STAFF REPORT TO THE PLANNING COMMISSION

IN THE MATTER OF CASE NO. CPA2019-0006/LUA2019-0013, A CITY-INITIATED PROPOSAL TO AMEND CITY OF LIBERTY LAKE DEVELOPMENT CODE AND RIVER DISTRICT DEVELOPMENT CODE TO ALLOW FOR ADULT FAMILY HOMES AS A PERMITTED USE IN ALL RESIDENTIAL AND COMMERCIAL ZONES.

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 Development Code Amendment CPA2019-0006/LUA2019-0013
Code Chapter / Section	**Proposed City Development Code & River District Development Code Amendment**
§10-1C, Definitions & §10-2A-4, Zoning Matrix	**Adult Family Homes**: Add "Adult Family Home" as a permitted use in all residential and commercial zones; add definition to §10-1-C of City & River District Development Codes, consistent with the requirements and definition in RCW 70.128.010. Proposed amendments to City Development Code & River District Development Code, §10-1C, Definitions: **Add:** **Adult Family Home** - A residential home in which a person or persons provide personal care, special care, room, board to more than one, but not more than six adults who are not related by blood or marriage to the person or persons providing the service. **Amend:** **Community residential facility** - Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for

	children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Adult Family Home, Halfway House, Crisis Residential Center, or Secure Community Transition Facility. May include: specialized group home for the developmentally disabled, group care facility for children, and boarding home. Proposed amendments to City Development Code §10-2A-4, Zoning Matrix: See Exhibit A. Proposed amendments to Section 4.1 of River District SAP 08-001, Zoning Matrix: See Exhibit B.

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 70.128: Adult Family Homes

Adult Family Homes must be considered a residential use of property for zoning purposes, and must be considered a "permitted use" for residential or commercial purposes, including area zoned for single family dwellings. Additionally, they must meet local zoning, building, housing, and state and local fire regulations as they pertain to a single family residence. An adult Family Home is defined as "a residential home in which a person or persons provide personal care, special care, room, board to more than one, but not more than six adults who are not related by blood or marriage to the person or persons providing the service".

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:

Development code amendments 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:

SEPA Checklists were completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on July 19, 2019. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on or before July 23, 2019, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the July 19, 2019 edition of the Valley News Herald. On or before July 23, 2019, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice and a link to the City website was emailed to the public notice group, as well as the amendment applicants. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on August 5, 2019.

PROCEDURAL INFORMATION:

Planning Commission 2019 Annual Comprehensive Plan and Code Amendment Docket Review:	May 8, 2019
Planning Commission Workshop on CPA2019-0006/LUA2019-0013:	May 8, 2019
SEPA Notice/ Public Hearing Notice:	July 19, 2019
SEPA Comment/Appeal Period Ends:	August 5, 2019
Planning Commission Hearing:	August 14, 2019
Ratification of Recommendations:	September 11, 2019

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions: 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.

Housing Goal 2: Encourage the availability of affordable housing to all economic segments, promote a variety of densities and housing types, and encourage the preservation of existing housing stock.

Human Services Goal 2: Support and facilitate programs which provide for the City resident's basic human needs including food, clothing, shelter, primary health care, and protection from abuse and neglect.

Land Use Policy 2: Provide for a compatible mix of housing and commercial uses in all commercial districts, neighborhood centers, community centers, and the Central Business District.

Housing Policy 2: Periodically assess the effects of policies and regulations on the affordability of housing, fair housing choice, and examine the need to reduce regulatory barriers.

Housing Policy 7: Periodically review and update provisions that allow for a continuum of housing and care opportunities for special-needs populations.

STAFF ANALYSIS:

When reviewing a Business License application for an Adult Care Facility in April of 2018, it was determined that the City of Liberty Lake Code did not address "Adult Family Homes", and appeared to fall under the definition of "Community Residential Facility (6 or fewer residents)", which requires interjurisdictional siting as an "Essential Public Facility", which is contrary to the requirements of RCW 70.128. The proposed amendments clarify City Development Code, and make it consistent with state law regarding Adult Family Homes. See Exhibit C for more detail.

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. <u>Criteria for Amendment</u>:
*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. CPA2019-0006/ LUA2019-0013, an amendment to City of Liberty Lake Municipal Code and River District Development Code, to allow for adult family homes as a permitted use in all Residential and Commercial zones, 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.

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	N	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	N	P	N	N	N
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	N	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

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
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
Building supply / hardware - sales (outside sales & storage)	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

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented), *continued*											
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
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

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
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
Sandblasting / cutting	N	N	N	N	N	N	L	L	P	N	N
Tool and die making	N	N	N	N	N	N	L	L	P	N	N
Welding / sheet metal shop	N	N	N	N	N	N	L	L	P	N	N
Woodworking / cabinet manufacturing	N	N	N	N	N	N	L	L	P	N	N
Woodworking / cabinet manufacturing w/ retail sales showroom	N	N	N	N	L	N	L	L	P	N	N
General office and professional facilities											
Communications service systems	N	N	N	N	P	N	P	P	P	N	N
Office	N	CU	P	P	P	P	P	P	P	N	N
Medical equipment supply	N	N	N	N	P	N	P	P	P	N	N
Research facility / laboratory	N	N	N	N	P	N	L	L	P	N	N
Telemarketing centers / catalog & mail order houses	N	N	N	N	P	N	P	P	P	N	N
Social services											
Community residential facility (6 or fewer residents) - EPF	CU	CU	CU	N	N	N	N	N	N	N	N
Community residential facility (7 to 25 residents) - EPF	N	CU	CU	N	N	N	N	N	N	N	N
Community treatment facility (8 or fewer residents) - EPF	N	CU	CU	N	N	N	N	N	N	N	N
Community treatment facility (9 to 20 residents) - EPF	N	CU	CU	N	N	N	N	N	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
Social services, *continued*											
Crisis residential center (6 or fewer residents) - EPF	CU	CU	CU	N	N	N	N	N	N	CU	N
Crisis residential center (7 to 20 residents) - EPF	N	CU	CU	N	N	N	N	N	N	CU	N
Halfway house (8 or fewer residents) - EPF	N	CU	CU	N	N	N	N	N	N	N	N
Halfway house (9 to 20 residents) - EPF	N	CU	CU	N	N	N	N	N	N	N	N
Secure Community Transition Facility (SCTF, 3 or fewer residents) - EPF	N	CU	CU	N	N	N	N	N	N	N	N
Solid waste management and recycling											
Commercial composting storage / processing facility - EPF	N	N	N	N	N	N	N	N	N	CU	N
Incinerator - EPF	N	N	N	N	N	N	N	N	N	CU	N
Landfill - EPF	N	N	N	N	N	N	N	N	N	CU	N
Recycling collection center	N	N	N	N	N	N	N	N	N	CU	N
Solid waste transfer site - EPF	N	N	N	N	N	N	N	N	N	CU	N
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	CU	CU	CU	CU	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	CU	CU	CU	CU	CU	CU	N
Wireless communication support tower	N	N	N	N	N	N	N	N	CU	CU	N

4.1 - River District Zoning District Matrix

Comprehensive Plan Category	Implementation - Zoning District
Mixed Residential	**RD-R** (Mixed Residential)
Community Center Mixed Use	**RD-M** (Community Center)
Freeway Commercial	**RD-C** (Freeway Commercial)

Types of Uses

Permitted Uses (P): Permitted uses are designated in the following matrix 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 the following matrix 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 the following matrix 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 Applicable (N/A): Neighborhood Retail Clusters include uses that are Permitted in RD-M, and RD-C Zones, however as defined, Neighborhood Retail Clusters are specific to the RD-R Zone.

Not Permitted (N): Uses designated in the following matrix 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 or Designee may classify uses not specifically addressed in the matrix consistent with similar uses. Classifications shall also be consistent with Comprehensive Plan policies. Accessory Uses (as defined by this Code and determined by the Director or Designee) are allowed in conjunction with a permitted, limited, or conditional use only.

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.

River District SAP Zoning Districts Matrix

Facilities and Uses	RD-R	RD-M	RD-C
Agriculture (actively farmed)	L	L	L
Agricultural product / craft sales stand (Farmer's market)	N	P	P
Church / religious institution	P	P	P
Funeral home / mortuary	N	N	N
Home occupation	L	L	N
Hospital - EPF	N	P	P
Large-scale retail establishments	N	N	L
Marijuana Producer	N	N	N
Mobile sales / concessions	L	L	L
Parking structure	N	P	P
Planned unit development (PUD)	P	P	P
Public assembly	L	L	L
Seasonal and special events	L	L	L
Temporary construction / sales office	L	L	L
Tower	N	N	N
Tower, private	N	N	L
Animal related			
Animal health services / veterinarian - domestic animals	N	P	P
Animal shelter / kennel	N	N	N
Animal, wildlife rehabilitation facility	N	N	N
Dangerous animal / livestock keeping	N	N	N
Automobile, etc. oriented			
Automobile, manufactured home, recreational vehicle, trailer, and boat -sales	N	N	P
Automobile parts sales (retail)	N	L	P
Automobile parts sales (wholesale)	N	N	P
Automobile, recreational vehicle, trailer, truck, & taxi - rentals	N	N	P
Automobile / truck repair or maintenance (service station)	N	N	L
Automobile impound yard	N	N	N
Automobile wrecking / recycling, junk, and salvage yards	N	N	N
Boat, recreational vehicle, and trailer - construction, repair, parts sales, and maintenance	N	N	L
Car wash (automatic or self-service)	N	N	P
Gas station / convenience store	N	N	L

Facilities and Uses	RD-R	RD-M	RD-C
Child day-care			
Family child day-care home (5 or fewer children)	P	P	N
Family child day-care home (6 to 12 children)	P	P	N
Child day-care center	L	P	P
Child day-care center (in a church or a school)	P	P	P
Community recreation and facilities			
Athletic club / exercise facility / gym	L	P	P
Community center / hall / club	P	P	P
Golf course	N	N	N
Parks & recreation	P	P	P
Participant & spectator sports facilities	N	L	P
Recreational vehicle park / campground	N	N	N
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented)			
Adult entertainment establishment	N	N	N
Adult retail use establishment	N	N	N
Banks / financial institutions (with drive-thru)	N	L	P
Bed and breakfast inn	CU	P	N
Building supply / hardware - sales (inside sales and storage)	N	P	P
Building supply / hardware - sales (outside sales and storage)	N	N	P
Commercial laundromat and dry cleaning facility (without drive-thru)	N	P	P
Commercial laundromat and dry cleaning facility (with drive-thru)	N	L	P
Cultural center, library, museum	P	P	P
Espresso stand	N	N	P
Neighborhood Retail Cluster	L	NA	NA
General Retail	L	P	P
Grocery store	L	P	P
Hotel, motel, inn	N	P	P
Landscape supply, greenhouse, or commercial nursery	N	N	P
Marijuana Retailer	N	N	N
Personal care services such as barber shops, hair and nail salons, tanning salons, etc.	N	P	P
Pharmacy (without drive-thru)	L	P	P
Pharmacy (with drive-thru)	N	L	P
Printing, reprographics, bookbinding, and graphic services	N	P	P

Facilities and Uses	RD-R	RD-M	RD-C
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented), *continued*			
Restaurant, cafe, deli, or ice cream parlor (without drive-thru)	L	P	P
Restaurant, cafe, deli, or ice cream parlor (with drive-thru)	N	L	P
Sports Bar	N	L	P
Tavern / pub / liquor store	N	L	P
Theater (motion picture or performing arts)	N	P	P
Winery / Microbrew	L	P	P
Government / civic offices and facilities			
Ambulance / emergency services facility	N	N	P
Detention facility - EPF	N	N	N
Fire station	N	N	N
Maintenance / public works facility	N	N	N
Offices / City Hall	N	P	P
Police station	N	P	P
Post office (without drive-thru)	N	P	P
Post office (with drive-thru)	N	L	P
Prison / correctional facility - EPF	N	N	N
Public transit facilities - EPF	P	P	P
Schools - public / private			
Nursery / pre-school	P	P	P
Elementary school	P	P	P
Middle school / Junior High	P	N	P
High school	N	N	P
College or university - EPF	N	P	P
Specialized / vocational / trade school	N	P	P
Housing			
Accessory caretaker's residence	N	N	L
Accessory dwelling unit (ADU), attached or detached	L	L	N
Adult family home	P	P	P
Dwelling, multi-family	P	L	P
Dwelling, single family	P	P	N
Dwelling, single family attached townhome	P	P	N
Dwelling, two-family duplex	P	P	N
Manufactured homes (on individual lots)	N	N	N

Facilities and Uses	RD-R	RD-M	RD-C
Housing, *continued*			
Manufactured home park	N	N	N
Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities, and age restricted Active Adult Community)	P	P	P
Zero lot line (single family courtyard home)	P	P	N
Manufacturing, equipment, and industrial production			
Construction / industrial equipment sales or rental	N	N	P
Light manufacturing and assembly	N	L	P
Light manufacturing and assembly w/ retail sales showroom	N	L	P
Marijuana Processor	N	N	N
Artisan / Craftsman Live Work	L	P	P
General office and professional facilities			
Communications service systems	N	P	P
Office	L	P	P
Medical equipment supply	N	P	P
Research facility / laboratory	N	P	P
Telemarketing centers / catalog & mail order houses	N	P	P
Social services			
Community residential facility (6 or fewer residents) - EPF	P	P	N
Community residential facility (7 to 25 residents) - EPF	N	N	N
Community treatment facility (8 or fewer residents) - EPF	N	N	N
Community treatment facility (9 to 20 residents) - EPF	N	N	N
Crisis residential center (6 or fewer residents) - EPF	P	N	N
Crisis residential center (7 to 20 residents) - EPF	N	N	N
Halfway house (8 or fewer residents) - EPF	N	N	N
Halfway house (9 to 20 residents) - EPF	N	N	N
Secure Community Transition Facility (SCTF, 3 or fewer residents) - EPF	N	N	N
Solid waste management and recycling			
Commercial composting storage / processing facility - EPF	N	N	N
Incinerator - EPF	N	N	N
Landfill - EPF	N	N	N
Recycling collection center	N	N	N
Solid waste transfer site - EPF	N	N	N
Tire salvage yard	N	N	N

Facilities and Uses	RD-R	RD-M	RD-C
Storage, freight, and wholesale facilities			
Outdoor vehicle storage	N	N	N
Self service storage facility (mini storage)	N	N	N
Warehouse and freight movement	N	N	P
Wholesaling / distribution facility	N	N	P
Utilities and facilities			
Power plant - EPF	N	P	P
Public utility local distribution facility	CU	CU	CU
Public utility transmission facility - EPF	N	N	L
Sewage treatment plant - EPF	N	N	N
Wireless communication antenna array	N	L	L
Wireless communication support tower	N	N	N

Exhibit A

MEMORANDUM

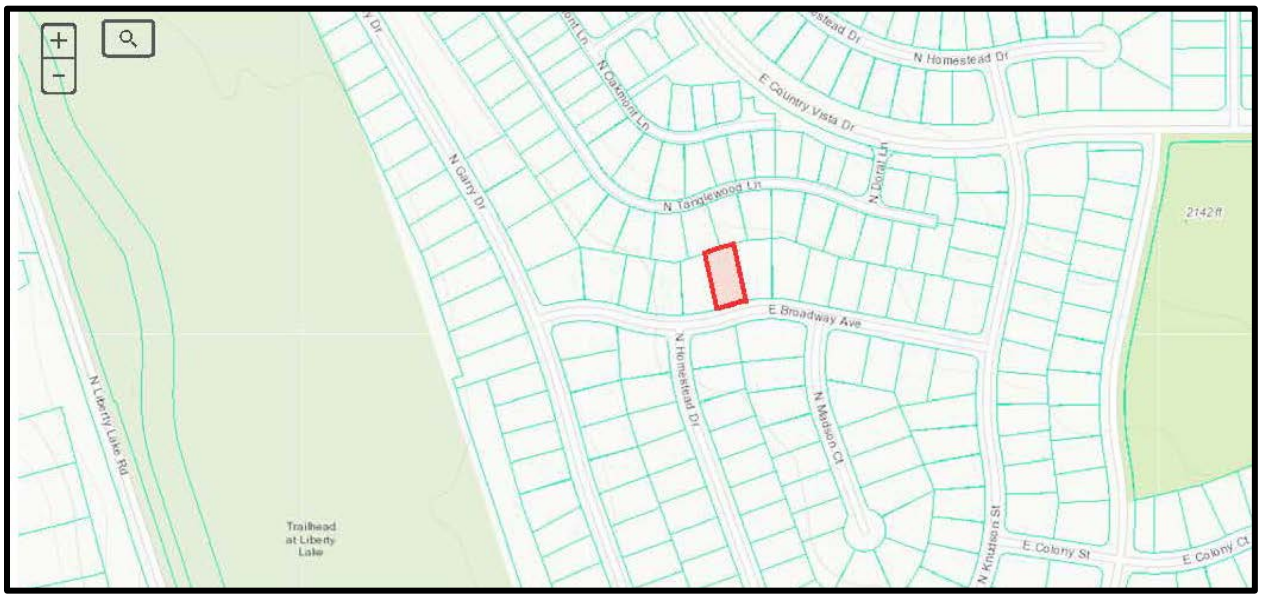
TO: Mayor Peterson & Liberty Lake City Council Members

FROM: Lisa D. Key, Interim Planning Manager

DATE: April 30, 2018

RE: **Adult Family Home at 23025 E Broadway Avenue**

Through our review of business license applications, it has come to our attention that the single–family residence located at 23025 E. Broadway Avenue has been acquired by Broadway Family Living, LLC, and is in the process of being licensed as an adult family home under the provisions of RCW 70.128 for provision of elder care. The property owner is intending to care for not more than three adults at this location.



RCW 70.128.010 defines "adult family home" as "a residential home in which a person or persons provide personal care, special care, room, board to more than one, but not more than six adults who are not related by blood or marriage to the person or persons providing the service". Under this chapter, "provider" means any person, individual, partnership, corporation, association, or limited liability corporation "who is licensed under this chapter to operate an adult family home".

While the City of Liberty Lake's municipal code does not include "adult family home" as a category of land use, **RCW 70.128.140** provides explicit requirements regarding local licensing, zoning, building and housing code. Specifically, **RCW 70.128.140(1)** states:

> *"Each adult family home shall meet applicable local licensing, zoning, building and housing codes, and state and local fire safety regulations* ***as they pertain to a single-family residence.*** [Emphasis added.]

RCW 70.128.140(2) goes on to state:

> *"An adult family home* ***must be considered a residential use of property for zoning*** *and public and private utility rate purposes.* ***Adult family homes are a permitted use*** *in all areas zoned for residential or commercial purposes,* ***including areas zoned for single-family dwellings.***

Liberty Lake's municipal code does include a category of use "community residential facility (6 or fewer residents)" in its zoning regulations, defined in Ordinance 24, Article 10-1C-B as:

> *Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Halfway House, Crisis Residential Center, or Secure Community Transition Facility. May include: specialized group home for the developmentally disabled, group care facility for children, and boarding home.*

Such facilities are treated as an Essential Public Facility (EPF) under Liberty Lake's development Code, thus requiring an interjurisdictional siting process as well as a Conditional Use Permit (CUP). While the definition for "community residential facility" in City Code does not specifically exclude "adult family homes" from the definition, RCW 70.128 clearly requires that adult family homes be treated as a single-family residence.

On this basis, it is recommended that the definition of "community residential facility" in Liberty Lake's development code be updated in the next round of "code clean up" to include "adult family home" in the list of facilities specifically not included in the definition of community residential facility.

Please be aware that there may or may not be covenants and deed restrictions that may address such a use, however, that is a contract between property owners, and the City has no role in the enforcement of such civil contracts.

cc: K. Allen, City Administrator

S. Boutz, City Attorney