



FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE PLANNING COMMISSION

IN THE MATTER OF CASE NO. CPA2019-0001/LUA2019-0005, A REQUEST BY GREENSTONE CORPORATION TO AMEND CITY OF LIBERTY LAKE MUNICIPAL CODE § 10-2B-7 TO INCREASE THE MAXIMUM ALLOWABLE LOT COVERAGE FOR DETACHED, SINGLE-FAMILY HOMES FROM 40% TO 60%

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 CPA2019-0001/LUA2019-0005
Code Chapter / Section	Proposed City Development Code Amendment
City Development Code §10-2B-7(C)	Increasing Maximum Allowable Lot Coverage for Detached, Single Family Housing in the R-1 Zone: A request by Greenstone Corporation to increase the maximum allowable lot coverage for detached single-family housing in the R-1 zone from 40% to 60%, which is consistent with the allowable maximum lot coverage for attached single-family housing and cluster housing in that zone.
Proposed Amendment	See Exhibit A.

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.

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:

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:

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:

Application received from Greenstone

March 29, 2019

Planning Commission 2019 Annual Comprehensive Plan and Code Amendment Docket Review:	May 8, 2019
Planning Commission Workshop on CPA2019-0001/LUA2019-0005:	July 10, 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:

Housing Goal 1: Preserve the character of existing neighborhoods and support high quality new development.

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.

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.

Land Use Policy 1: Encourage developers to work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space.

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 3: When developing housing regulations, consider the balance between housing affordability and environmental quality, design quality, public resources, and maintenance of neighborhood character.

Economic Development Policy 5: Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

STAFF ANALYSIS:

City Development Code §10-1C defines “lot coverage” as:

“All areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade.”

Currently, Development Regulations within the R-1 Zone limit the maximum allowable lot coverage for detached single-family homes to 40%, while attached single-family homes and cluster housing are allowed a maximum lot coverage of 60% in the same zone. Other uses in the R-1 zone are afforded a maximum lot coverage of 70%. Of note, in the River District RD-R zone, the maximum allowable lot coverage is 80%. These requirements can, in effect, create a disincentive for the development of detached, single family housing in the R-1 zone.

At the Planning Commission meeting on July 10, 2019, Greenstone representative Kevin Schneidmiller proposed expanding this amendment to increase the maximum lot coverage to 80%, consistent with the maximum lot coverage in the River District, for consistency. Staff notes that the maximum lot coverage in the River District was planned through the River District Specific Area Plan (SAP), which also provided for a higher percentage of common open space than is required outside of that SAP.

In the R-1 Zone, front yard setbacks of 10 feet, side yard setbacks of 5 feet, and rear yard setbacks of 15 feet are standard. On a 5,000 square foot lot with a 50 foot frontage, once standard setbacks are met, only 55% of the lot is available for lot coverage. That said, the rear yard setback for rear loaded lots is only 6 feet, and, front porches are allowed to encroach 5 feet into the front yard setback, so the potential exists to get up to 60% lot coverage, however, it appears that it would be challenging to achieve 80% lot coverage in the R-1 zone, while still meeting required setbacks.

Mr. Schneidmiller also proposed to increase the maximum lot coverage for detached single-family homes in the R-2 zone, from its current maximum of 50% to the maximum lot coverage as may be approved for the R-1 Zone, as it would be inconsistent to allow a higher density of development in the R-1 Zone than that which is permitted in the R-2 zone. Either or both of these proposals could be considered by the Planning Commission as modifications to the amendment before the Planning Commission, as part of their deliberations in this case.

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** consistent with the Comprehensive Plan and **IS NOT** detrimental to the public welfare (Commissioners Matthews, Siler and Brown dissented with this conclusion).
2. The proposed amendment **IS** warranted by a change in economic, technological and/or land use conditions (Commissioners Matthews, Siler and McKee dissented with this conclusion).
3. The proposed amendment **IS NOT** necessary to correct an error (unanimous conclusion).
4. The proposed amendment **IS NOT** necessary to clarify meaning or intent (unanimous conclusion).
5. The proposed amendment **IS NOT** necessary to provide for a proposed use that was not previously addressed (unanimous conclusion).
6. The proposed amendment **IS NOT** deemed necessary as being in the public interest (Commissioners Baird and Fox dissented with this conclusion).

DELIBERATIONS:

In deliberations, Commissioner Matthews indicated that he was concerned about a slippery slope, with first the elimination of minimum lot sizes, and now a request to increase the maximum lot coverage. He expressed concern that the next request will be to change setback requirements. Commissioner Siler indicated that the increase in lot coverage would result in a development pattern that was too dense, not in character with the community, and would not allow for adequate space for parking larger passenger

vehicles and pickup trucks. Commissioner Baird recognized that the market is changing, as the population ages and the cost of housing increases, but felt that a more moderate increase might be more palatable for the community, suggesting 50% maximum lot coverage, which is consistent with the current zoning requirements in the R-2 zone. Commissioner McKee acknowledged the increasing challenges associated with the affordability of housing.

Commissioner Baird made a motion to consider an amendment to the request, to consider amending the maximum lot coverage from 40% to 50%, rather than the 60% requested. That motion failed for lack of a second.

RECOMMENDATION:

In the matter of Case No. CPA2019-0001/ LUA2019-0005, an amendment to the City of Liberty Lake Development Code §10-2B-7(C), to increase the maximum allowable lot coverage for detached single-family housing in the R-1 zone from 40% to 60%, the City of Liberty Lake Planning Commission does hereby recommend to City Council that the amendment be **DENIED**.

DRAFT

EXHIBIT A

**PROPOSED AMENDMENTS TO CITY OF LIBERTY LAKE DEVELOPMENT CODE, INCREASING THE
MAXIMUM ALLOWABLE LOT COVERAGE FOR DETACHED, SINGLE FAMILY HOUSING IN THE R-1 ZONE**

Amendments to City Development Code §10-2B-7, Lot Area, Dimensions, Coverage, & Residential Density:

- C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

R-1 Land Use	Lot Area	Lot Width / Depth	Lot Coverage	Residential Density
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: 5000 square feet	Minimum Width: None Maximum Depth: None	Maximum: 40 60 percent	Minimum Net Density: 4 dwelling units per acre Maximum Net Density: 6 dwelling units per acre
Attached (townhome) Single Family Housing; Clustered Housing	Minimum area: 2000 square feet Maximum area: 7500 square feet	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 60 percent *	Minimum Net Density: 4 dwelling units per acre Maximum Net Density: 8 dwelling units per acre
Other Uses	Minimum area: None Maximum area: 4 acres (excluding parks and recreation uses)	Minimum Width: 60 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

* Attached Clustered Housing shall be based on the individual project boundary