

STAFF REPORT TO THE PLANNING COMMISSION

IN THE MATTER OF AN AMENDMENT TO CITY OF LIBERTY LAKE DEVELOPMENT CODE §10-2, PROVIDING FOR “PERSONAL CARE SERVICES SUCH AS BARBER SHOPS, HAIR AND NAIL SALONS, TANNING SALONS, ETC.” AS LIMITED USES IN THE I (LIGHT INDUSTRIAL) ZONE

PLANNING COMMISSION HEARING DATE: May 11, 2022

PROPOSAL COORDINATOR: Amy Mullerleile, Senior Planner

PROPOSAL SUMMARY:	
Project Name & File No.	LUA2022-0007 -Bike Hub LLC Development Code Change
Location	Citywide Industrial Zone
Proposal Description	Amend the City’s development code to allow for personal care services such as barber shops in the I (Light Industrial) Zone as a limited use.
Proposal Summary	On 10/8/2021 the applicant applied for building permits related to the construction of a building that would house 3 retail establishments. On 11/10/2021 the permits were issued (PRJ2021-0013). As the project progressed tenants for the retail spaces were identified; two of the prospective businesses are permitted uses in the industrial zone while the

	<p>third, a barbershop, is not allowed.</p> <p>The proposal is to amend the zoning matrix and the I zoning district to allow personal care services as a limited use.</p>
Applicant/ Contact	Chris Andreasen
Code Chapter / Section	<p>§10-2A-4, Zoning Matrix</p> <p>§10-2J-3, Limited Uses in the I Zone</p>
Proposed Amendment Exhibit	Exhibit A – Application Materials for LUA2022-0007

APPLICATION MATERIALS:

The application to amend to code was submitted on March 7, 2022, and the associated fees were paid the same day. This is a companion project to an existing building permit that was issued on November 10, 2021. The original project application materials are included as 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.

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 §10-2J: I (Light Industrial) Zoning District Regulations

This chapter details development standards, required setbacks, building heights, architectural design standards, and performance standards for limited and conditional uses within the light industrial zone. Outright allowed uses in this zoning district include manufacturing, warehousing and distribution, and offices. Limited uses permitted in this zone include retail, restaurants, and similar commercial uses, when abutting or adjacent to an outright permitted use.

City Code §10-4B-5: Type IV Projects:

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.

City Code §10-4B-5(B): Amendments to the Comprehensive Plan or Development Code Text:

Comprehensive Plan or Development Code Text changes are considered a Type IV Projects. Staff will introduce the proposed amendment to the Planning Commission at the earliest available regular meeting and provide a copy of the proposed amendment to the Planning Commission. The Planning Commission will review the proposed amendment and hold at least one public workshop and one public hearing to solicit public comment. After further review the Planning Commission will provide a formal recommendation to the City Council for approval or denial. The City Council will hold an additional public workshop and public hearing to approve, approve with modifications, or deny the Planning Commission recommendation. If approved, the amendment becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper.

SEPA REVIEW:

A SEPA Checklist was completed for the proposed amendment to development code and submitted for review on March 7, 2022. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse Staff Report to the Planning Commission
Personal Service as Limited Use in I Zone

environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on April 21, 2022 under the provisions of WAC 197-11-340(2). The 14-day agency comment period ended on May 6, 2022, before it took effect. The deadline for SEPA procedural appeals and appeals of the threshold determination was May 6, 2022. No appeal of the SEPA procedure or threshold determination has been filed.

PROCEDURAL INFORMATION:

Planning Commission Workshop on Proposed Amendment:	April 13, 2022
SEPA Notice/ Public Hearing Notice:	April 22, 2022
SEPA Comment/Appeal Period Ends:	May 6, 2022
Planning Commission Hearing:	May 11, 2022

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.

PUBLIC COMMENT:

No public comment was received on this topic.

COMPREHENSIVE PLAN LAND USE DESCRIPTION:

Light Industrial Zone: The Light Industry category is intended for industrial areas that have a special emphasis and attention given to aesthetics, landscaping, and internal and community compatibility. Light Industrial areas are comprised of predominantly industrial uses such as manufacturing but may incorporate office and commercial uses that support and complement the industrial area.

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

Governance Goal 1: Actively involve residents, businesses, and property owners in the governance of the City.

Land Use Goal 1: Provide a healthful, safe, and sustainable urban environment.

Economic Development Goal 1: Maintain a healthy and sustainable local economy.

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.

Land Use Policy 6: Protect designated industrial areas for ongoing use and future development.

Transportation Policy 25: Consolidate access to commercial and industrial properties by encouraging the development of commercial and industrial centers rather than strip development to minimize traffic congestion on minor arterials.

Economic Development Policy 4: Continue to support the start-up, retention, expansion, and recruitment of businesses.

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

Economic Development Policy 6: Periodically review and update economic development techniques to provide a business climate conducive to new and start-up businesses.

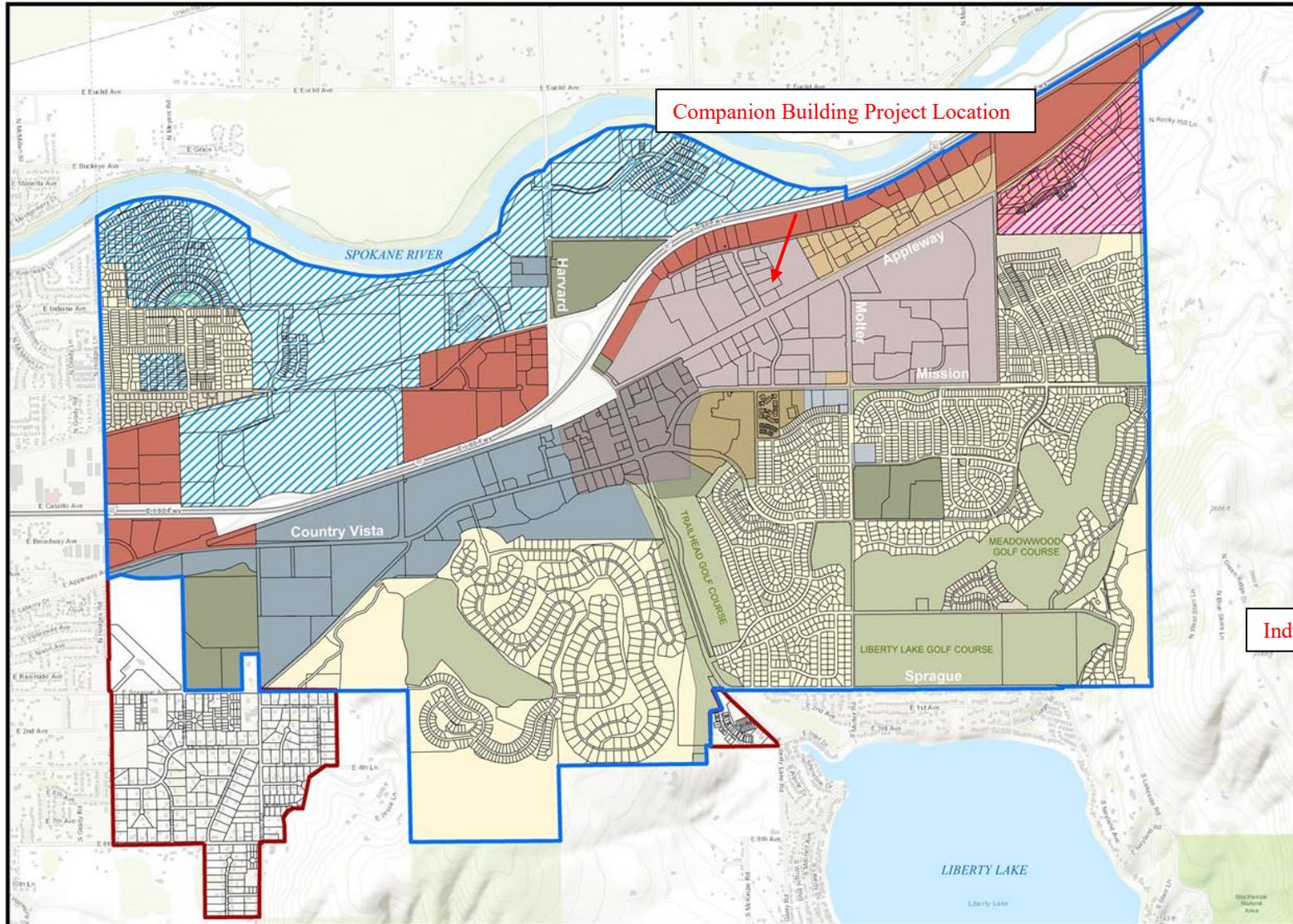
STAFF ANALYSIS:

- The proposed amendment to the City's development code was initiated as a companion application to a permitted building project currently under construction. The original construction project created a building designed for three manufacturing/retail tenants.
- The primary tenant is a bicycle repair business that also provides some general retail and, as such, is a permitted use in the industrial zone.
- The tenants for the remaining two spaces were identified after the building permit was issued as a microbrewery with a tasting room, and a barber shop. The bicycle repair shop and microbrewery are allowed uses in the I zone, and the retail sales component of the bike shop, and the tasting room for the microbrewery are allowed, as based upon the adjacency to the bike repair and microbrewery business, but a barber shop, and other person care services, are expressly not permitted per the current city code.
- The current code allows general retail and restaurant/food service as a limited uses in the industrial zone if the use is abutting or within

an existing or permitted use.

- Personal care services and general retail businesses are likely to have similar impacts on the surrounding area and in some cases could be used to describe the same business (e.g. a business that manufactures and sells hair and beauty products for general retail but also provides personal services related to the products they sell).
- In order to protect the character of the surrounding properties, further the intent of the City's Comprehensive Plan and maintain the purpose of the industrial zoning category, personal services would only be allowed to locate within the industrial zone when they are abutting or within an existing or permitted business.
- This change will apply to all properties zoned I (Light Industrial) throughout the City and will include all businesses defined as personal care services.

City of Liberty Lake Zoning Map - 2021

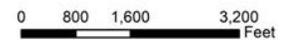


Companion Building Project Location

- City of Liberty Lake
- Urban Growth Area
- Parcels
- River District SAP
- Lakemore/Hawkstone SAP
- R1
- R2
- R3
- M1
- M2
- M3
- C1
- C2
- I
- P
- O

Industrial Zoning Designation

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



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 an amendment to city of Liberty Lake Development Code §10-2, providing for “personal care services such as barber shops, hair and nail salons, tanning salons, etc.” as limited uses in the I (light industrial) zone, 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.