



**FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE PLANNING COMMISSION**

**IN THE MATTER OF CASE NO. CPA2019-0005/LUA2019-0012, A CITY-INITIATED PROPOSAL TO AMEND CITY OF LIBERTY LAKE DEVELOPMENT CODE AND RIVER DISTRICT DEVELOPMENT CODE § 10-4B(F), NOTICE REQUIREMENTS FOR TYPE II ADMINISTRATIVE APPEALS, TO REFLECT THAT APPEALS OF THE HEARING EXAMINER’S FINAL DECISION SHALL BE MADE TO SPOKANE COUNTY SUPERIOR COURT.**

**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 CPA2019-0005/LUA2019-0012
<b>Code Chapter / Section</b>	<b>Proposed City Development Code &amp; River District Development Code Amendment</b>
<b>§10-4B-4(F), Notice Requirements for Type II Administrative Appeals</b>	<p>Liberty Lake Municipal Code &amp; River District SAP 08-001 Development Regulations §10-4B-4(F), regarding appeals of the Hearing Examiner’s final decision.</p> <p>Proposed Amendment:</p> <p><u>Administrative Appeal</u></p> <p>Type II Project Permits: A motion for reconsideration by the Hearing Examiner may be filed with an appeal request to the City within fourteen (14) calendar days from the date of the Hearing Examiner’s decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the appeal hearing. An appeal of the final decision of the Hearing Examiner can be made to Spokane County Superior Court as outlined under Judicial Appeal in §10-4B-4(H). Appeals of the Hearing Examiner’s Decision must be filed as a land use petition with the Superior Court within twenty-one (21) calendar days of the date the written decision is signed.</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.*

### **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 CPA2019-0005/LUA2019-0012:	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:

**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 4:** Regulations developed by the City of Liberty Lake will not result in or constitute a taking of private property and shall be evaluated as provided for in RCW 36.70A.370.

## STAFF ANALYSIS:

The proposed amendment corrects an error City Development Code & River District Development Code, as adopted by Ordinance 241, regarding appeals of the Hearing Examiner's final decision. If approved, the amendment will reflect that appeals of the Hearing Examiner's final decision shall be made to Spokane County Superior Court (not City Council, as is currently reflected in this section). The proposed amendment will make this section of code consistent with other sections of City Development Code & River District Development Code §10-4B, which indicate that the Hearing Examiner's final decisions are appealable to Spokane County Superior Court.

## 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.
2. The proposed amendment **IS NOT** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS** necessary to correct an error.
4. The proposed amendment **IS** necessary to clarify meaning or intent.
5. The proposed amendment **IS NOT** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS** deemed necessary as being in the public interest.

#### **RECOMMENDATION:**

In the matter of Case No. CPA2019-0005/ LUA2019-0012, an amendment to City of Liberty Lake Municipal Code and River District Development Code §10-4B-4(F), Notice Requirements for Type II Administrative Appeals, to reflect that appeals of the Hearing Examiner's final decision shall be made to Spokane County Superior Court, the City of Liberty Lake Planning Commission does hereby recommend to City Council that

the amendment be **APPROVED**.

DRAFT