

**STAFF REPORT TO THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO. CPA2019-0003/LUA2019-0010, A CITY-INITIATED PROPOSAL TO AMEND CITY OF LIBERTY LAKE MUNICIPAL CODE § 10-2A-5, THE OFFICIAL ZONING MAP, TO ADD THE RECENTLY ANNEXED CENTRAL VALLEY SCHOOL DISTRICT (CVSD) PROPERTY WITH A ZONING DESIGNATION OF “P” (PUBLIC/SEMI-PUBLIC INSTITUTIONAL)**

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

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

<b>PROPOSAL SUMMARY:</b>	
<b>Location</b>	Citywide
<b>Applicant(s)</b>	City of Liberty Lake
<b>Proposal Information</b>	2019 Development Code Amendment CPA2019-0003/LUA2019-0010
<b>Code Chapter / Section</b>	<b>Proposed Development Code Amendment</b>
<b>City Development Code §10-2A-5, Zoning District Map Amendment</b>	<p>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.</p> <p>The proposed amendment updates the City of Liberty Lake Zoning map contained in City Development Code §10-2A-5.</p> <p>A certified copy of Ordinance 256 is attached as Exhibit A. The proposed revision to the zoning map is reflected in Exhibit B, Revised Zoning Map.</p>

## 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 CPA2019-0003/LUA2019-0010:	May 8, 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.

**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 amendment simply amends the zoning map imbedded in the development code. SEPA related to the Comprehensive Plan Land Use and Zoning designation for the annexed property was completed as part of the annexation proceedings, so no further SEPA Review is required.

## 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. CPA2019-0003/ LUA2019-0010, an amendment to City of Liberty Lake Municipal Code §10-2A-5, to update the City of Liberty Lake Zoning Map to include property annexed by Ordinance No. 256, with the zoning designation of "P" (Public/Semi-Public Institutional), 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 18<sup>th</sup> 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.

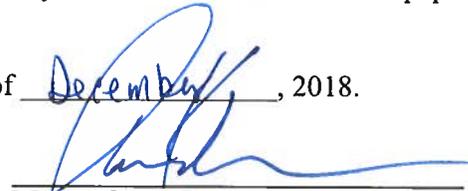
**Section 3. Zoning.** The Property shall be developed and used in accordance with the City of Liberty Lake Comprehensive Plan, related Development Code and other land use regulations or polices of the City. The land use and zoning designation of "P" (Public/Semipublic Institutional) shall be applied 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 18<sup>th</sup> 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  $06^{\circ}03'00''$ , said curve having a long chord which bears North  $66^{\circ}22'22''$  East, 75.59 feet;
11. North  $63^{\circ}20'52''$  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  $80^{\circ}43'24''$ , said curve having a long chord which bears South  $76^{\circ}17'26''$  East, 123.68 feet;
13. South  $35^{\circ}55'44''$  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  $39^{\circ}21'57''$ , said curve having a long chord which bears South  $55^{\circ}36'41''$  East, 96.49 feet;
15. South  $75^{\circ}17'40''$  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  $04^{\circ}14'34''$ , said curve having a long chord which bears South  $77^{\circ}24'57''$  East, 21.21 feet, more or less, to the east line of the E1/2 of the SE1/4 of said Section 17;

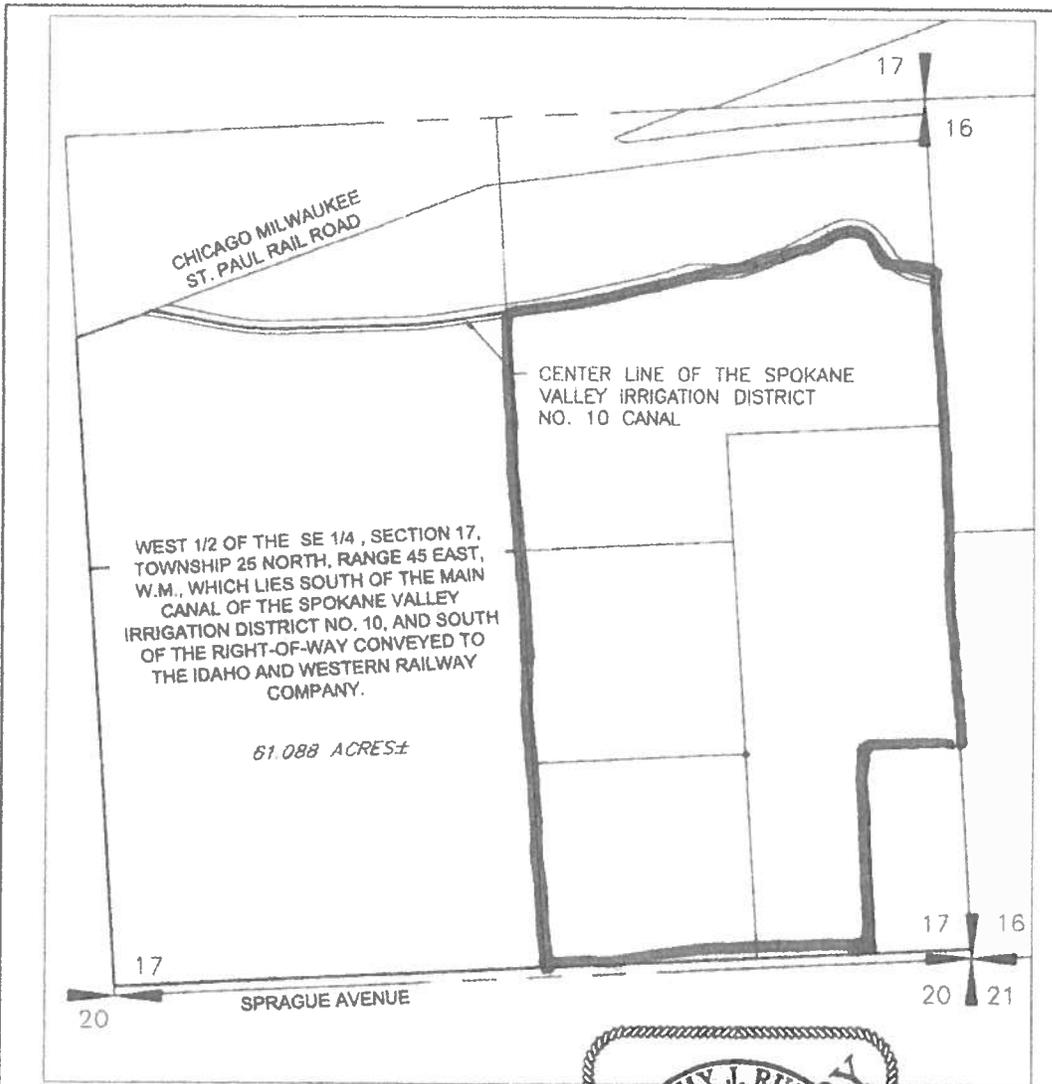
thence South  $03^{\circ}23'40''$  East along the east line of the E1/2 of the SE1/4 of said Section 17, 1,437.83 feet;

thence South  $87^{\circ}16'45''$  West, 300.03 feet;

thence South  $03^{\circ}23'39''$  East, 633.06 feet, more or less, to the POINT OF BEGINNING.

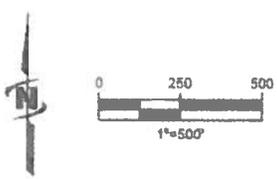
Containing 59.678 acres, more or less.





WEST 1/2 OF THE SE 1/4, SECTION 17,  
TOWNSHIP 25 NORTH, RANGE 45 EAST,  
W.M., WHICH LIES SOUTH OF THE MAIN  
CANAL OF THE SPOKANE VALLEY  
IRRIGATION DISTRICT NO. 10, AND SOUTH  
OF THE RIGHT-OF-WAY CONVEYED TO  
THE IDAHO AND WESTERN RAILWAY  
COMPANY.

61.088 ACRES±



CAO FAE, Spokane, WA

EXHIBIT \_\_\_\_\_  
SPOKANE GUN CLUB, INC.  
A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4, SECTION 17  
TOWNSHIP 25 NORTH, RANGE 45 EAST, W.M.  
CITY OF SPOKANE VALLEY, SPOKANE COUNTY, WASHINGTON

\* \* \* \* \*

**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, Kaminskis, 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.

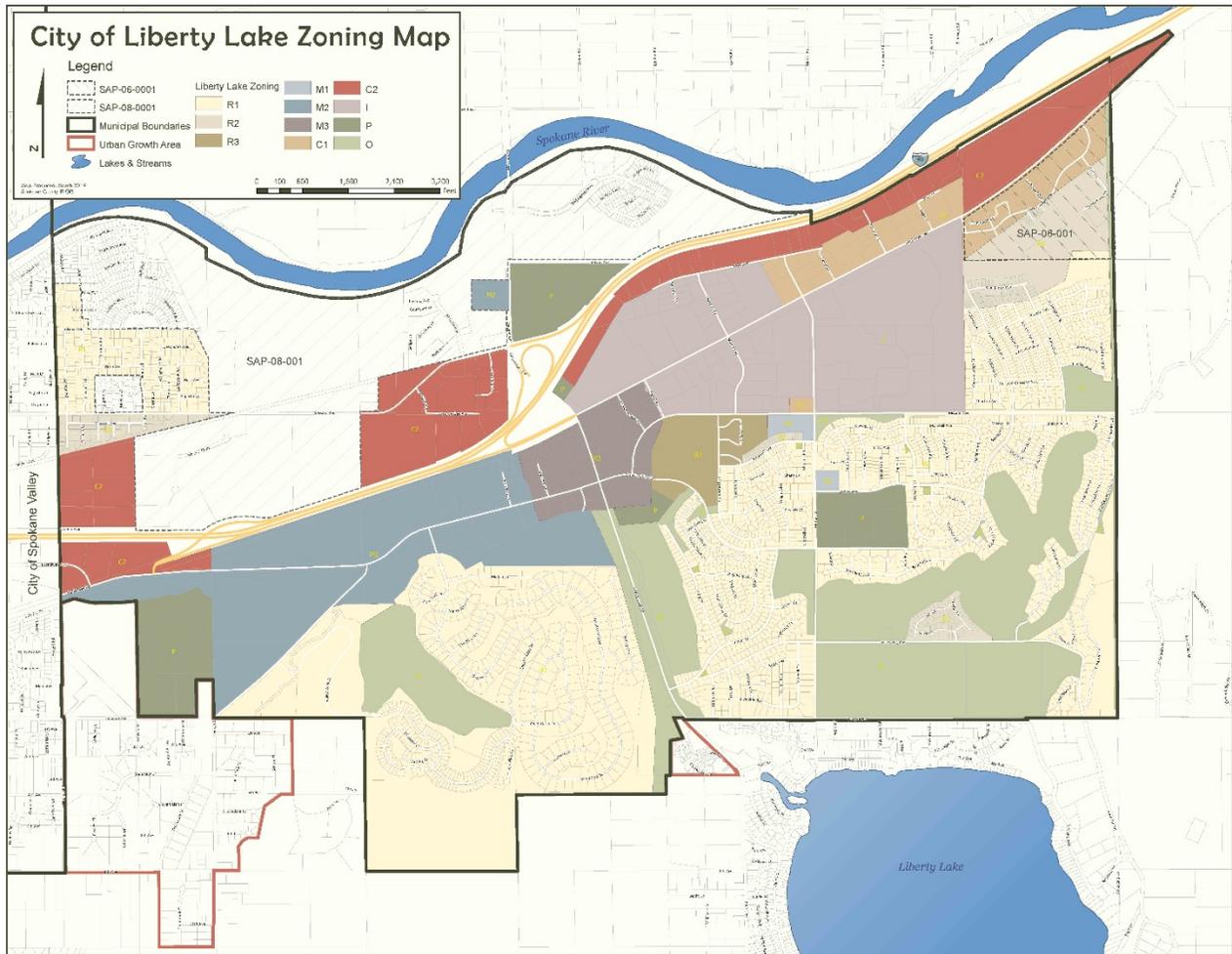
ABSENT: Councilman Severs.

ABSTAINED: None.

CITY OF LIBERTY LAKE

  
\_\_\_\_\_  
CITY CLERK

10-2A-5 Zoning Districts Map Exhibit



The map above is for informational purposes only.  
For official zoning, contact the City of Liberty Lake Planning, Engineering & Building Services