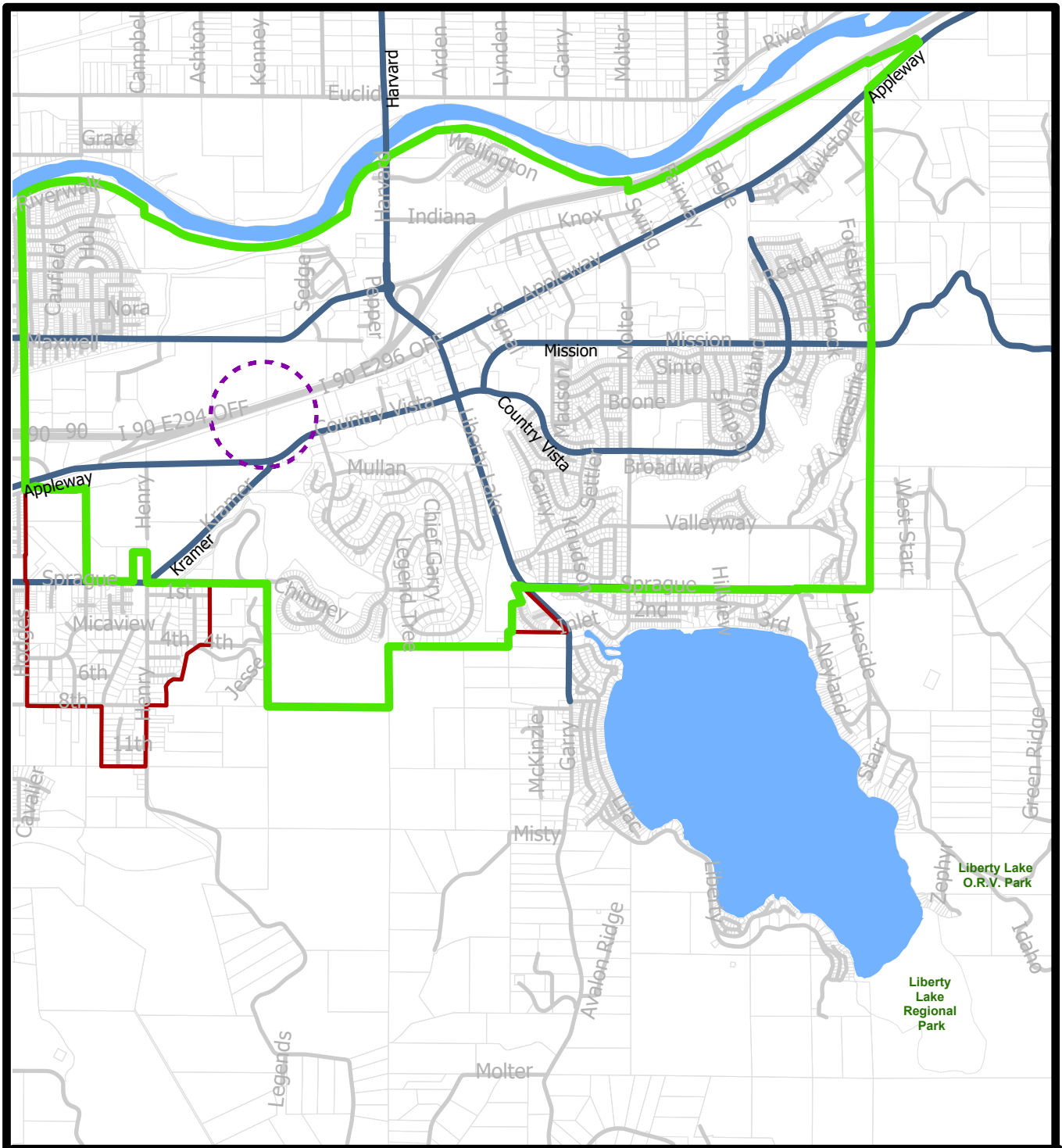
Map Updated - July 1, 2019

For information please contact The City of Liberty Lake Community Development Department 509-755-6708

Map Location

Map area is contained within T 25 N, R 45 E, W.M.

MAP 8.1



Due to map scale, some streets may not be labeled.

This map is for informational purposes only and is not a legal document.

City Street System Map

Map Updated July 1, 2019

For information please contact
The City of Liberty Lake
Community Development Department
509-755-6708

Map Legend

- City Boundary
- UGA Boundary
- Arterials
- Parcels
- Proposed Henry Road Overpass

Map Location

Map area is contained within
T 25 N, R 45 E, W.M.

City Street System Map

N
W E
S

0 0.25 0.5 0.75 1
Miles