CHAPTER 4

APPLICATIONS AND REVIEW PROCEDURES

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Article 10-4A —

Administration of Land Use and Development Permits

Sections:

10-4A-1 **Introduction**
10-4A-2 **Concurrency**

10-4A-1 Introduction

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Please refer to Article 10-4B below to determine which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

10-4A-2 Concurrency

A. Concurrency Facilities and Services.

1. Applicability. The following facilities and services must be evaluated for Concurrency:
   a. Public Water
   b. Public Sewer
   c. Transportation
   d. Stormwater
   e. Law Enforcement
   f. Parks and Open Space
   g. Libraries
   h. Solid Waste Disposal
   i. Street Cleaning
   j. Public Transit
   k. Fire and Emergency Services
   l. Public Schools

2. Direct Concurrency.
   Transportation, Public Water, and Public Sewer shall be considered Direct Concurrency Services. Concurrency requirements for public water and public sewer service are detailed in Section 10-4A-2, subsection F below. A financial guarantee for required improvements can be used to "final a project", but transportation facilities serving a development must be constructed prior to occupancy. Applicable permit/project applications shall require Transportation Concurrency Review, described below. A Concurrency Certificate shall be issued to development proposals that pass the Transportation Concurrency Review.

3. Indirect Concurrency.
   Stormwater, Law Enforcement, Parks and Open Space, Libraries, Solid Waste Disposal, Street Cleaning, Public Transit, Fire and Emergency Services, and Public Schools shall be considered Indirect Concurrency Services. The City of Liberty Lake shall demonstrate the adequacy of Indirect Concurrency services through the Capital Facilities Plan (CFP). The CFP will be updated annually, at which time all Indirect Concurrency Services will be evaluated for adequacy. The evaluation will include an analysis of population, Level of Service, and land use trends in order to anticipate demand for services and determine needed improvements. If any Indirect Concurrency Services are found to be inadequate, the City will adjust plans to lessen the demand for services, include a project in the CFP to address the deficiency, or adjust the Level of Service.

B. Transportation Concurrency and Review.

1. The following project permits/project applications shall be subject to Transportation Concurrency Review.
    a. Plats and Binding Site Plans
    b. Short Plats
    c. Zone Changes with site plans
    d. Planned Unit Developments
    e. Commercial/Industrial building permits
    f. Residential building permits over 4 units
    g. Conditional Use Permits
    h. Manufactured Home Parks
    i. Extension of time (see exemption No. 2.b.)
    j. Change of conditions

   A Certificate of Concurrency, issued by the City, shall be required prior to approval of the above applications, if applicable.

2. The following shall be exempt from Concurrency Review:
    a. Project permits that were issued, or project applications that were determined to be complete (see RCW 36.70B) prior to the effective date of these Concurrency Regulations.
    b. Any project permit that will have insignificant transportation impact, and that will not change the traffic volumes and flow patterns in the peak travel periods, as determined by the Planning & Community Development Director.
    c. The following project actions:
        i. Boundary line adjustments;
        ii. Final Plats/ Final PUD's/ Final Short Plats/ Final Binding Site Plans;
        iii. Temporary Use Permits;
        iv. Variances.
    d. Proposed project permits/project applications that do not create additional impacts on transportation facilities. Such projects may include but are not limited to:
        i. Any addition or accessory structure to a residence with no change or increase in the number of dwelling units, up to 4 units;
        ii. Interior renovations with no change in use or increase in number of dwelling units, up to 4 units;
        iii. Any addition, remodel, or interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use.

C. Transportation Concurrency Review Procedures.

1. Applicability. All project permits, except for those exempt, shall apply for Transportation Concurrency Review at the time applications for project permits are submitted. Inquiries about availability of capacity on transportation facilities or applicable mitigation fees may be made prior to project permit applications, but responses to such inquiries are advisory only and available capacity can only be reserved through a Concurrency Certificate as set forth in these regulations. These procedures may not apply if a transportation mitigation plan is adopted that specifies procedures for transportation mitigation.

2. Procedures.
    a. Applications for Transportation Concurrency Review shall be submitted on forms provided by the City.
    b. Transportation Concurrency Review shall be performed for the specific property, uses, densities, and intensities based on the information provided by

the Applicant/Property Owner. The Applicant/Property Owner shall specify densities and intensities that are consistent with the uses allowed.

c. The City shall issue a Concurrency Determination, if a mitigation fee is not being utilized.

d. The City shall notify the Applicant/Property Owner of the results of the Concurrency Determination or of the applicable required mitigation fees within 30 days of receipt of Application for Transportation Concurrency Review. If additional information is needed to determine Concurrency, such additional information may be requested by the City. Such request shall not make the original project application deemed incomplete.

e. The project permit may be conditioned as necessary to ensure that an improvement relied upon to demonstrate Concurrency will be completed.

f. If the proposed project fails the Concurrency Test and the project permit cannot be conditioned to accomplish concurrency, the project permit(s) shall be denied.

g. If the proposed project passes the Concurrency Test, the City shall issue a Concurrency Certificate to the Applicant/Property Owner. The Certificate shall be used to maintain an accounting of traffic impacts on City Streets and the capacity that has been reserved or the mitigation fee that is required to be paid.

h. If the project permit has been withdrawn, expires, or is otherwise cancelled, the Concurrency Certificate shall automatically be voided.

3. Relation to Other Requirements.
Compliance with or exemption from the requirements of these regulations shall not exempt a project from compliance with all other City, County, State, and Federal regulations.

4. Concurrency Certificate.

a. A Concurrency Certificate shall only be issued upon payment of any concurrency or mitigation fee due.

b. A Concurrency Certificate shall apply only to the specific land uses, densities, intensities, and project described in the application and project permit.

c. A Concurrency Certificate is not transferable to other property, but may be transferred to new owners of the same property.

d. A Concurrency Certificate shall remain valid so long as the accompanying project permit has not expired or been revoked.

e. A Concurrency Certificate is valid for any modification of the permits for which the Certificate was issued so long as such modification does not require the Applicant to obtain a new project permit.

f. Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.

5. Concurrency Certificate and Mitigation Fees.
Fees for issuing Concurrency Certificates shall be based on an adopted fee schedule. Mitigation fees shall be based on the adopted mitigation plan.

D. Phased Development. When a project is proposed in phases or construction is expected to extend over some period of time, the Applicant/Property Owner may offer a schedule of occupancy that will be used by the City to determine the schedule of transportation improvements that must be completed, or financially guaranteed, prior to finaling of each phase. However, the required transportation improvements shall be determined by analyzing the traffic impacts estimated to be generated by the fully completed project.

E. Transportation Concurrency Test Procedures.

1. Highway Capacity Manual methods selected by the City Engineer shall be used to

analyze project impacts to intersections.

2. Level of Service information in the Capital Facilities Plan, which is updated annually, shall be used as a starting reference to analyze project impacts.

3. Level of Service information shall be updated as necessary to account for traffic levels resulting from the following:
   a. traffic from newly constructed projects,
   b. projects for which traffic impacts have been tentatively reserved;
   c. projects for which a Concurrency Certificate has been awarded; and
   d. non-project, general background traffic increases.

   Level of Service information shall also be updated as necessary as a result of any discontinued Concurrency Certificates, funded road projects, or new Level of Service analysis.

4. Each City intersection affected by the proposed projects shall be reviewed and analyzed for Concurrency. The Applicant/Property Owner may be required to provide a traffic analysis if existing information does not provide adequate information for the Concurrency assessment.

5. Project proposals shall pass the Concurrency Test if
   a. the transportation impacts from the proposed project does not decrease the Level of Service of affected intersections below the adopted standards; or
   b. the Applicant/Property Owner agrees to modify the project or provide transportation improvements and/or binding financial commitments that will result in the Level of Service of each deficient intersection meeting or exceeding the adopted standards.

F. Water and Sewer Concurrency. New development shall not be approved unless the proposal can demonstrate the availability of public water and sewer services consistent with adopted Levels of Service, and consistent with the definition for Concurrency in the City Comprehensive Plan. New development must:

1. Be connected to a public sewer at the time of occupancy.

2. Developer-financed extensions of public sewer may be allowed provided capacity and infrastructure needs are adequately addressed. For purposes of this section, new development shall include plats, short plats, binding site plans, manufactured home park site development plans, planned unit development, and zoning reclassifications. Conditional use permits shall also be considered new development if the proposed use would result in an increased amount of wastewater generated on the site. New development not requiring sewer and/or water service (e.g. cellular towers) is exempt from this section.

G. Applicability to Vested Projects. These regulations shall not apply to land use applications vested in accordance with state and local law.

H. Conflicts Between Provisions. This article shall apply as an overlay and in addition to other adopted plans, ordinances, and regulations affecting lands in the City. In the event of any conflict between this article and an adopted mitigation plan or impact fee ordinance, the provisions of the adopted mitigation plan or impact fee ordinance shall prevail. In the event of any conflict between this article and any other ordinances, and/or regulations, the provisions of this article shall prevail. In the event of any conflict between this article and any development agreement which has been executed under RCW 36.70B.170, prior to the adoption of the Development Code, the development agreement or provisions therein shall govern and prevail during the term of the agreement.

Article 10-4B —

Types of Applications and Review Procedures

Sections:

10-4B-1 **Purpose**
10-4B-2 **Determination of Procedure Type**
10-4B-3 **Project Procedure Types**
10-4B-4 **Project Permit Review Process & Timeline**
10-4B-5 **Type IV Projects**
10-4B-6 **Neighborhood Meetings**

10-4B-1 Purpose

The purpose of this article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. The City utilizes a consolidated project permit process which provides for integrated processing of multiple discretionary permits issued by the City of Liberty Lake related to a specific project and environmental review on that project. Consolidated project review also provides for coordinated meetings and hearings associated with the project. Most project permits can be processed between a 60 and 120 day timeframe. Applicants that promptly prepare and supply required items will aid in expediting the overall process.

10-4B-2 Determination of Procedure Type

The P&CD Director or his or her designee shall determine the proper procedure type for all permit applications according to the set procedure types outlined in this article. Where no procedure type is specified for a particular project permit application, the Director or his or her designee shall determine the appropriate procedure type based upon the procedure used for similar permits. If there is a question as to the appropriate procedure type, the Director or his or her designee, shall resolve it in favor of the procedure type that provides the greatest opportunity for public notice and participation. The procedures for Administrative Interpretations are outlined in Article 10-4G and appeals of Notice of Violations are covered in Section 10-1D-8.

10-4B-3 Project Procedure Types

Land use and development permit applications shall be decided by using the procedures contained in this article. Building permits may need to be reviewed for compliance with design standards, zoning, etc., however the permit is issued pursuant to Title 9, Building Regulations.

Additionally, some projects may need to be reviewed for compliance with other Titles within the City Municipal Code. Specific procedures for certain types of permits are contained in Section 10-4B-4. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are five types of permit/decision-making procedures: Exempt, Type I, Type II, Type III, and Type IV. These procedures types and the projects associated with each procedure type are described in subsections A-E below.

A. Exempt Projects. Exempt projects do not require project permit review processes because they are generally smaller scale permits or administrative actions by the Planning & Community Development Department (P&CD) that are not required to go through public notice provisions, full agency review, or State Environmental Policy Act (SEPA) review. Decisions on

Exempt Projects are made by the Planning & Community Development Department and depending on the type and complexity of the project, review time can vary, however, it is P&CD's goal to process projects as quickly as possible. The following projects are exempt from the full project permit review process:

1. Accessory Dwelling Units
2. Administrative Interpretations and Minor Modifications
3. Approach Permits
4. Class A Variance
5. Commercial, Industrial, Grading, & other building permits that may require a site plan review meeting and design review, but do not require SEPA.
6. Major modifications to existing Commercial, Industrial, Grading, & other building permits that may require a site plan review meeting and design review, but do not require SEPA.
7. Mechanical & Plumbing Permits
8. Boundary Line Adjustments
9. Home Occupation Permits
10. Public Assembly Permits
11. Right of Way Permits
12. Sign & Temporary Sign Permits
13. Temporary Use Permits
14. Street Vacations (Requires a final City Council approval)

B. Type I Projects. Type I project permits are generally administrative decisions that usually require SEPA with minimal notice requirements, and decisions are made by the Director or his or her designee, without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion. The following projects are classified as Type I projects:

1. Commercial, Industrial, Grading, & other building permits that require SEPA
2. Major modifications to existing Commercial, Industrial, Grading, & other building permits that require SEPA.
3. Manufactured Home Parks
4. Preliminary Binding Site Plans (BSP) or Change of Conditions to an existing BSP
5. Shoreline Substantial Development Permits
6. Short Plats
7. Top Soil Removals

C. Type II Projects. Type II project permit decisions are Hearing Examiner decisions that require an 'open record' public hearing before the Hearing Examiner, full public notice, and they may or may not require SEPA. The 'closed record' appeal of a Type II decision is heard by the City Council. The following projects are classified as Type II projects:

1. Conditional Use Permits or major modifications to an existing permit
2. Revocation of a Shoreline Substantial Development Permit
3. Special Use Permits

4. Class B Variances

D. Type III Projects. Type III project permit decisions are City Council decisions that require an 'open record' public hearing before the Hearing Examiner and approval by the City Council after an additional 'closed record' public hearing where the Council reviews the Hearing Examiner's recommendation and the public record. Type III projects may or may not require SEPA and project decisions generally use discretionary approval criteria. Appeals are reviewed by the Spokane County Superior Court. The following projects are classified as Type III projects:

1. Change of Conditions or Amendments to an existing Plat or PUD (Major Modification)
2. Preliminary Planned Unit Developments (PUD)
3. Preliminary Plats
4. Property Rezones (individual properties)

E. Type IV Projects. Type IV procedures apply to legislative matters and Type IV projects are not project permits. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. The project permit 120 day process timeline shall not apply to Type IV projects and Type IV projects shall only be reviewed once a year. See Section 10-4B-5 for specific information governing Type IV projects. The following projects are classified as Type IV projects:

1. Comprehensive Plan Initial Adoption & Amendments
2. Development Regulations Initial Adoption & Amendments

10-4B-4 Project Permit Review Process & Timeline

The following procedures outline a chronological process for local review of project permits with specifics for each project type being specified. Some review process steps may not apply to all project types or some processes may be waived at the discretion of P&CD and as allowed by state law. See Table 4-A on Page 21 for review process requirements. Although Type IV projects may utilize some of the process steps, they are not project permits. If applicable, as a part of the review process and notice provisions for project permits, all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. The review process typically includes:

A. **Pre-Application Conferences.**

Pre-application conferences provide permit applicants with information regarding what general requirements must be met to process an application packet and the project permit review process. At pre-application conferences, the City will, as applicable:

1. Cite the comprehensive plan policies and map designations applicable to the proposal;
2. Cite the development code provisions, including substantive and procedural requirements applicable to the proposal;

3. Provide available technical data and assistance which will aid the applicant;

4. Identify other governmental policies and regulations that relate to the application;

5. Reasonably identify other opportunities or constraints concerning the application; and

6. When drawings are provided prior to the pre-application conference, feedback from the design review subcommittee may be provided, if applicable.

B. **Submittal of Application Packet and SEPA Checklist (as applicable).**

The City of Liberty Lake does not allow delayed submittals and encourages preliminary application packets and SEPA Checklists to be submitted at or before the Pre-Application Conference in order to expedite the review process, if possible. Some Type I project permits can be processed in less than sixty (60) calendar days. Type II and Type III project permits usually take between ninety (90) and one hundred twenty (120) calendar days to process. Applicants that promptly supply and prepare required items will aid in expediting the overall process. The following outlines the minimum application requirements.

1. Application shall be made on forms provided by P&CD and shall include information requested on the application form which addresses the criteria with sufficient detail for review and action.

2. Required submittals for each project shall be supplied with the completed application, including a City of Liberty Lake SEPA Checklist, if applicable.

3. Fees shall be established by P&CD per the adopted P&CD fee schedule.

C. **Determination of Completeness (DOC).**

The Determination of Completeness (DOC) is issued to permit applicants to advise them that the necessary paperwork has been submitted, including complete application packets and a SEPA checklist (if applicable) or what items need to be submitted to make the application packet complete. The “procedural submission requirements“ of the City have been met so City departments and other public agencies can begin review of an application packet, or if all required application packet documents have not been included, what is still needed. Preliminary SEPA review, if applicable, is also conducted during this phase.

Within twenty-eight (28) calendar days after receiving a project permit application, unless the City is waiting for the applicant to provide additional documents or information, P&CD shall mail or provide in person a written determination to the applicant, stating either:

1. That the application is complete; or

2. That the application is incomplete and what is necessary to make the application complete.

a. Within fourteen (14) calendar days after the applicant has submitted the required additional information to P&CD, the applicant shall be notified whether the application is complete or what additional information is still necessary to make the application complete.

b. If the applicant fails to submit the required additional information to P&CD within sixty (60) calendar days from the date P&CD requested the information, the application shall be considered expired and the project shall be required to re-start the project permit process as defined above in Section 10-4B-4. One (1) extension may be granted by P&CD provided that:

1. There have been no changes to the applicable Code provisions since the application was originally submitted. If there have been changes to the applicable Code provisions and the application does not comply with those changes, then the extension shall not be granted; in this case, the project shall be required to re-start the project permit

process;

2. The applicant demonstrates that failure to submit the required additional information was beyond the applicant's control (i.e. waiting for plan revisions from architects or engineers, etc.); and
3. The applicant has requested the extension prior to the sixty (60) calendar day expiration date.

Additionally, to the extent known, P&CD shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application and as applicable, the DOC may include:

1. A preliminary determination of those development regulations that will be used for project mitigation;
2. A preliminary determination of consistency, as provided under RCW 36.70B.040; or
3. Other information or required studies that the City chooses to include.

Issuance of a DOC shall not preclude the City from requesting additional information or studies either at the time of the determination of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

<u>Changes or additions to the application after the issuance of a Determination of Completeness.</u> Once an application is deemed complete:

1. All documents and other evidence changed or added by the applicant shall be submitted to the Director or his or her designee at least fourteen (14) calendar days prior to the mailing of the Notice of Hearing, if possible. Documents or other evidence submitted after that date may be received by the Director or his or her designee, and transmitted to the Hearing Examiner, but may be too late to include with the staff report and recommendation;
2. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
3. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall submit to the applicant and the Hearing Examiner a written determination that a significant change in the application has occurred. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see "4", below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
4. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the request of the applicant:
    a. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day timeline on the existing application. If the applicant does not consent, the City shall not select this option;
    b. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision making process without considering the new evidence;

5. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

D. **Notice of Application (NOA).**

The City shall provide a Notice of Application (NOA) to the public, and the departments and agencies with jurisdiction that an application has been submitted and that the opportunity for comment is available within the defined fourteen (14) calendar day comment period. Notice occurs via mail, posting on the City website, publication in the official City newspaper, and on-site signage, as applicable. The NOA is completed within 14 days of the DOC and provides for a 14-day comment period. During this phase, preliminary State Environmental Policy Act (SEPA) threshold determination would also be covered (if applicable).

When P&CD is the lead agency for SEPA, the Optional Determination of Nonsignificance "Optional DNS" process may be used where the SEPA checklist is routed for comment with the NOA and P&CD may make a preliminary SEPA threshold determination concurrently with the NOA. The NOA may also be combined with a scoping notice for a determination of significance (DS) or P&CD may issue a determination of significance and scoping notice prior to the NOA. If the optional DNS process mentioned is not being used, a Determination of Nonsignificance (DNS) or Mitigated Determination of Nonsignificance (MDNS) threshold determination must be issued after the NOA. For Type III and Type IV projects, if the SEPA threshold determination requires public notice, the City shall issue the threshold decision at least fifteen (15) calendar days prior to the open record predecision hearing before the Hearing Examiner or Planning Commission, as applicable.

The Notice of Application shall contain the following, as applicable:

1. The date of application, the date of the Determination of Completeness, and the date of the Notice of Application;
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under the DOC.
3. The identification of other permits not included in the application to the extent known by P&CD;
4. The identification of existing environmental documents that evaluate the proposed project and the location where the application and any studies can be reviewed;
5. A statement of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) calendar days following the date of the Notice of Application, and statements of the right of any person to comment on the application, receive notice of, and participate in any hearings, request a copy of the decision once made, and any appeal rights.
6. The date, time, place, and type of hearing, if applicable and scheduled at the date of the NOA;
7. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation, and of consistency as provided in RCW 36.70B.040; and
8. Any other information determined appropriate by the City.

Notice Requirements - Mailings

Type I Project Permits: The applicant shall prepare envelopes to notify property owners as follows:

a. Property owners and taxpayers, if different than the property owners, whose property is adjacent to or within a one hundred fifty (150) foot radius of the perimeter of the subject site, whichever is greater, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the close of the comment period.

b. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then the adjacent notification radius shall be based on the total ownership, including the abutting, controlled property.

c. Property owners and taxpayers are those shown on the Spokane County Assessor’s/Treasurer's most current computer records obtained by the applicant from a title company no more than thirty (30) calendar days prior to the issuance of the Notice of Application.

d. The notification shall consist only of information approved and provided by P&CD and envelopes shall be prepared by the applicant with the required postage, but not sealed. The applicant shall also prepare envelopes for agencies with jurisdiction, as directed by P&CD. Completed envelopes shall be given to P&CD at least eighteen (18) calendar days prior to the close of the comment period.

e. P&CD shall check the envelopes, mail them, and complete an affidavit confirming that these provisions have been fulfilled. The notice shall be deemed mailed when deposited in the United States mail, postage prepaid, and properly addressed. Notice shall be deemed adequate when each property owner and taxpayer having a complete mailing address shown on the Assessor’s/Treasurer's most current computer records is mailed a notice. The failure of any person to actually receive a mailed notice shall not invalidate any project permit decision. The Notice of Application shall be mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the end of the comment period.

Type II and Type III Project Permits: The applicant shall prepare envelopes to notify property owners as follows:

a. Property owners and/or taxpayers, if different than the property owners, whose property is within a four hundred (400)-foot radius of the perimeter of the subject site, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the close of the comment period.

b. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then all property owners within four hundred (400) feet of the applicant's total ownership shall be notified.

c. Property owners and/or taxpayers are those shown on the Spokane County Assessor’s/Treasurer's most current computer records obtained by the applicant from a title company not more than thirty (30) calendar days prior to the issuance of the Notice of Application.

d. The notification shall consist only of information approved and provided by P&CD and envelopes shall be prepared by the applicant with the required postage, but not sealed. The applicant shall also prepare envelopes for agencies with jurisdiction, as directed by P&CD. Completed envelopes shall be

given to P&CD at least eighteen (18) calendar days prior to the close of the comment period.

e. P&CD shall check the envelopes, mail them, and complete an affidavit confirming that these provisions have been fulfilled. The notice shall be deemed mailed when deposited in the United States mail, postage prepaid, and properly addressed. Notice shall be deemed adequate when each property owner and taxpayer having a complete mailing address shown on the Assessor's/Treasurer's most current computer records is mailed a notice. The failure of any person to actually receive a mailed notice shall not invalidate any project permit decision. The Notice of Application shall be mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the end of the comment period.

Notice Requirements - On-Site Signage

Type I, Type II, and Type III Project Permits: A sign will need to be posted which is a minimum of two (2) feet in width by three (3) feet in height and six square feet in area. The sign shall be erected by the applicant on the site fronting and adjacent to the most heavily traveled public street, and positioned as close to the right-of-way as possible, so it is easily readable by the traveling vehicular public from the right-of-way at least fourteen (14) calendar days prior to the close of the comment period. Depending on site size and location, more than one sign may be required and/or the City may require the sign size to be increased for visibility from I-90. Signage shall consist only of information approved and provided by the City and the signage shall be prepared and installed by the applicant. Signage shall be constructed of material of sufficient weight and reasonable strength to withstand normal weather conditions and the applicant shall complete and submit to the City an affidavit of posting. The sign shall be lettered and spaced as follows:

a. A minimum one (1)-inch border on the top, sides, and bottom of the sign;

b. The first line(s), in two (2)-inch tall letters, shall read

"NOTICE OF APPLICATION";

c. All the following lines, in one (1)-inch tall letters, shall read:

"PROJECT FILE #"

"PROPOSAL"

"APPLICANT"

"ENVIRONMENTAL REVIEW"

"REVIEW AUTHORITY"

d. Project specific information will be supplied to the applicant by P&CD prior to sign preparation and a copy of the actual Notice of Application (NOA) shall be attached to the bottom face of the sign. Required text shall be at least 1/2 inch tall letters. See example below.

NOTICE OF APPLICATION

PROJECT FILE #: "EXAMPLE"

PROPOSAL: "EXAMPLE"

APPLICANT: "EXAMPLE"

ENVIRONMENTAL REVIEW: "EXAMPLE ----------
----------"

REVIEW AUTHORITY: CITY OF LIBERTY LAKE
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

ATTACH ACTUAL NOTICE OF APPLICATION TO BOTTOM OF SIGN	ATTACH ACTUAL SEPA DETERMINATION TO BOTTOM OF SIGN, IF APPLICABLE

Notice Requirements - Publication

Type I, Type II, and Type III Project Permits: P&CD shall publish a Notice of Application in the official City newspaper and on the City website, at least one week prior to the end of the NOA comment period.

E. **Technical Review.**

Technical Review is a process where City staff and affected agencies review proposals for consistency and conformance with applicable regulations and to finalize proposed conditions of approval for the project in preparation for the project to proceed to a public hearing or administrative decision, as applicable. A Technical Review Meeting is optional for Type I projects and required for Type II and Type III projects, per the discretion of P&CD. At the meeting, affected agencies and City staff present the applicant with comments on the project and the proposed conditions of approval prior to the public hearing or administrative decision, as applicable. This review process should occur within 14 days of the close of the comment period for the NOA. A final SEPA determination (if applicable) would also be made prior to or during the Technical Review period.

F. **Notice of Hearing.**

The City shall provide a Notice of Hearing to the public, and the departments and agencies with jurisdiction that proposals requiring a public hearing have been scheduled for an 'open record' hearing before the Hearing Examiner or in the case of Type IV projects, the intial hearing(s) would be before the Planning Commission and may be precluded by public workshops. At the hearing(s), individuals and agencies can provide testimony. This notice occurs via the mail,

posting on the City website, publication in the official City newspaper, and on site signage, as applicable. Additionally, the Director or his or her designee shall prepare a staff report for the Hearing Examiner or Planning Commission, as applicable, that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria. Hearing bodies may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time. For Type III project permits, the hearing held before the Hearing Examiner should coincide with the time and date of regular City Council meetings in order to increase the opportunity for public comments to be received.

The Notice of Hearing shall contain the following, as applicable:

1. A statement that the notice has been provided to advise agencies, property owners, neighborhoods, and the public in general that a proposal requiring a public hearing has been scheduled for an "open record" hearing where individuals and agencies can provide testimony. **This hearing held before the Hearing Examiner will be the last opportunity to testify or submit written comments that will be added to the record about the project prior to a decision being rendered.**
2. A statement that explains where and when the file may be viewed;
3. Project and applicant information;
4. Project hearing date, time, and location;
5. SEPA determination, mitigation, etc.
6. Review authority and project coordinator; and
7. Any other information determined appropriate by the City.

<u>Notice Requirements - Mailings</u>

Type II and Type III Project Permits: The applicant shall prepare envelopes to notify property owners as follows:

a. Property owners and/or taxpayers, if different than the property owners, whose property is within a four hundred (400)-foot radius of the perimeter of the subject site, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.

b. Property owners and/or taxpayers, if different than the property owners, whose property abuts the subject site, shall be notified by certified mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.

c. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then all property owners within four hundred (400) feet of the applicant's total ownership shall be notified by mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.

d. Property owners and/or taxpayers are those shown on the Spokane County Assessor’s/Treasurer's most current computer records obtained by the applicant from a title company not more than thirty (30) calendar days prior to the issuance of the Notice of Hearing. The applicant may use the records obtained for the Notice of Application per the discretion of P&CD.

e. The notification shall consist only of information approved and provided by P&CD and envelopes shall be prepared by the applicant with the required postage, but not sealed. The applicant shall also prepare envelopes for agencies with jurisdiction, as directed by P&CD. Completed envelopes shall be

given to P&CD at least eighteen (18) calendar days prior to the scheduled hearing or the hearing will be re-scheduled.

f. P&CD shall check the envelopes, mail them, and complete an affidavit confirming that these provisions have been fulfilled. The notice shall be deemed mailed when deposited in the United States mail, postage prepaid, and properly addressed. Notice shall be deemed adequate when each property owner and taxpayer having a complete mailing address shown on Assessor's/Treasurer's most current computer records is mailed a notice. The failure of any person to actually receive a mailed notice shall not invalidate any project permit decision. The Notice of Hearing shall be mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the hearing.

Notice Requirements - On-Site Signage

Type II and Type III Project Permits: A sign will need to be posted which is a minimum of two (2) feet in width by three (3) feet in height and six square feet in area. The sign shall be erected by the applicant on the site fronting and adjacent to the most heavily traveled public street, and positioned as close to the right-of-way as possible, so it is easily readable by the traveling vehicular public from the right-of-way. The sign shall be posted at least fourteen (14) calendar days prior to the hearing. Depending on site size and location, more than one sign may be required and/or the City may require the sign size to be increased for visibility from I-90. Signage shall consist only of information approved and provided by the City and the signage shall be prepared and installed by the applicant. Signage shall be constructed of material of sufficient weight and reasonable strength to withstand normal weather conditions and the applicant shall complete and submit to the City an affidavit of posting. The sign shall be lettered and spaced as follows:

a. A minimum one (1)-inch border on the top, sides, and bottom of the sign;

b. The first line(s), in two (2)-inch tall letters, shall read

"NOTICE OF PUBLIC HEARING";

c. All the following lines, in one (1)-inch tall letters, shall read (as applicable):

"PROJECT FILE #"

"PROPOSAL"

"APPLICANT"

"DESCRIPTION / NUMBER OF ACRES / NUMBER OF LOTS"

"EXISTING / PROPOSED ZONING"

"SEPA DETERMINATION"

"REVIEW AUTHORITY"

"HEARING DATE & TIME, HEARING LOCATION"

d. Project specific information will be supplied to the applicant by P&CD prior to sign preparation. A copy of the proposed plat map, PUD plat map, etc., the SEPA threshold determination, and the actual Notice of Hearing shall be attached to the bottom face of the sign (as applicable). Required text shall be at least 1/2 inch tall letters. See example below.

NOTICE OF PUBLIC HEARING

PROJECT FILE #:
PROPOSAL:
APPLICANT:
DESCRIPTION:

NUMBER OF ACRES:
NUMBER OF LOTS:
EXISTING ZONING:
PROPOSED ZONING:
SEPA DETERMINATION:
REVIEW AUTHORITY: CITY OF LIBERTY LAKE PLANNING & BUILDING SERVICES
HEARING DATE:
HEARING TIME:
LOCATION:

ATTACH COPY OF PLAT / BSP, ETC. MAP TO BOTTOM OF SIGN, IF APPLICABLE

ATTACH COPY OF NOTICE OF PUBLIC HEARING TO BOTTOM OF SIGN

ATTACH COPY OF SEPA DETERMINATION TO BOTTOM OF SIGN, IF APPLICABLE

www.libertylakewa.gov/development/public_notices.asp

The sign(s) shall be removed immediately after the expiration of the appeal time frame for the decision of the Hearing Examiner or the City Council, as applicable, unless the decision is appealed.

Notice Requirements - Publication

Type II and Type III Project Permits: P&CD shall publish a Notice of Hearing in the official City newspaper and on the City website, at least ten (10) calendar days prior to the hearing stating the date, time, place, and purpose of the hearing.

Type IV Projects: The only public notice required prior to public hearings on Type IV projects shall be notice by publication, unless a rezone is involved, in which the notice procedures for Type III projects would apply and include mailings and on-site signage. P&CD shall publish a Notice of Hearing in the official City newspaper and on the City website, at least ten (10) calendar days prior to the hearing stating the date, time, place, and purpose of the hearing.

Administrative Appeal

Type II Project Permits: Any aggrieved person may submit a written appeal of the Examiner's decision to the Council within fourteen (14) calendar days from the date the final decision of the Examiner is rendered as outlined in subsection H below. A motion for reconsideration may be filed with an appeal request. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council appeal hearing.

Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.

City Council Public Hearing

For Type III project permits, the Hearing Examiner's decision is a recommendation to the City Council. The City Council will conduct an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision.

a. The legal notice required for the hearing held before the City Council shall be notice in the official City newspaper and on the City website at least ten (10) calendar days prior to the hearing stating the date, time, place, and purpose of the hearing. Additionally, the City shall require the applicant to prepare envelopes to notify members of the public and agencies who attended or spoke at the hearing before the Hearing Examiner, or submitted written comments, of the upcoming hearing before the City Council.

For Type IV projects, the City Council will conduct additional 'open record' public hearing(s) at a regularly scheduled City Council meeting to render the final decision on Type IV projects.

G. **Notice of Decision.**

Type I projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Director of Planning & Community Development after reviewing the staff recommendation on the project. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. For some Type I project permit applications, a copy of the permit may constitute the decision. Additionally, notice shall be published in the official City newspaper and on the City website.

Type II projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Hearing Examiner following the 'open record' public hearing. The written decision contains findings and conclusions that evidence and support the decision. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. Additionally, notice shall be published in the official City newspaper and on the City website.

Type III projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Planning & Community Development Department and approved by the Mayor following the final public hearing before the City Council that considered the Hearing Examiner's recommendation. The written decision contains findings and conclusions that evidence and support the decision. Additionally, the notice contains a statement of any threshold determination and the procedures for appeal. The

notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. Additionally, notice shall be published in the official City newspaper and on the City website.

The Notice of Decision shall contain the following, as applicable:

1. Project and applicant information;
2. Application date, hearing date, and date of decision
3. A statement that the project is either Approved, Approved with Conditions (list the conditions), or Disapproved (list the reason).
4. A statement that " The City Council's decision on this project and the SEPA determination made under chapter RCW 43.21C are final and conclusive unless within twenty-one (21) calendar days from the issuance of the decision, a party with standing files a land use petition in superior court pursuant to chapter 36.70C RCW. Pursuant to chapter 36.70C RCW, the date of issuance of the Council's decision is three (3) calendar days after it is mailed. This decision was mailed by Certified Mail to the Applicant, and by first class mail to other parties of record, on _____. The date of issuance of the City Council's decision is therefore _____, counting to the next business day when the last day for mailing falls on a weekend or holiday. **THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT BY LAND USE PETITION IS _____**."
5. A statement that "This notice of decision has been provided to the project applicant, reviewing agencies and members of the public that submitted project comments, and the Spokane County Assessor's Office. A copy of the SEPA determination was also provided to the Dept. of Ecology - Olympia, Dept. of Transportation - Spokane County, Other Reviewing Agencies, and the project applicant."
6. A statement that "The complete record in this matter, including this decision, is on file during the appeal period with the review authority."
7. A statement that "Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation."
8. Any other information determined appropriate by the City.

<u>Notice Requirements - Mailings</u>

Type II and Type III Project Permits: Parties shall receive notification as follows:

a. The applicant shall receive the notice by certified mail,
b. Parties of record, the Spokane County Assessor, and those that requested notice of the decision shall receive notification by regular mail.

<u>Notice Requirements - Publication</u>

Type I, Type II, and Type III Project Permits: P&CD shall publish a Notice of Decision on the City website and in the official City newspaper.

Type IV Projects: The only public notice required for decisions on Type IV projects shall be notice by publication, unless a rezone is involved, in which the notice procedures for Type III projects would apply and include mailings. P&CD shall publish a notice in the official City newspaper and on the City website. Additionally, the City shall transmit a complete and accurate copy of the adopted initial comprehensive plan or development regulations, or adopted amendments to the state as outlined in WAC 365-197-620 and RCW 36.70A.106 within 10 days after the final adoption.

H. **Appeal Procedures.**

Administrative appeal. Interested parties with standing, as defined in RCW 36.70C, have the opportunity to appeal a decision on a project permit or an administrative decision. The decision may be appealed within fourteen (14) calendar days from the date the decision is rendered by delivering a notice of appeal to P&CD by mail or personal delivery. The notice of appeal must be received by 4:00 p.m. on the last day of the appeal period, unless the last day of the appeal period falls on a weekend or holiday, the notice of appeal shall then be due on the following business day. Appeal requests shall contain all information required in this section. Any notice of appeal not in full compliance with this section shall not be considered.

1. Type I Project Permits / Administrative Decisions: An 'open record' appeal to the Hearing Examiner is available on many Type I project permits / Administrative Decisions. The appeal procedure shall be as outlined in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the P&CD Director.
2. Type II Project Permits: A ‘closed record’ appeal to the City Council is available.
    a. A motion for reconsideration may be filed with an appeal request. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council appeal hearing.
    b. Any aggrieved person may submit a written appeal of the Examiner’s decision to the Council within fourteen (14) calendar days from the date the final decision of the Examiner is rendered. The appeal would be a 'closed record' appeal and must be upon the record, established and made at the hearing before the Hearing Examiner, provided that new evidence which was not available at the time of the hearing may be included in such appeal. The term “new evidence” means only evidence discovered after the hearing and shall not include evidence which was available or which could reasonably have been available and was simply not presented at the hearing for whatever reason. Such written appeal shall allege specific errors of fact, specific procedural errors, omissions from the record, errors in the interpretation of the Comprehensive Plan, or new evidence which was not available at the time of the hearing. Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a hearing will be held by the City Council at their next available, regularly scheduled meeting.
3. Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision.
    a. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner’s recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.
    b. An appeal of the final decision of the City Council can be made to Spokane County Superior Court as outlined in Judicial Appeal below.

The Notice of Appeal shall contain the following in concise statements:

1. The decision being appealed;
2. The name and address of the appellant and his/her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
4. The desired outcome or changes to the decision; and

5. The appeal fee shall also be submitted with the notice.

   a. Requests for reconsideration shall contain all information required in this subsection. Any notice of appeal not in full compliance with this subsection shall not be considered.

   b. For Type II and Type III Project Permits, public notice packets shall be required to be prepared by the appellant and completed packets must be received by P&CD at least eighteen (18) calendar days prior to the scheduled appeal hearing or the appeal hearing will be cancelled. Notice of a public appeal hearing by the City Council shall be given to the appellant and any person who would be entitled to notice of the decision being appealed. This notice is mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the hearing. Notice of the date, time, place, and purpose of the hearing is also placed in the official City newspaper and on the City website at least ten (10) calendar days prior to the hearing.

Scheduling of Public Hearing. A public hearing for the appeal shall be scheduled before the City Council not less than twenty-one (21) calendar days from the date the complete notice of appeal with appeal fee is submitted to P&CD. The final appeal decision of the City Council may be appealed to the Spokane County Superior Court as outlined below.

Judicial appeal. Appeals from the final decision of the City Council shall be made to the Spokane County Superior Court and must be filed as a land use petition at the superior court within twenty-one (21) calendar days of the date the written appeal decision is signed.

1. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk and all persons identified in RCW 36.70C.040, within the applicable time period.

2. Costs of transcribing and preparing all records ordered certified by the court or desired by the appellant shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the City Clerk, an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant.

Appeals of Type IV projects:

Appeals of Zoning Text or Map Amendments. The action of the City Council on a zoning text or map amendment shall be final and conclusive, unless within thirty (30) calendar days from the date of the action the applicant or person having standing, as defined in RCW 36.70C, makes application to a court of competent jurisdiction for a writ of certiorari.

Additionally, appeals of matters subject to board review, as outlined in RCW 36.70A.280 shall be made by a petition to the Eastern Washington Growth Management Hearings Board as outlined in RCW 36.70A.290 or review may be directed to Superior Court as outlined in RCW 36.70A.295.

Table 4-A, Review Process Requirements	Exempt Projects	Type I	Type II	Type III	Type IV
Pre-Application Conference	X[1]	X	X	X	X
Submittal of Application Packet and SEPA Checklist (as applicable)	X	X	X	X	X
Determination of Completeness (DOC)		X	X	X	
Notice of Application (NOA)		X	X	X	
Technical Review		X	X	X	
Notice of Hearing					
Planning Commission Public Hearing					X
Hearing Examiner Public Hearing			X	X	
City Council Public Hearing				X	X
Notice of Decision		X[2]	X	X	X
Appeals					
Hearing Examiner Administrative Appeal		X			
City Council Administrative Appeal		X	X	X	
Judicial / Growth Management Hearings Board Appeal		X	X	X	X

X = required for permit type

X[1] = projects may be required to go through a site plan review meeting and design review or P&CD Dept. consultation prior to application approval and permit issuance

X[2] = Notice of Decision or building / grading permit issuance

I. Time Computation. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

10-4B-5 Type IV Projects

Planning is an ongoing process, and improved data or changing circumstances will require amendment to the comprehensive plan or development regulations. Amendments to the comprehensive plan or development regulations can be requested by the City Council, Planning Commission, City Staff, or by any affected citizen on a yearly basis. Yearly review of proposed amendments shall begin in April and should conclude in December. Applications for amendments shall be submitted by April 1st of each year in order for the amendment to be reviewed that year. Applications for amendments submitted after April 1st shall be reviewed the following year. Identified deficiencies shall be docketed for possible future plan or development regulation amendments during the project review process.

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.

B. Amendment to the Comprehensive Plan or Development Code Text:

An amendment to the text of this Code may be initiated in one of the following ways:

1. By the City Council,
2. By the Planning Commission,
3. By the Planning & Community Development Department, or
4. By any interested person. In the case of an amendment initiated by an interested person, P&CD shall collect from such person a fee as set forth in the adopted Planning & Community Development Department Fee Schedule which may cover normal processing and legal notice cost.

Such an amendment to the code text may be adopted, modified, or denied by ordinance of the City Council in accordance with the procedures specified in this section.

Procedures

Text amendment proposals shall follow the procedures outlined in Section 10-4B-4 above, as applicable, which includes a pre-application conference with the applicant. Upon finding that the required fee has been paid and that the application is complete, P&CD shall place an introduction to the request for the text amendment on the earliest available regular meeting agenda of the Planning Commission and submit a copy of the proposed amendment to the Planning Commission. The Planning Commission shall review the proposed amendment and hold at least one public workshop and one public hearing to solicit comment. After further review a formal recommendation will be made to the City Council for approval or denial. P&CD shall subsequently submit to the City Council a copy of the proposed amendment, along with the recommendations of the Planning Commission in writing. The City Council will hold an additional public workshop and an additional public hearing, to approve, approve with modifications, or deny the Planning Commission's recommendation on the proposed amendment(s). If approved, the amendment becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper. Additionally, the proposed amendments may be required to have a SEPA review, pursuant to Development Code Article 10-6A the City's Environmental Ordinance, and all Type IV projects must go through a 60-day state review process as required under WAC 365-195-620. This 60 day review process generally occurs after the Planning Commission's recommendation.

Notice.

Notice of the date, time, place, and purpose of the hearing is placed in the official City newspaper and on the City website at least ten (10) calendar days prior to the hearing(s) as outlined in Section 10-4B-4 above.

C. Amendment to the Comprehensive Plan Land Use Map and Zoning Map

An amendment to the zoning map, which constitutes a reclassification of property, may be initiated in one of the following ways:

1. By the City Council; or

2. By the Planning Commission; or

3. By the Planning & Community Development Department; or

4. By the owner(s) of any such property(ies), provided that the Planning & Community Development Department shall collect from such person a fee as set forth in the adopted Planning & Community Development Department Fee Schedule which may cover normal processing and legal notice cost; or

5. By the City Council or Planning Commission, pursuant to a petition filed by property owners of an area for a area-wide rezone and meeting the following requirements:

    a. That the petition represents a request to conduct an area-wide/ block re-zone.

    b. A petition is submitted, signed by fifty-one percent (51%) of the number of property owners within the area that is sought to be reclassified.

    c. In those instances where the petition filed by property owners of the area does not meet the provisions set forth above, any property owner(s) signing such petition may appear before the Planning Commission and request in writing that the Planning Commission initiate action to change the zoning map as set forth within the petition.

Such an amendment to the zoning map may be adopted, modified, or denied by ordinance of the City Council in accordance with the procedures specified in this section.

<u>Procedures</u>

Comprehensive Plan Land Use Map Amendments and district or City wide Zoning Map Amendments are Type IV Projects which are processed concurrently and follow the procedures outlined for text amendments in B above. Property rezones for individual properties are Type III Project Permits (see Section 10-4B-4 above). The Comprehensive Plan Land Use Map and the Zoning Map must be consistent and applications for property rezones must also include a Comprehensive Plan Land Use Map amendment request. Upon finding that the required fee has been paid and that the application is complete, P&CD shall issue a Determination of Completeness (DOC), followed by a Notice of Application (NOA). The application shall be forwarded to the Planning Commission for review and following the Planning Commission's review and recommendation on the map amendments, the SEPA review, and the 60 day state review, a public hearing shall be scheduled before the Hearing Examiner for the property rezone. P&CD will prepare a report and recommendation on the request which will be forwarded to the Hearing Examiner who will hold a public hearing on the requested amendment. The Hearing Examiner shall make available to all parties of record the recommendation decision, along with findings of fact and a statement setting forth the factors considered at the hearing, and analysis of facts considered by the Hearing Examiner. P&CD will forward the Hearing Examiner's recommendation to the City Council, and upon receipt of the recommendation the City Council shall, at its next available regular meeting, set the date for a public hearing. The public hearing for the property rezone must occur after the public hearing for the Comprehensive Plan Land Use Map amendment request. At the property rezone hearing, the Council shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and the property rezones consistency with the Comprehensive Plan Land Use Map, as well as its own analysis of findings considered by the Council. The Council, after the public hearing, may adopt the property rezone, make minor changes, or deny it. If approved, the property rezone becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper and a Notice of Decision shall be provided for the property rezone.

Notice.

Notice shall be as outlined in Section 10-4B-4 above for Type III project permits. Additionally, at least seven (7) smaller notice signs measuring at least eleven (11) inches by seventeen (17) inches shall be posted throughout the rezone area for area-wide/ block rezones at least fourteen (14) calendar days prior to the public hearing.

10-4B-6 Neighborhood Meetings

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their project permit application in order to solicit input and exchange information about the proposed development. In some cases, the Director may require the applicant to meet with a City-recognized neighborhood association or group prior to accepting an application as complete.

Article 10-4C — Site Design Review

Sections:

10-4C-1 **Purpose**
10-4C-2 **Applicability**
10-4C-3 **Site Design Review Application Submission Requirements**
10-4C-4 **Site Design Review Approval Criteria**
10-4C-5 **Bonding and Assurances**
10-4C-6 **Development in Accordance With Permit Approval**

10-4C-1 Purpose

The purpose of this Chapter is to:

A. Provide rules, regulations, and standards for efficient and effective administration of site design review.

B. Carry out the development pattern and plan of the City and its comprehensive plan policies;

C. Ensure the public health, safety, and general welfare;

D. Lessen or avoid impacts to community infrastructure; and

E. Encourage the conservation of energy resources, efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

10-4C-2 Applicability

Site design review shall be required for all new construction or developments and modifications of existing construction or developments, except that regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt, unless the structure or site is non-conforming and the repair or replacement of materials causes a loss of non-conforming status (see Article 10-5C). The criteria for site design review is as follows:

A. Site Design Review. Site design review is conducted by P&CD and is based on clear and objective criteria and ensures compliance with the basic development standards of the zoning district (e.g., building setbacks, lot coverage, maximum building height, etc.), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3. Site design review is required for the types of construction or development listed below, except that all developments in areas of special concern such as environmental and cultural preservation shall also use additional site design review procedures for those areas. Per the discretion of P&CD, projects may not require all of the submissions noted in Section 10-4C-3 below.

1. Commercial and industrial buildings;
2. Three or more consecutive single family attached (townhome) units;
3. Multi-family dwellings;
4. Manufactured home parks;

5. Modifications to development approvals as defined by Article 10-4F;
6. Any proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Article 10-4H - Conditional Use Permits;
7. Other developments, including single-family detached dwellings, manufactured homes, and two-family duplexes, when required by a condition of approval or this Code.

10-4C-3 Site Design Review Application Submission Requirements

Prior to issuance of permits or approvals, site design review shall be conducted for the projects listed in Section 10-4C-2 above. The following information, as applicable, is required for site design review application submittal:

A. General Submission Requirements. The applicant shall submit an application containing all of the general information required by Article 10-4B above, if applicable.

B. Site Design Review Information. An application for site design review shall include the following information, as deemed applicable by P&CD:

1. Site analysis map (existing conditions). At a minimum the site map shall contain the following, as applicable:
    a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
    b. Identification of slopes greater than 10 percent and provide topographic contour lines shown at a five (5) foot minimum interval if over 6 percent;
    c. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjacent to the site;
    d. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
    e. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
    f. Site features, including existing structures, pavement, rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
    g. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
    h. The general location, size, and species of existing trees and other vegetation having a caliper (diameter) of 12 inches or greater at four feet above grade;
    i. North arrow, scale, and names and addresses of all persons listed as owners on the most recently recorded deed.
    j. Name and address of project designer, contact person, engineer, surveyor, and/or planner, as applicable.
    k. Other information, as determined by P&CD. The City may require studies or exhibits prepared by qualified professionals to address specific site features.

2. Proposed site plan. The site plan shall contain the following information, as applicable:
    a. The proposed development site, including boundaries, dimensions, and gross area;
    b. Features identified on the existing site analysis map which are proposed to remain on the site.
    c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
    d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
    e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
    f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
    g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
    h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
    i. Loading and service areas for waste disposal, loading, and delivery;
    j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
    k. Location, type, and height of outdoor lighting;
    l. Location of mail boxes, if known;
    m. Name and address of project designer, if applicable.
    n. Location of bus stops and other public or private transportation facilities.
    o. Locations, sizes, and types of signs.
    p. Other information, determined by P&CD. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.
3. Landscape plan. A landscape plan is required and shall show the following, as applicable:
    a. The location and height of existing and proposed fences and other buffering or screening materials;
    b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
    c. The location, size, and species of the existing and proposed plant materials (at time of planting);
    d. Existing and proposed building and pavement outlines;
    e. Specifications for soil at time of planting and anticipated planting schedule.
    f. Irrigation system (if plantings are not drought-tolerant, may be automatic or other approved method of irrigation)
    g. Other information as deemed appropriate by P&CD. An arborist's report may be required for sites with significant vegetation that is protected under Article 10-3C of this Code. Per the discretion of P&CD, some projects may combine site and landscape plans.

4. Architectural drawings. Architectural drawings shall be submitted showing:
    a. Building elevations with building height and width dimensions;
    b. Building materials, color, and type;
    c. The name of the architect or designer.
5. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) 500 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Article 10-3H.
6. Sign drawings shall be required in conformance with the City's Sign Code Article 10-3E.
7. Lighting plan in conformance with Section 10-3F-2.
8. Copies of all existing and proposed restrictions or covenants.
9. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 10-4C-4 below.

10-4C-4 Site Design Review Approval Criteria

P&CD shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

A. The proposed land use is permitted by the underlying zoning district (Chapter 2);

B. The application complies with the all of the applicable provisions of the underlying Zoning District (Chapter 2), including: building and yard setbacks, lot area and dimensions, residential density, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses and design or other development standards are met (Chapters 3);

C. Exceptions to B, above, may be granted only when approved as a Variance (Article 10-5B).

D. All applicable building and fire code standards are met;

E. The applicant shall be required to upgrade any existing development that does not comply with the applicable zoning district standards, in conformance with Article 10-5C - Non-Conforming Uses and Development;

F. Conditions required as part of a Land Division (Article 10-4E), Conditional Use Permit (Article 10-4F), Specific Area Plan Overlay (Article 10-2M), or other approval shall be met.

G. The application is complete, as determined in accordance with Title 9, Building Regulations, Article 10-4B, and Section 10-4C-3 above, and other applicable Titles within the City Municipal Code.

H. The approval shall lapse, and a new application shall be required, if a permit has not been issued within six (6) months of site design review approval, or if development of the site is in violation of the approved plan or other applicable codes, in accordance with Section 10-4C-6, subsection B of this Code.

10-4C-5 Bonding and Assurances

A. Performance Bonds. On all projects where project related improvements are required, the City shall require a bond in an amount not greater than 150% of the private cost as a condition of development approval in order to guarantee the improvements.

B. Warranty Bond. Additional bonding or assurance shall be required for all improvements within the public right-of-way, including landscaping, as well as swales which serve the right-of-way for a period of 2 years after improvements are completed in an amount equal to 20% of the construction cost or $10,000, whichever is greater. The P&CD Director may reduce the bond amount for projects valued at less than $20,000. The warranty bond must be posted prior to the release of any performance bonds, in conformance with the City Development Code and City Street Standards.

C. Release of Performance Bonds. The bond or assurance shall be released when the P&CD Director finds the completed project conforms to the site development approval, including all conditions of approval.

D. Release of Warranty Bonds. The bond or assurance shall be released after the 2 year period when the P&CD Director finds that any noted deficiencies have been repaired or replaced, in conformance with the City Development Code and City Street Standards.

E. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 150% of the private cost of the cost of the landscaping as determined by the P&CD Director or a licensed landscape architect is filed with the City assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

10-4C-6 Development in Accordance With Permit Approval

Development shall not commence until the applicant has received all of the appropriate land use and development approvals, and building permits. Construction of public improvements shall not commence until the City has approved all required site improvement plans (e.g., utilities, streets, land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site improvements), and may require bonding or other assurances for improvements, in accordance with Section 10-4C-5. Site design review approvals shall be subject to all of the following standards and limitations:

A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Article 10-4G, shall be processed as an exempt project procedure. Major modifications, as defined in Article 10-4G, shall be processed as a Type III procedure. For information on procedure types, please refer to Article 10-4B above. For Modifications approval criteria, please refer to Article 10-4G.

B. Approval Period. Site design review approvals shall be effective for a period of six (6) months from the date of approval. The approval shall lapse, and a new application shall be required, if a permit has not been issued within six (6) months of site design review approval, or if development of the site is in violation of the approved plan or other applicable codes.

C. Extension. The P&CD Director shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved site design review plan;
2. The applicant can show intent of initiating construction on the site within the one year extension period;
3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within six (6) months of site design review approval was beyond the applicant's control.

D. Phased Development. Phasing of development may be approved with the site design review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the site design review application.
2. P&CD shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than ten (10) years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
    a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
    b. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
    c. An application for phasing may be approved after site design review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Article 10-4G).

Article 10-4D — Land Divisions and Lot Line Adjustments

Sections:

10-4D-1 **Purpose**
10-4D-2 **General Requirements**
10-4D-3 **Approvals Process**
10-4D-4 **Submission Requirements: Preliminary Plat and Short Plat**
10-4D-5 **Approval Criteria: Preliminary Plat and Short Plat**
10-4D-6 **Variances Authorized**
10-4D-7 **Submissions and Approval Criteria: Final Plat and Short Plat**
10-4D-8 **Public Improvements**
10-4D-9 **Performance Guarantees**
10-4D-10 **Filing and Recording**
10-4D-11 **Replatting and Vacation of Plats**
10-4D-12 **Boundary Line Adjustments**
10-4D-13 **Binding Site Plans**

10-4D-1 Purpose

Based on RCW 58.17, the purpose of this article is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, binding site plans, short subdivisions, and boundary line adjustments.

1. Subdivisions involve the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. A plat is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.
2. Binding site plans involve divisions of land for the purpose of sale or lease of commercial, industrial, or mixed use zoned properties as provided in RCW 58.17.035.
3. Short subdivisions involve the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. A short plat is the map or representation of a short subdivision.
4. Boundary line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the City's Comprehensive Plan visions, goals, and policies;

C. To prevent the overcrowding of land;

D. To lessen congestion in the streets and highways;

E. To promote effective use of land;

F. To promote safe and convenient travel by the public on streets and highways;

G. To provide for adequate light and air;

H. To facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements;

I. To provide for proper ingress and egress;

J. To provide for the expeditious review and approval of proposed subdivisions which conform to City zoning standards, plans, and policies;

K. To adequately provide for the housing and commercial needs of citizens; and

L. To require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

10-4D-2 General Requirements

A. Compliance With Article 10-4B. Projects shall comply with Article 10-4B, Types of Applications and Review Procedures on page 4-6 of this Code.

B. Compliance With RCW 58.17. All subdivision, binding site plan, and short subdivision proposals shall be in conformance to state regulations set forth in the Revised Code of Washington (RCW), 58.17, Plats - Subdivisions - Dedications.

C. Subdivision & Short Plat Approval Through Two-step Process. Applications for subdivision or short plat approval shall be processed through a two-step process: the preliminary plat, BSP, or short plat and the final plat or short plat.

1. The preliminary plat or short plat is a clear and approximate drawing of a proposed subdivision, binding site plan, or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements consistent with the requirements of this article. The preliminary plat or short plat shall be the basis for the approval or disapproval of the general layout of a subdivision, binding site plan, or short subdivision. The preliminary plat or short plat shall be approved before the final plat or short plat can be submitted for approval consideration; and
2. The final plat or short plat is the final drawing of the subdivision or short subdivision and contains a dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this article. The final plat or short plat shall include all conditions of approval of the preliminary plat or short plat.

D. Future Re-division Plan. When subdividing or short subdividing tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying zoning district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zoning district and this Code. A re-division plan shall be submitted which identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of Chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

E. Density. The following shall be used to calculate gross and net density for residential uses:

1. Gross Density is units or lots per acre.

   Gross density = total lots / gross area of site

2. Net Density is units or lots per acre minus the area public or private right of way, parks, common open space, and any other nonresidential use.

   Net density = total lots / (gross area of site - right of way - parks - common open space - any other nonresidential use)

F. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Article 10-4I, Temporary Uses.

G. Environmental. All subdivisions, binding site plans, and short subdivisions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat, BSP, or short plat, if applicable. Additionally, if required, projects shall be reviewed for compliance with the State Environmental Policy Act (SEPA) and any other applicable environmental regulations as defined in state law or Chapter 6 of this Code.

1. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the P&CD Director.

H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems.

I. Need for Adequate Drainage. All subdivision and short subdivision proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required; and

J. Floodplain, Park, and Open Space Dedications. All new land divisions shall be reviewed by the City for parks and open space concurrency requirements. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with Article 10-3G. Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable.

K. Exemptions. The provisions of this article shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. A division for the purpose of lease when no residential structure other than manufactured / mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land;
4. A division for the purpose of leasing land for facilities providing personal wireless

services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

10-4D-3 Approvals Process

A. Review of Preliminary Plat or Short Plat. Review of a preliminary plat shall be processed by means of a Type III procedure, as governed by Article 10-4B. Review of a preliminary short plat shall be processed by means of a Type I procedure, as governed by Article 10-4B. All preliminary plats and short plats shall be reviewed using approval criteria contained in Section 10-4D-5. An application for a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing. Contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous properties within a five year period, must comply with the plat / subdivision requirements of this Code if the total number of resultant lots will exceed four in number. The short plat / short subdivision process shall not be used as a mechanism to avoid the requirements of the plat / subdivision requirements where there are adjacent parcels under common ownership, as described herein, that, but for the property boundaries, would be required to comply with the plat / subdivision requirements. Multiple short plat applications shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this Code.

B. Review of Final Plat or Short Plat. Review of a final plat for a subdivision or short plat shall be processed administratively using the approval criteria in Section 10-4D-7.

1. For plats, the following signatures, as applicable, shall be on the face of the plat.

a. Property Owners of Record

b. Spokane County Auditor's Certificate

c. Surveyor's Certificate

d. City of Liberty Lake

This plat was approved and accepted by the City of Liberty Lake of Spokane County, Washington, on this _____ day of _____, 20____.

_____

Mayor, City of Liberty Lake

e. City of Liberty Lake Planning and Community Development

Examined and approved this _____ day of _____, 20____.

_____

Director, Planning and Community Development Department

f. City of Liberty Lake Engineer

Examined and approved this _____ day of _____, 20____.

_____

City of Liberty Lake Engineer

g. Spokane County Assessor

h. Spokane County Treasurer

The original mylar or medium acceptable to the County Auditor of said final plat shall be filed for record with the Spokane County Auditor. One reproducible copy shall be retained by P&CD, one paper copy shall be filed with the Spokane County Assessor, and one paper copy shall be given to the applicant.

2. For short plats, the following signatures, as applicable, shall be on the face of the plat.
   a. Property Owners of Record
   b. Spokane County Auditor's Certificate
   c. Surveyor's Certificate
   d. City of Liberty Lake Planning and Community Development

      Examined and approved this _____ day of _____, 20____.

      _____

      Director, Planning and Community Development Department

   e. City of Liberty Lake Engineer

      Examined and approved this _____ day of _____, 20____.

      _____

      City of Liberty Lake Engineer

   f. Spokane County Assessor
   g. Spokane County Treasurer

The original mylar or medium acceptable to the County Auditor of said final short plat shall be filed for record with the Spokane County Auditor. One reproducible copy shall be retained by P&CD, one paper copy shall be filed with the Spokane County Assessor, and one paper copy shall be given to the applicant.

C. Preliminary Plat and Short Plat Approval Period. Preliminary plat and short plat approval shall be effective for a period of 5 years from the date of approval, or for the amount of time specified in RCW 58.17.170, on the date of approval, whichever is greater. The preliminary plat or short plat shall lapse if a final plat or short plat has not been submitted within the 5-year period, or for the amount of time specified in RCW 58.17.140, on the date of approval, whichever is greater.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or short plat or conditions of approval following the procedures and criteria provided in Article 10-4F - Modifications. The Director may, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed three (3) years; provided that:

1. Any changes to the preliminary plat or short plat follow the procedures in Article 10-4F;
2. The applicant has submitted written intent to file a final plat or short plat within the extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat or short plat application shall be required;
5. The extension request is made before expiration of the original approved plan; and
6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions

of Approval was available

E. Phased Development.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any subdivision, binding site plan, or short plat be greater than 5 years;

2. The criteria for approving a phased land division proposal are:

   a. Public facilities shall be constructed in conjunction with or prior to each phase;

   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 10-4D-9. A temporary public facility is any facility not constructed to the applicable City or district standard;

   c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

   d. The application for phased development approval shall be reviewed concurrently with the preliminary plat, BSP, or short plat application and the decision may be appealed in the same manner as the preliminary plat, BSP, or short plat.

10-4D-4 Submission Requirements: Preliminary Plat and Short Plat

All land divisions shall follow the application review procedures established in Article 10-4B and Section 10-4D-3, subsection A.

A. Preliminary Plat.

In addition to the general requirements described in Section 10-4D-2 above, the preliminary plat application shall consist of drawings and supplementary written material on application forms approved and provided by P&CD. Complete applications shall contain the following information, as applicable:

1. Site analysis map (6 copies 24" x 36" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

   a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;

   b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site;

   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;

   d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.

   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

   f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 6 Environment and relevant portions of the Comprehensive Plan.);

h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;

i. Designated historic and cultural resources on the site and adjacent parcels or lots;

j. The location, size and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10-3C;

k. North arrow, scale, name and address of owner and project designer; and

l. Other information, as deemed appropriate by the P&CD Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

2. Proposed preliminary plat / PUD plat map (6 copies 24" x 36" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

a. Name of subdivision. This name must not duplicate the name of another subdivision in Spokane County (please check with Spokane County Assessor);

b. Date, north arrow, and scale of drawing;

c. Vicinity map with the location of the proposed development sufficient to define its location in the City;

d. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;

e. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;

f. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;

g. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;

h. Easements: location, width, and purpose of all easements;

i. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;

j. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.

k. Existing structures that will remain on site;

l. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;

m. Subject site survey data;

n. Data table, as applicable:

1. Existing and proposed zoning,
2. Comprehensive plan category,
3. Existing and proposed uses,
4. Number of lots,
5. Smallest lot size, typical lot size, and largest lot size,
6. Minimum lot frontage,
7. Gross site area,
8. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),
9. Gross residential density (see Section 10-4D-2, subsection E above),
10. Net residential density (see Section 10-4D-2, subsection E above),
11. Building setbacks - front, flanking, side, and rear,
12. Public / common landscaped and open space area (acres),
13. Percent of open space,
14. Number of parking spaces required (see Article 10-3D);

o. Identification of the drawing as a “preliminary plat” and the drawing shall contain a border size as required by the Spokane County Auditors office; and

p. Other information, as deemed appropriate by the P&CD Director.

3. Proposed landscape plan (6 copies 24" x 36" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

a. Proposed preliminary plat base map

b. The location and height of existing and proposed fences and other buffering or screening materials;

c. The location of proposed open space, parks, trails, etc.

d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site;

e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and

f. Other information as deemed appropriate by P&CD. An arborist’s report may be required for sites with mature trees that are protected under Article 10-3C of this Code.

4. Proposed structures (6 copies 18" x 24" min, 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

a. Building elevations with building height and width dimensions;

b. Building materials, color, and type; and

c. Other information as deemed appropriate by P&CD.

5. Lighting plan in conformance with Section 10-3F-2.

6. Application form:

a. Name of subdivision. This name must not duplicate the name of another subdivision in Spokane County (please check with Spokane County Assessor);

b. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor.

c. Location of the proposed development sufficient to define its location in the city, and a legal description of the site;

d. Location by section, township, and range;

e. Adjacent area owned or controlled by owner or applicant (acres or sq. ft.)

f. Assessor parcel number(s) of project site;

g. Assessor parcel number(s) of adjacent area owned or controlled by owner or applicant;

h. Street address of proposal;

i. Identification of all utilities proposed for the site with source and company or district including domestic water and sewage;

j. School district and fire district

k. Name of public road(s) providing access to the subject site;

l. Width of property fronting on public road;

m. Proposed improvements, as required by Chapter 3 (Design and Maintenance Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

n. Data table, as applicable:

1. Existing and proposed zoning,
2. Comprehensive plan category,
3. Existing and proposed uses,
4. Number of lots,
5. Smallest lot size, typical lot size, and largest lot size,
6. Minimum lot frontage,
7. Gross site area,
8. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),
9. Gross residential density (see Section 10-4D-2, subsection E above),
10. Net residential density (see Section 10-4D-2, subsection E above),
11. Building setbacks - front, flanking, side, and rear,
12. Public / common landscaped and open space area (acres),
13. Percent of open space,
14. Number of parking spaces required (see Article 10-3D);

o. List of previous planning actions involving the subject property and any plans for future additions, expansions, or activity related to proposal;

p. Changed conditions of the area that warrants the proposal or factors that support the proposal;

q. Potential impacts on adjacent properties and proposed mitigation;

r. Estimated time period expected for complete development of proposal; and

s. Surveyor verification, owner signature, and signature and seal of a notary public.

7. Additional requirements:

a. Detail with approximate finished street center line grades and typical street cross sections for public local access, collectors, etc. and private streets;

b. Detail with typical setbacks for residences;

c. Draft proposed Covenants, Conditions, and Restrictions (CC&R's) for the development, if applicable;

d. Phasing plan, if applicable;

e. Payment of fees as set in the adopted P&CD fee schedule and signing of an

agreement to pay fees; and

f. In addition to the project permit and SEPA notice provisions, outlined in Article 10-4B, notices shall also be provided to appropriate officials of the following:

1. Other cities or towns within 1 mile of a subdivision,
2. Any city or town that is proposed to supply utilities to the subdivision,
3. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and
4. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.

B. Preliminary Short Plat.

In addition to the general requirements described in Section 10-4D-2 above, the preliminary short plat application shall consist of drawings and supplementary written material on application forms approved and provided by P&CD. Complete applications shall contain the following information, as applicable:

1. Site analysis map (6 copies 18" x 24" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;

b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site;

c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;

d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.

e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 6 Environment, and relevant portions of the Comprehensive Plan.);

h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;

i. Designated historic and cultural resources on the site and adjacent parcels or lots;

j. The location, size, and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10-3C;

k. North arrow, scale, name, and address of owner and project designer; and

l. Other information, as deemed appropriate by the P&CD Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

2. Proposed preliminary short plat (6 copies 18" x 24" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

a. Date, north arrow, and scale of drawing;

b. Vicinity map with the location of the proposed development sufficient to define its location in the City;

c. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;

d. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;

e. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;

f. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;

g. Easements: location, width, and purpose of all easements;

h. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;

i. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.

j. Existing structures that will remain on site;

k. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;

l. Subject site survey data;

m. Data table, as applicable:

1. Existing and proposed zoning,
2. Comprehensive plan category,
3. Existing and proposed uses,
4. Number of lots,
5. Smallest lot size and minimum lot frontage,
6. Gross site area,
7. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),
8. Gross residential density (see Section 10-4D-2, subsection E above),
9. Net residential density (see Section 10-4D-2, subsection E above),
10. Building setbacks - front, flanking, side, and rear,
11. Public / common landscaped and open space area (acres),
12. Percent of open space,
13. Number of parking spaces required (see Article 10-3D);

o. Identification of the drawing as a “preliminary short plat” and the drawing shall contain a border size as required by the Spokane County Auditors office; and

p. Other information, as deemed appropriate by the P&CD Director.

3. Proposed landscape plan (6 copies 18" x 24" min., 1 copy 11" x 17", 1 electronic

version in a format requested by P&CD):

a. Proposed preliminary short plat base map

b. The location and height of existing and proposed fences and other buffering or screening materials;

c. The location of proposed open space, parks, trails, etc.

d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site;

e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and

f. Other information as deemed appropriate by P&CD. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code.

4. Proposed structures (6 copies 18" x 24" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):

a. Building elevations with building height and width dimensions;

b. Building materials, color, and type; and

c. Other information as deemed appropriate by P&CD.

5. Lighting plan in conformance with Section 10-3F-2.

6. Application form:

a. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor.

b. Location of the proposed development sufficient to define its location in the City, and a legal description of the site;

c. Location by section, township, and range;

d. Adjacent area owned or controlled by owner or applicant (acres or sq. ft.)

e. Assessor parcel number(s) of project site;

f. Assessor parcel number(s) of adjacent area owned or controlled by owner or applicant;

g. Street address of proposal;

h. Identification of all utilities proposed for the site with source and company or district including domestic water and sewage;

i. School district and fire district

j. Name of public road(s) providing access to the subject site;

k. Width of property fronting on public road;

l. Proposed improvements, as required by Chapter 3 (Design and Maintenance Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

m. Data table, as applicable:

1. Existing and proposed zoning,
2. Comprehensive plan category,
3. Existing and proposed uses,
4. Number of lots,
5. Smallest lot size and minimum lot frontage,
6. Gross site area,
7. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),

8. Gross residential density (see Section 10-4D-2, subsection E above),
9. Net residential density (see Section 10-4D-2, subsection E above),
10. Building setbacks - front, flanking, side, and rear,
11. Public / common landscaped and open space area (acres),
12. Percent of open space,
13. Number of parking spaces required (see Article 10-3D);

o. List of previous planning actions involving the subject property and any plans for future additions, expansions, or activity related to proposal;

p. Changed conditions of the area that warrants the proposal or factors that support the proposal;

q. Potential impacts on adjacent properties and proposed mitigation;

r. Estimated time period expected for complete development of proposal; and

s. Surveyor verification, owner signature, and signature and seal of a notary public.

7. Additional requirements:

a. Detail with approximate finished street center line grades and typical street cross sections for public local access, collectors, etc. and private streets;

b. Detail with typical setbacks for residences;

c. Draft proposed Covenants, Conditions, and Restrictions (CC&R's) for the development, if applicable;

d. Phasing plan, if applicable;

e. Payment of fees as set in the adopted P&CD fee schedule and signing of an agreement to pay fees; and

f. In addition to the project permit and SEPA notice provisions, outlined in Article 10-4B, notices shall also be provided to appropriate officials of the following:

1. Other cities or towns within 1 mile of a subdivision,
2. Any city or town that is proposed to supply utilities to the subdivision,
3. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and
4. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.

10-4D-5 Approval Criteria: Preliminary Plat and Short Plat

A. General Approval Criteria. The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat or short plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable sections of Chapter 2 (Zoning Districts) and Chapter 3 (Design and Maintenance Standards) shall apply. Where a variance is necessary to receive preliminary plat or short plat approval, the application shall also comply with the relevant sections of Chapter 5 (Exceptions to Code Standards);

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of RCW 58.17;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of

subdivisions and short plats and maps of land divisions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat or short plat; and

4. All proposed private common areas and improvements (e.g., home owner or property owner association property) are identified on the preliminary plat or short plat, if applicable.

B. Housing Density (Preliminary Plats and Short Plats). The subdivision or short subdivision meets the City's housing standards of Chapter 2.

C. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zoning district (Chapter 2), and the standards of Article 10-3G.
2. Setbacks shall be as required by the applicable zoning district (Chapter 2).
3. Each lot shall conform to the standards of Article 10-3B - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for adjacent uses. See also, Chapter 2 - Zoning Districts, and Article 10-3C - Landscaping.
5. In conformance with the Fire Code, as amended, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Article 10-3B - Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or short subdivision.

D. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Article 10-3G - Public Facilities.

10-4D-6 Variances Authorized

Adjustments to the standards of this Article shall be processed in accordance with Article 10-5B - Variances. Applications for variances shall be submitted at the same time an application for land division or boundary line adjustment is submitted.

10-4D-7 Submissions and Approval Criteria: Final Plat and Short Plat

A. Submission Requirements. Final plats and short plats shall be reviewed and approved by the City prior to recording with Spokane County. The applicant shall submit the final plat or short plat within 5 years of the approval of the preliminary plat or short plat, as provided by Section 10-4D-3 above.

1. Six (6) copies of the final plat or short plat map and one (1) reduced 11x17 copy shall be submitted in a format acceptable to the Spokane County Auditor and shall include the items required under subsection B, Approval Criteria, below.
2. Four (4) copies of the street, grading, and drainage plans shall be submitted. Civil plans shall include City Street Standards submittal requirements, as well as street trees located and selected in accordance with Section 10-3C-4 of this Code, street

signs located and selected in accordance with Section 10-3G-2, subsection U of this Code and the City Street Standards, and street lighting located and selected in accordance with Section 10-3G-2, subsection W of this Code.

3. If required by the Planning & Community Development Director, a geotechnical letter shall be supplied that lists the soil types within the development site and provides a schematic map identifying soil type areas. The letter must be prepared by a qualified engineer.

4. The sewer and water plan mylar shall be submitted for P&CD review and signature.

All final plats and short plats shall comply with RCW 58.17 or other applicable state laws or this Code.

B. Approval Criteria. The P&CD Director or his or her designee shall review the final plat or short plat and shall approve or deny the final plat or short plat based on findings regarding compliance with the following criteria:

1. The final plat or short plat complies with the approved preliminary plat or short plat, and all conditions of approval and submission requirements noted above have been satisfied;

2. The final plat or short plat map contains:

   a. Name of subdivision, date, north arrow, and scale of drawing,

   b. Development boundary shown on map, a legal description of the site, and location by section, township, and range,

   c. Information on designer, and engineer or surveyor, and the date of the survey. The final plat or short plat shall contain an affidavit by the surveyor who surveyed the land, represented on the plat or short plat in the form of a surveyor's certificate acknowledging that the land was correctly surveyed and marked with proper monuments as provided by RCW 58.17, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location,

   d. The location and widths of streets, alleys, rights-of-way, easements, parks, trails, tracts, and other open spaces within the development and those existing immediately adjacent to the development shall be shown and labeled. Areas dedicated to the public shall be labeled as such,

   e. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots with addresses obtained from P&CD and drafted on map,

   f. Appropriate utility easements and existing structures that will remain on site shall be shown,

   g. Layout and names of adjoining subdivisions, replats, etc. shall be shown with a dashed line within and adjacent to the development boundary,

   h. Plat restrictions required as conditions of preliminary plat or short plat approval shall be shown,

   i. All special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown,

   j. A notarized certification by the owner(s) as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and granting of easements indicated on final plat or short plat,

   k. Signature blocks for the agencies and parties listed in Section 10-4D-3, subsection B above, shall be included on the first page,

l. A Spokane County Auditors Certificate shall be drafted on each page of the final plat or short plat;

m. A dedication with content supplied by P&CD shall be drafted on the first page of the final plat and a lot or parcel, block, and address chart shall also be included on the final plat;

n. Identification of the drawing as a “final plat or final short plat”, as applicable and the drawing shall contain a border size as required by the Spokane County Auditors office, and

o. Other information, as deemed appropriate by the P&CD Director;

3. Public improvements required by the preliminary plat or short plat have been installed and approved by the P&CD Director. Alternatively, the developer has provided a performance guarantee in accordance with Section 10-4D-9.

4. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;

5. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat or short plat;

6. The plat or short plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;

7. The plat complies with the applicable Articles of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat or short plat approval);

8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot or parcel depicted on the plat or short plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Article 10-3G - Public Facilities, and the bond requirements of Section 10-4D-9. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the City;

9. The applicant has supplied public utility providers with the final plat/short plat and the availability of public water and public sewer has been demonstrated to be consistent with adopted levels of service;

10. The applicant has provided copies of all recorded homeowners association or property owners association Covenants, Conditions, and Restrictions (CC&R’s); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

11. The applicant has furnished a current title certificate (less than 30 days old) from a recognized title company, showing interest of the person(s) signing the plat and showing all restrictions encumbering the land;

12. The agencies and parties listed in Section 10-4D-3, subsection B above, have approved and signed the final plat;

13. All taxes, auditor recording fees, assessments, etc., and City required fees established in the P&CD fee schedule have been paid; and

14. The applicant has furnished electronic copies of the final plat or short plat if requested by the City, in a format approved by the City, and other documents or information requested by the City.

10-4D-8 Public Improvements

Public Improvements Required. Before City approval is certified on the final plat or short plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider shall provide a performance guarantee, in accordance with Section 10-4D-9 below.

10-4D-9 Performance Guarantees

A. Performance Guarantee Required. When a performance guarantee is required, the subdivider shall file an assurance of performance with the City supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Washington, or
2. A surety bond executed by a surety company authorized to transact business in the state of Washington which remains in force until the surety company is notified by the City in writing that it may be terminated.
3. Cash

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses. The sum shall be 150% of the private cost.

C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, stamped by a civil engineer licensed in the State of Washington, to assist the City in calculating the amount of the performance assurance. Landscaping improvements shall be certified by a Licensed Landscape Architect.

D. Agreement. An agreement between the City and developer shall be attached to the Performance Guarantee which specifies the period within which all required improvements and repairs shall be completed. The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the Director.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the P&CD Director.

E. When Subdivider Fails to Perform. In the event the developer fails to complete all required improvements, the City shall call on the bond, cash deposit, or letter of credit to construct the required improvements.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

G. Warranty Bonds. Additional bonding or assurance shall be required for all improvements within the public right-of-way, including landscaping, as well as swales which serve the right-ofway for a period of 2 years after improvements are completed in an amount equal to 20% of the construction cost or $10,000, whichever is greater. The City Engineer may reduce the bond amount for projects valued at less than $20,000. The warranty bond must be posted prior to the release of any performance bonds, in conformance with the City Development Code and City Street Standards.

H. Release of Warranty Bonds. The bond or assurance shall be released after the 2 year period when the City Engineer finds that any noted deficiencies have been repaired or replaced, in conformance with the City Development Code and City Street Standards.

10-4D-10 Filing and Recording

A. Filing with County. Once the final plat or short plat has been reviewed, approved, and signed by the applicable agencies and the Mayor, the Director shall, within seven (7) calendar days, file the final plat or short plat with the Spokane County Auditor and the applicant shall be so notified of such filing. Fees to record the final plat or short plat must be submitted to the Director prior to filing.

B. Proof of recording. Upon final recording with the County, P&CD shall retain one (1) paper copy of all sheets of the recorded final plat. Issuance of building permits for the newly-created lots shall not occur until the plat or short plat is recorded.

C. Prerequisites to recording the plat.

1. All requirements of this Code have been met; and
2. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid.

10-4D-11 Replatting and Vacation of Plats

A. Replatting and Vacations.
Any plat or short plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Changes of condition to final plats and short plats are covered in Article 10-4F below.

B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or short subdivision (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the original land division process shall be afforded to the plat vacation process. (See Article 10-4B - Types of Applications and Review Procedures). Applications shall conform to the applicable sections of RCW 58.17.

C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of vacations. All approved plat vacations shall be recorded in accordance with Section 10-4D-10 and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described on the plat.

E. After sale of lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in RCW 36.87 and/or RCW 35.79. When the application is for the vacation of the plat, BSP, or short plat together with the roads and/or streets, the procedure for vacation in RCW 36.87 and/or RCW 35.79 shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030 and/or RCW 35.79.035, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

10-4D-12 Boundary Line Adjustments

Boundary Line Adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

A. Submission Requirements. All applications for Lot Line Adjustment shall be made on forms provided by the City that are approved by the Spokane County Auditor for recording, if recording is required by Spokane County. One form shall be completed for each lot involved in the lot line adjustment. Boundary line adjustments shall follow the process for exempt projects, as governed by Article 10-4B. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; before and after legal descriptions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined in Article 10-3C; existing fences and walls; and any other information deemed necessary by the Director ensuring compliance with city codes.

Additionally, applications must include a Spokane County Assessor segregation / aggregation form that will be signed upon approval by P&CD and then must be returned by the applicant to the Spokane County Assessor for processing.

B. Approval Process.

1. Decision-making process. Lot line adjustments shall be reviewed by means of an exempt procedure, as governed by Article 10-4B, using approval criteria contained in subsection C, below.
2. Time limit on approval. The lot line adjustment approval shall be effective for a period of sixty (60) days from the date of approval, during which time it must be recorded, if required by Spokane County.
3. Lapsing of approval. The boundary line adjustment approval shall lapse if:
    a. The boundary line adjustment is not recorded within sixty (60) days, if required by Spokane County;
    b. The boundary line adjustment has been improperly recorded with Spokane County without the satisfactory completion of all conditions attached to the approval; or
    c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Director or his or her designee shall approve or deny a request for a boundary line adjustment in writing based on the following criteria:

1. No additional parcel or lot may be created by the boundary line adjustment, however the number of lots or parcels may be reduced;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the zoning district (Chapter 2) including lot area and dimensions;
3. Access. All lots and parcels comply with the standards or requirements of Article 10-

3B – Access and Circulation;

4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the zoning district (Chapter 2);
5. Exemptions from Dedications and Improvements. A boundary line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required; and
6. All required fees, per the adopted P&CD fee schedule, have been paid.

D. Recording Lot Line Adjustments.

1. Recording. Upon the City's approval of the proposed boundary line adjustment, the applicant shall record the lot line adjustment with Spokane County within sixty (60) days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, if recording is required by Spokane County, along with the completed and approved segregation / aggregation form, to be filed with the approved application.
2. Time limit. The applicant shall submit the copy of the recorded boundary line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots, if recording is required by Spokane County.

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved boundary line adjustment within the one year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the boundary line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

10-4D-13 Binding Site Plans (BSP)

Binding site plans involve divisions of land for the purpose of sale or lease of commercial, industrial, or mixed use zoned properties as provided in RCW 58.17.035. The application submission and approvals process is as follows:

A. General Provisions.

1. The purpose of this chapter is to provide a process to divide industrial and commercial land into lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area. It is also to provide a process designating lots to be created; however, such designation is to be liberally construed in order that lots may be modified without resubmittal of an application, as long as the project is consistent with required zoning and other development standards.
2. The process of binding site plans is limited to those areas which are zoned for commercial, industrial, or mixed use under the City of Liberty Lake Development Code. It may also be used for the purpose of approving manufactured home parks located in other zones under the Liberty Lake Development Code.

B. Application.

Prior to filing an application with the City, the applicant shall have a Pre-Application Conference with the City. Following the preconference, the applicant may submit a preliminary binding site plan application for review by the City and appropriate agencies.

C. Contents of Preliminary Binding Site Plan.

Every preliminary binding site plan application shall consist of the preliminary binding site plan, applicable fees, and the following:

1. Maps/Exhibits.
   a. A minimum of six (6) copies of the preliminary binding site plan prepared by or under the direction of a licensed professional land surveyor, 24" x 36" in size, and with a scale of 1"=50', 1"=100'. If approved by the City, an appropriate scale may be used which does not exceed 1"=200'.
   b. One reduced copy of the preliminary binding site plan (11"x17" size) and one electronic version in a format requested by the City.
   c. One copy of the Spokane County assessor's map showing the location of and the existing parcel number of all abutting properties. The approximate location of the subject property shall be clearly marked.
   d. Environmental checklist per City of Liberty Lake environmental ordinance.
   e. Legal description of the property with the source of the legal description clearly indicated.
   f. Public notice packet.

2 Preliminary Binding Site Plan Data (To Be Illustrated on the Preliminary Binding Site Plan).
   a. Name, address and telephone number of the owner and the person with whom official contact should be made regarding the binding site plan.
   b. Location of the binding site plan by section, township, range.
   c. A statement describing the number of lots, general proposed uses of the lots, method of water supply, and sanitary disposal of sewage.
   d. Vicinity map which shall indicate the property to be divided.
   e. North arrow, scale, and the boundary of the proposed binding site plan.
   f. Boundaries of all blocks, the designation of lots, lot lines, and dimensions.
   g. The location, names and widths of all existing and proposed streets, roads, and access easements within the proposed binding site plan and adjoining the binding site plan.
   h. Approximate location of existing structures, septic tanks, drainfields, wells and other improvements located on the site and whether such structures are proposed to remain on the property.
   i Illustrate any proposed easements and/or divisions to be dedicated for any public purpose.
   j. The approximate location, size, and dimension of any common areas on the site.
   k. Approximate location of any natural features such as wooded areas, streams, drainage ways, and critical areas as defined in the critical areas ordinance.
   l. Topographic information at ten-foot intervals, if any slopes exceed ten percent.

D. Distribution of Preliminary Binding Site Plans.

If the City determines that the application is complete under the requirements listed above and

that the preliminary binding site plan contains sufficient elements and data to furnish a basis for its approval or disapproval, the City shall assign a file number to the preliminary binding site plan and issue a receipt. Copies of the preliminary binding site plan shall be distributed to affected agencies by the City.

E. Preliminary Binding Site Plan Agency Review.

The affected agencies shall review the preliminary binding site plan during the Notice of Application comment period and within fourteen (14) days or less, furnish their recommendation and recommended conditions, if any, for approval or disapproval of the preliminary binding site plan to the City. All required recommendations and recommended conditions of approval from agencies of jurisdiction shall be received in writing by the City and shall be made part of the file. The City and reviewing agencies may request additional information during the review process in order to process the application. After reviewing the project and completing SEPA review, the Director shall issue a written decision approving or denying the application with written findings of fact.

F. Preliminary Binding Site Plan Public Notice.

Notice of application, decision, and other required notice shall be made pursuant to the requirements for a Type I Project Permit (see Article 10-4B).

G. Public use and interest.

The Director should determine, and make written findings, if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare; and whether the public interest will be served by the binding site plan.

H. Conformity with applicable land use controls.

Binding site plans can be approved by the director, if the director makes a formal written finding of fact that the proposed binding site plan is in conformity with the Development Code or other land use controls which are known to exist.

I. Preliminary Approval.

Applications for binding site plans should either be approved, approved with conditions, or denied in accordance with the Type I Project Permit review procedures, unless additional environmental information is required under SEPA.

The Director may, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed three (3) years; provided that:

1. Any changes to the BSP follow the procedures in Article 10-4F;

2. The applicant has submitted written intent to file a final BSP within the extension period;

3. An extension of time will not prevent the lawful development of abutting properties;

4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary BSP application shall be required;

5. The extension request is made before expiration of the original approved plan; and

6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions of Approval was available

Modifications. The applicant may request changes to the approved preliminary BSP conditions of approval following the procedures and criteria provided in Article 10-4F - Modifications.

J. General Design.

The design of binding site plans shall conform to the requirements of all applicable City plans and standards, and any official control relating to land use which has been adopted to implement the City of Liberty Lake Comprehensive Plan. In addition:

1. The design, shape, size, and orientation of the lots should be appropriate for the use for which the divisions are intended, and the character of the area in which they are located.

2. Block dimensions should reflect regard for the needs of convenient access, public safety, emergency vehicle access, topography, street maintenance, and the provision of suitable sites for the land use planned.

3. Street alignments should be designed with appropriate consideration for existing and projected streets, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided.

4. Lots should not be divided by the boundary of any city, county, zoning designation, or public right-of-way.

5. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Article 10-3G - Public Facilities.

K. Streets.

Direct access to every lot shall be provided by a public or private street, or a private driveway easement consistent with the City Street Standards. Exceptions to the standards may be granted by the City Engineer on a case by case basis. Public street(s), private street(s) and or driveways serving those lots being developed shall be reviewed by the City Engineer and constructed by the developer / applicant, and final as-built plans shall be submitted prior to the issuance of a building permit, unless a Performance Guarantee has been provided in accordance with Section 10-4D-9.

L. Sewage disposal.

Provisions for adequate sewage disposal shall be in compliance with the City of Liberty Lake Sewer Ordinance, comprehensive wastewater management plan, and current City of Liberty Lake, Spokane Regional Health District, Department of Health, Department of Ecology, or the other appropriate agencies' regulations.

M. Water supply.

Provisions for an adequate water supply and/or fire protection shall be in compliance with current City of Liberty Lake, Spokane Regional Health District, Department of Health or the other appropriate agencies' regulations.

N. Stormwater runoff.

Provisions for stormwater runoff shall be in compliance with Article 10-3H Stormwater Management.

O. Utilities.

The dedication language in the final binding site plan shall include a statement indicating that utility easements for utility purveyors shall be made prior to the creation of each lot through a record of survey. If the binding site plan is finalized in one phase, easements for electric, water, sewer, gas, and similar utilities shall be illustrated on the final binding site plan. The applicant shall supply public utility providers with BSP documents and the availability of public water and public sewer has been demonstrated to be consistent with the adopted levels of service.

P. Professional land surveyor.

The preparation of all binding site plans shall be made by or under the supervision of a professional land surveyor. The professional land surveyor shall certify on the final binding site plan that it is a true and correct representation of the lands actually surveyed. All surveys shall comply with the Survey Recording Act (RCW 58.09), survey and land descriptions (WAC-332-130), and City of Liberty Lake standards for street and sewer construction, as amended.

Q. Mapping Requirements.

The final BSP map shall show:

1. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;
2. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map and north arrow;
3. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown;
4. Ties to adjoining surveys of record.
5. The allowable error of mathematical closure for the final BSP map shall not exceed one foot in eighty thousand feet or 0.04 foot, whichever is greater.
6. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.
7. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
8. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a nontangent line. Spiral curves shall show chord bearing and length.
9. Lots along curves shall show arc length along curve and radial bearings at lot corners. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius. Radial bearings along lot lines will not be required.
10. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
11. When elevations are needed on the final BSP, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the City Engineer.
12. The final BSP map shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

R. Monumentation.

Monumentation shall be established as required by City of Liberty Lake standards for street and sewer construction, as amended. In addition, every lot corner shall be marked with an iron rod or iron pipe marked in a permanent manner with the registration number of the professional land surveyor in charge of the survey. Each lot corner shall also be marked with a wooden stake.

S. Final Binding Site Plan Submittal.

The final binding site plan shall incorporate any conditions of approval imposed by the City and shall be prepared and certified by a licensed professional land surveyor. Submittal of a final binding site plan shall be made within five years of the date of preliminary approval, unless an extension of time has been granted under the provisions of 10-4D-I. A final binding site plan

may include all of the lots being created or it may consist of the boundary of the binding site plan. If no lots are being created at the time of filing the final binding site plan, the creation of any lots shall be made by a record of survey under the provisions of RCW 58.09. Final BSP review should be completed within sixty (60) days of submittal.

All final binding site plan submittals shall include the following:

1. A minimum of six (6) copies of the proposed final binding site plan;
2. One reduced copy of the proposed final binding site plan (11”x17” size), and one electronic version in a format requested by the City
3. Final binding site plan fees;
4. Two (2) copies of a plat certificate.

T. Contents of Final Binding Site Plan.

1. The final binding site plan shall be a legibly drawn, printed, or reproduced permanent map, twenty-four by thirty-six inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.
2. The binding site plan file number; location by section, township and range shall be shown.
3. The scale shall be fifty or one hundred feet to the inch. If approved by the City, an appropriate scale may be used which does not exceed 1”=200’, provided a 1”=400’ reduced copy is also submitted.
4. A distinct wide boundary line shall delineate the boundary of the binding site plan.
5. Any lot(s) being finalized shall be numbered consecutively, and the size of those lots shall be indicated on the final binding site plan.
6. The location and widths of streets, alleys, rights-of-way, and easements within the binding site plan and those existing immediately adjacent to the binding site plan shall be shown. A statement dedicating any required right-of-way shall appear on the face of the final binding site plan.
7. The layout, lot and block numbers, and dimensions of all lots shall be shown.
8. The location and dimensions of any common areas within the final binding site plan, and a description of the purpose thereof.
9. Layout and names of adjoining subdivisions and replats shall be shown with a dashed line within and adjacent to the binding site plan boundary.
10. Street names shall be shown.
11. Street addresses for each lot shall be shown.
12. Restrictions required as conditions of preliminary approval shall be shown.
13. Appropriate utility easements shall be shown, if lots are being created.
14. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, and connections to state highways shall be shown.
15. Any streets not dedicated to the public shall be clearly marked and named per City standards.
16. A notarized certification by the owner(s) shall be provided dedicating streets, areas intended for other public use, and granting of easements for slope and utilities.

17. A certification signed by a licensed professional land surveyor registered stating that, where required, the final binding site plan was surveyed and prepared by himself/herself, or under his/her supervision, that the binding site plan is a true and correct representation of the subject land, and that monumentation have been established as required by City standards.

18. The following signatures of approval are required on the final binding site plan:

    a. Property Owners of Record

    b. Spokane County Auditor's Certificate

    c. Surveyor's Certificate

    d. City of Liberty Lake

    Examined and approved this _____ day of _____, 20____.

    _____

    Director, Planning and Community Development Department

    e. City of Liberty Lake Engineer

    Examined and approved this _____ day of _____, 20____.

    _____

    City of Liberty Lake Engineer

    f. Spokane County Assessor

    g. Spokane County Treasurer

U. Filing.

Once the final binding site plan has been reviewed, approved and signed by the City, the Director shall file the final binding site plan with the county auditor and the applicant shall be so notified of such filing. Fees to record the final binding site plan must be submitted to the Director prior to filing.

V. Record of Survey.

A record of survey may be filed subsequent to the recording of a final binding site plan to establish lots within the boundaries of the final binding site plan, consistent with the Preliminary Binding Site Plan approval, conditions, and expiration provisions. The record of survey should be reviewed and approved, usually within 45 days, by the Director prior to its recordation.

All record of survey submittals shall include the following:

1. A minimum of six (6) copies of the proposed record of survey;
2. One reduced copy of the proposed record of survey (11”x17” size), and one electronic version in a format requested by the City;
3. Record of survey fees;
4. Two (2) copies of the plat certificate.

The following information shall be provided on the record of survey.

1. The survey shall be of a size required by the county auditor. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.
2. The binding site plan file number shall be referenced.
3. The scale shall be fifty or one hundred feet to the inch. If approved by the City, an

appropriate scale may be used which does not exceed 1”=200’, provided a 1”=400’ reduced copy is provided.

4. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
5. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the record of survey.
6. The location and widths of streets, alleys, rights-of-way, and easements within the binding site plan and those existing immediately adjacent to the lot being created shall be shown.
7. Street names shall be shown.
8. Street addresses of each lot shall be shown.
9. Restrictions required as conditions of preliminary approval shall be shown.
10. Appropriate utility easements shall be shown.
11. Certification of the licensed professional land surveyor.
12. The following signatures are required on the record of survey:
    a. City of Liberty Lake Community Development Director;
    b. Property owner.
13. Illustrate any existing buildings located on the lot which is being created.
14. Provide an amendment history chart.

Article 10-4E — Planned Unit Developments

Sections:

10-4E-1 **Purpose**
10-4E-2 **Applicability**
10-4E-3 **Review and Approvals Process**
10-4E-4 **Allowed Uses**
10-4E-5 **Applicability of Zoning District Standards (Chapter 2)**
10-4E-6 **Applicability of Design Standards (Chapter 3)**
10-4E-7 **Preliminary PUD Submission Requirements**
10-4E-8 **Preliminary PUD Approval Criteria**
10-4E-9 **Administrative Procedures**
10-4E-10 **Final PUD Approval Criteria**

10-4E-1 Purpose

A. Purpose. The purpose of this article is to implement the goals and policies of the City of Liberty Lake Comprehensive Plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential and mixed use development in order to protect and enhance environmental features, encouraging the development of affordable housing, and providing other public benefits. This article provides performance criteria to encourage flexibility in the choice of the types of living units available to the public through the planned unit development (PUD) process. More specifically, it is the purpose of this article to:

1. Encourage innovative planning that results in more mixed use development, improved protection of open spaces, and greater housing and transportation options;
2. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified living environments;
3. Facilitate the efficient use of land;
4. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
5. Preserve to the greatest extent possible the existing landscape features and amenities, that may not otherwise be protected through conventional development;
6. Encourage energy conservation and improved air and water quality.

10-4E-2 Applicability

The planned unit development (PUD) designation is an overlay which may be applied over the City's zoning districts, as identified in the adopted zoning matrix. Existing subdivisions and lots of record on which no development has yet occurred or where adequate vacant land exists within an existing development to meet the standards and criteria of this article are eligible for PUD approval as changes of condition to the original plat, short plat, or BSP and would be processed in the same manner as a new land division application. An applicant may elect to develop a project as a PUD in compliance with the requirements of this article.

10-4E-3 Review and Approvals Process

A. Review Steps. There are three required steps to potential PUD approval:

1. Submittal of required PUD exhibits or information, concurrent with requirements for plats, short plats, or BSP's (see Article 10-4D above).
2. Adherence to the project permit processing steps in Article 10-4B; and
3. The approval of preliminary subdivision plat(s), short subdivision plats, or binding site plans accompanied by PUD overlay.

B. Approval Process.

1. The Subdivision Plat, Short Subdivision Plat, or Binding Site Plan, as applicable, and the Planned Unit Development (PUD) overlay shall be reviewed together using the Type III procedure in Article 10-4B, the submission requirements in Section 10-4E-7, and the approval criteria in Section 10-4E-8.
2. The project shall either be approved, approved with modifications/conditions, or denied.

10-4E-4 Allowed Uses

A. In the Residential Zoning Districts. In the residential zones, the following uses are allowed when they are included in an approved PUD:

1. All uses allowed in the underlying zoning district (Chapter 2);
2. Recreational vehicle storage area for use by PUD residents with appropriate landscape screening.
3. The City may approve any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property and limited or conditional use requirements may be modified if the modification is to meet the purpose of a PUD.

B. In Other Zoning Districts. In the other zoning districts where PUD's are permitted, the following uses are allowed when they are included in an approved PUD:

1. All uses allowed in the underlying zoning district (Chapter 2);

2. The City may approve any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property and limited or conditional use requirements may be modified if the modification is to meet the purpose of a PUD.

10-4E-5 Code Provision Modifications

A. The City may utilize a PUD Overlay to modify any of the provisions of the code if it can be demonstrated that it furthers the goals and policies of the Comprehensive Plan and meets the purpose of a PUD except the following:

1. The City may not modify any of the provisions of this Article; and

2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD; and

3. The City may not modify any of the procedural provisions of this code; and

4. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and

5. The City may not modify any provision pertaining to the installation of public improvements; and

6. The City may not modify any provision regulating signs; and

7. The City may not modify any provision that would be detrimental to the public health, safety, or welfare.

B. Other Provisions of the City Municipal Code. All other provisions of the City Municipal Code shall apply, except as modified by this article.

C. More than one overlay. When more than one overlay applies to the development (i.e. Specific Area Plan Overlay Zone and a PUD), and standards conflict between the overlays, the more restrictive standards shall apply (i.e., those which afford the greatest protection to identified resources and amenities, compatibility between land uses, etc.), as determined by the Director/designee.

10-4E-6 Density Bonus

Density Bonus. The housing density standards shall be determined based on the densities in Chapter 2. When allowed by the Comprehensive Plan, the City may authorize a density bonus above the density allowed by Chapter 2, as an incentive to increase or enhance open space, protect critical areas, provide unique architectural character, and or accomplish other purposes of the zone. The density bonus shall not result in the allowable density exceeding 10 percent of the allowable density in Chapter 2.

10-4E-7 Preliminary PUD Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Article 10-4B and for a plat, short plat, or BSP, as governed by Article 10-4D, as applicable. In addition, the applicant shall submit the following on forms approved and provided by P&CD:

1. A statement of planning objectives to be achieved by the planned unit development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the PUD and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD.
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 10-4E-8.
5. Special studies prepared by qualified professionals may be required by the P&CD Director to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

B. Additional information. In addition to the general information described in Subsection “A” above, and the requirements of Articles 10-4B and 10-4D, the application shall include the following, as applicable:

1. Conceptual site plan - may be combined with other required maps or plans outlined in

Article 10-4D provided that the general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the PUD concept are included;

2. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated); and
3. Sign concept (e.g., locations, general size, style, and materials of signs).

10-4E-8 Preliminary PUD Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the PUD overlay. The City shall make findings that all of the criteria are not satisfied when denying an application:

A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan shall be met;

B. Compliance with this Article. All PUD proposals shall comply with the provisions of this Article (10-4E)

C. Land Division Article. All of the requirements for land divisions, as applicable, shall be met (Article 10-4D);

D. Code Provision Modification Principles. The code provision modifications permitted under Section 10-4E-5 and the density bonus permitted under Section 10-4E-6 shall be based on the following principles:

1. The criteria below shall be used in granting modifications to the code provisions through a PUD proportional to the requested modification(s).

   The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:

   a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.

   b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.

   c. The design of the PUD incorporates active or passive solar energy systems.

   d. The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:

      1. Increased provision of public/common open space, streetscape, pedestrian, or recreational facilities, or preservation of viewscapes.
      2. Superior circulation patterns or location or screening of parking facilities.
      3. Superior landscaping, buffering, or screening in or around the proposed PUD.
      4. Superior architectural design, placement, relationship, or orientation of structure.
      5. Minimum use of impervious surfacing materials.
      6. Other ways that further the goals and policies of the Comprehensive Plan and meets the purpose of a PUD, as determined by the

Director/designee.

e. The PUD incorporates workforce or specialty housing. Any PUD which proposes workforce or specialty housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.). Housing prices and/or rents shall be controlled at these levels through Covenants, Conditions, and Restrictions (CCR) or similar instrument for a minimum of 10 years.

2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.

E. Requirements for Common Open Space. Where common open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and

2. The open space shall be conveyed in accordance with one of the following methods:

a. By dedication to the City as publicly-owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the P&CD Director with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a Level One Environmental Assessment), and budgetary and maintenance abilities;

b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City.

10-4E-9 Administrative Procedures

A. Time limit on filing of final plats, short plats, and BSP's. The time limits outlined in Article 10-4D above for filing of final plats, short plats, and BSP's shall be followed.

B. Extension. Granting of extensions for PUD proposals shall be as outlined in Section 10-4D-3 Modifications and Extensions, for extensions on final plats, short plats, and Section 10-4D-13 for BSP's.

10-4E-10 Final PUD Approval Criteria

The City shall process final PUD's concurrent with the final plat, short plat, or BSP for the project and the process shall be as outlined in Article 10-4D above, specifically Section 10-4D-7, Submissions and Approval Criteria: Final Plat and Short Plat and Section 10-4D-13 for BSP's. Final PUD's shall meet all conditions of approval and other requirements of the preliminary PUD.

Article 10-4F —
Modifications to Approved Plans and Conditions of Approval

Sections:

10-4F-1 **Purpose**
10-4F-2 **Applicability**
10-4F-3 **Major Modifications**
10-4F-4 **Minor Modifications**

10-4F-1 Purpose

A. Purpose. The purpose of this Article is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

10-4F-2 Applicability

A. This Article applies to all development applications approved through the provisions of Chapter 4, including:

1. Site Design Review approvals;
2. Subdivisions, Binding Site Plans, Short Subdivisions, and Boundary Line Adjustments;
3. Planned Unit Developments;
4. Conditional Use Permits; and
5. Conditions of approval on any of the above application types.
6. Modifications to adopted Specific Area Plan Overlays (SAP) shall also be reviewed through the Major & Minor Modification process.
    a. SAP Major Modifications are reviewed during the annual amendment cycle.
    b. The City or the SAP Applicant can propose modifications to an adopted SAP during the annual amendment cycle, consistent with amendments to the City Comprehensive Plan and Development Code.
    c. Minor Modifications can be proposed by the City or the SAP Applicant and are reviewed administratively.

B. This Article does not apply to zoning district changes, text amendments, temporary use permits, or other permits.

10-4F-3 Major Modifications

A. Major Modification Defined. The Director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives, or parking areas that affect off-site traffic;

4. An increase in the lot coverage proposed for non-residential use by more than 5 percent where previously specified;
5. A reduction of more than 5 percent of the area reserved for common open space and/or usable open space;
6. A reduction to specified setback requirements to a degree that the minimum setback standards of the zoning district cannot be met; or
7. Changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon receipt of notice of the Director's determination that the proposed modification is a major modification, the applicant shall submit either an application for the major modification or, if the project was originally approved with conditions, an application for a change of conditions.
2. The modification request shall be subject to the same review procedure (Exempt, Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting, and landscaping. Notice shall be provided in accordance with the applicable review procedure.

10-4F-4 Minor Modifications

A. Minor Modification Defined. Any modification to a land use decision or approved development plan that does not meet the criteria for a major modification in Section 10-4F-3, above, shall be considered a minor modification.

B. Minor Modification Request. The Director will review an application for approval of a minor modification request using the Exempt project procedure as outlined in Article 10-4B above. The Director may approve, approve with conditions, or deny an application for a minor modification based on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the Development Code and/or in the case of projects with conditions of approval attached, the proposed development is in compliance with the conditions of approval; and
2. The modification is not a major modification as defined in Section 10-4F-3, above.

The Director's decision will be issued in writing and will include a summary of the Director's finding as to each criteria.

Article 10-4G — Administrative Interpretations

Sections:

10-4G-1 **Purpose**
10-4G-2 **Administrative Interpretation Procedure**

10-4G-1 Purpose

A. Purpose. In order to ensure the uniform application of this Code, the Director is authorized to render or make interpretations. An interpretation of the provisions of this Code may be necessary to clarify conflicting or ambiguous wording, interpret proper classification of a use, or interpret the scope or intent of the provisions of this Code. An interpretation of the Building Regulations, Title 9, of the City of Liberty Lake Municipal Code, may not be requested under this article. An interpretation of the provisions of this Code may not be used to amend this Code.

10-4G-2 Administrative Interpretation Procedure

A. Requests. Any person may request a written interpretation of the provisions of this Code. In addition, the P&CD Director may issue an interpretation on his or her own initiative.

B. Submittal Requirements. Any person requesting an interpretation of this Code shall submit a written request specifying each provision of the Code for which an interpretation is requested, why an interpretation of each provision is necessary, and any reasons or materials in support of a proposed interpretation. The applicant shall pay the fee for Administrative Interpretations as set forth in the adopted Planning & Community Development Department Fee Schedule.

C. Basis of Interpretation. In making an interpretation of the provisions of this Code, the Director should consider the following as applicable:

1. The applicable provisions of the this Code, including its purpose and context;
2. The implications of the interpretation for development within the City as a whole, including the precedent the interpretation will set for other applicants;
3. Consistency with the City of Liberty Lake Comprehensive Plan and other relevant codes and policies.

D. Conflicts with Other Regulations. Where conflicts occur between the provisions of this code and the building and fire codes or other regulations of the City, the more restrictive shall apply. If any conflict between the zoning map and the text of the applicable chapter exist, the text of the chapter shall prevail.

E. Director's Decision. The P&CD Director's decision on an interpretation shall include the name of the applicant, the description of the subject proposal, the language of the code subject to interpretation, the explanation of the P&CD Director's interpretation, and any other necessary information reasonably related to the proposal. Unless otherwise provided herein, the P&CD Director shall mail a written response to any person filing a written request to interpret the provisions of this Code within twenty eight (28) calendar days of having received that request. When a request is made while a project is pending and after a Determination of Completeness (DOC) has been issued, the permit applicant must agree to waive the required project permit 120 day time frame to allow for preparation of the interpretation, and any changes to the project that the interpretation might require. The decision is rendered on the date of the written interpretation.

F. Time Limitation. An interpretation of this Code remains in effect unless and until rescinded in writing by the P&CD Director.

G. Enforcement. An interpretation of this Code issued in accordance with these provisions may be enforced in the same manner that any other provision of this Code is enforced. All written interpretations of this Code with a current index of such interpretations shall be maintained by the P&CD department and made available for public inspection.

H. Appeals. When an interpretation is made in response to a written request pursuant to these provisions or when an Administrative Decision is rendered, the person filing the written request or whom the Administrative Decision was addressed may appeal the decision of the P&CD Director to the Hearing Examiner within fourteen (14) calendar days from the date the P&CD Director's decision is rendered. A notice of appeal shall be delivered to P&CD by mail or personal delivery, and must be received by 4:00 p.m. on the last business day of the appeal period, with the required appeal fee. The fee for such appeal shall be as set forth for Appeals of Administrative Interpretations in the adopted Planning & Community Development Department Fee Schedule.

1. The notice of appeal shall contain a concise statement identifying:
    a. The decision being appealed;
    b. The name and address of the appellant and his/her interest(s) in the matter;
    c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
    d. The desired outcome or changes to the decision; and
2. Requests for reconsideration shall contain all information required in this section, and the applicable appeal fee. Any notice of appeal not in full compliance with this section shall not be considered.
3. Scheduling of Public Hearing.

    A public hearing for the appeal shall be scheduled before the Hearing Examiner not less than twenty-one (21) calendar days from the date the complete notice of appeal with appeal fee is submitted to P&CD. The decision of the Hearing Examiner shall be a recommendation to the City Council as outlined in City of Liberty Lake Ordinance No. 27, establishing the office of the Hearing Examiner and providing for rules and regulations. The City Council will conduct an additional public hearing at a regularly scheduled City Council meeting to render the final appeal decision.
4. Judicial Appeal.
    a. Appeals from the final decision of the City Council shall be made to the Spokane County Superior Court and must be filed as a land use petition in the Superior Court within twenty-one (21) days of the date the written appeal decision is signed.
    b. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, and all persons identified in RCW 36.70C.040, within the applicable time period.
    c. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the City Clerk an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant.

Article 10-4H — Conditional Use Permits

Sections:

10-4H-1 **Purpose**
10-4H-2 **Approvals Process**
10-4H-3 **Application Submission Requirements**
10-4H-4 **Criteria, Standards and Conditions of Approval**
10-4H-5 **Additional Development Standards for Conditional Use Types**

10-4H-1 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities and services, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Chapter 2 - Zoning Districts. The purpose of Article 10-4H is to provide standards and procedures under which a conditional use may be permitted, enlarged, or altered if the site is appropriate and if other appropriate conditions of approval can be met.

10-4H-2 Approvals Process

A. Initial Application. An application for a new conditional use shall be processed as a Type II procedure (Article 10-4B). The application shall meet submission requirements in Section 10-4H-3, and the approval criteria contained in Section 10-4H-4.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Article 10-F - Modifications.

10-4H-3 Application Submission Requirements

In addition to the submission requirements required in Article 10-4B above, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to Section 10-4C-3 - Site Design Review Application Submission Requirements:

A. Site analysis map (existing site conditions);

B. Proposed site plan;

C. Preliminary grading plan;

D. A landscape plan;

E. Architectural drawings of all structures;

F. Drawings of all proposed signs;

G. A copy of all existing and proposed restrictions or covenants.

H. Narrative report documenting compliance with all applicable approval criteria in Section 10-4H-4.

10-4H-4 Criteria, Standards and Conditions of Approval

The Hearing Examiner shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The criteria for Site Design Review approval (Section 10-4C-4 above) shall be met.

C. Conditions of Approval. The Hearing Examiner may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or critical areas;
13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/ bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Article 10-3B.

10-4H-5 Additional Development Standards for Conditional Use Types

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B Additional development standards. Development standards for specific uses are contained in Chapter 2 - Zoning Districts.

Article 10-4I — Miscellaneous Permits

Sections:

10-4I-1 **Temporary Use Permits**
10-4I-2 **Home Occupation Permits**
10-4I-3 **Special Use Permits**

10-4I-1 Temporary Use Permits

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, mobile sales / concessions, and seasonal sales such as Christmas tree sales and vegetable stands. The uses listed below have specific requirements for Temporary Use Permit approval. The uses below and other uses listed in the Zoning Matrix may require a Temporary Use Permit with additional regulations or requirements identified in the Limited or Conditional Use:

A. Seasonal and Special Events. These types of uses generally occur only once in a calendar year and for no longer a period than 90 days, unless approved for an extended period of time by the Director. Using the Exempt project procedure under Article 10-4B, the Director / Designee shall approve, approve with conditions, or deny a temporary use permit for a seasonal or special event based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying zoning district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The use does not violate zoning ordinances or conditional use permits applicable to the site;
3. The applicant provides proof that the property-owner gave permission to use his/her property in the proposed manner;
4. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Article 10-3D - Vehicle and Bicycle Parking;
5. The use provides adequate vision clearance, as required in Section 10-3B-2, subsection N, and shall not obstruct pedestrian access on public streets;
6. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Article 10-3B - Access and Circulation;
7. The use does not create adverse, off-site impacts such as vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
8. The use is adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

B. Temporary Sales Office or Model Home. Using the Exempt project procedure under Article 10-4B, the Director / Designee may approve, approve with conditions, or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, based on the following criteria:

1. Temporary sales office:
    a. The use will be for no other purpose other than those described above; and

b. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and

c. The property to be used for a temporary sales office shall not be permanently improved for that purpose and shall be removed or the sales office use shall be discontinued upon sell-out of the subdivision or tract of land, unless the temporary sales office is located within a model house where the use shall comply with the requirements in subsection "2-c" below; and

d. The temporary sales office may be located in the model house defined below.

2. Model house:

a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code; and

c. The model house use shall be discontinued and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years, unless the phase in which the model house is located is less than 80% sold-out in which case, the Director may grant up to two, one (1) year extensions for the model house use. If the model house contains a temporary sales office, the time limits specified above for the model house shall apply.

C. Temporary Building. Using the Exempt project procedure, as governed by Article 10-4B, the Director / Designee may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, based on the following criteria:

1. The temporary trailer or prefabricated building will be for no other purpose other than those described above;
2. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
3. The primary use on the property on which the temporary trailer or pre-fabricated building is to be located is already developed;
4. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Article 10-3B - Access and Circulation;
5. There is adequate parking for the customers or users of the temporary use, as required by Article 10-3D - Vehicle and Bicycle Parking;
6. The use will not result in vehicular traffic congestion on streets;
7. The use will pose no hazard to pedestrians in the area of the use;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
9. The building complies with applicable building codes;
10. The use can be adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
11. The length of time that the temporary building will be used does not exceed one (1) year, unless approved for an extended period of time by the Director. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

D. Mobiles Sales / Concessions. Using the Exempt project procedure under Article 10-4B, the Director / Designee shall approve, approve with conditions, or deny a temporary use permit for a mobile food service establishment or mobile sales booth, based on the following criteria:

1. Mobile food service establishment:
    a. A truck, trailer, or cart located in a non-permanent fixed location utilized primarily for the sale of food;
    b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City or when associated with sports league play; the City has the right to limit the number of mobile food service establishments and types of products;
    c. Only permitted on private property when associated with a temporary carnival or fair, parking lot or sidewalk sale, non-profit fundraiser, or a community event as defined in this Code and determined by the City;
    d. Mobile food service establishments cannot be utilized on public or private property for more than twenty one (21) consecutive days or the duration allowed within any one year for Seasonal and Special Events above, unless approved for an extended period of time by the Director / Designee;
    e. A site plan must be submitted and the mobile food service establishment will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;
    f. The mobile food service establishment shall contain at least one functional fire extinguisher;
    g. The mobile food service establishment must have a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to ensure, at all times, public access and use of the container;
    h. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; and
    i. Proper Health Department and City regulations, permits, and approvals must be obtained and complied with.

2. Mobile sales booth:
    a. A booth (including trailer, canopy, or display area) utilized for the sale or display of goods or services located in a non-permanent fixed location;
    b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City;
        1. The City has the right to limit the number of vendors and types of products and services. The following products and services shall be prohibited and on-site enforcement of the prohibition shall be conducted by the Liberty Lake Police Department:
            - Adult oriented merchandise or services
            - Drug paraphernalia
            - Hazardous materials

- Illegal merchandise or services
- Tobacco
- Weapons
- Similar products and services as listed above, as determined by the Director / designee;

c. Only permitted on private property when associated with a temporary carnival or fair, parking lot or sidewalk sale, non-profit fundraiser, or a community event as defined in this Code and determined by the City;

d. Mobile sales booths cannot be utilized on public or private property for more than twenty one (21) consecutive days or the duration allowed within any one year for Seasonal and Special Events above, unless approved for an extended period of time by the Director / Designee;

e. A site plan must be submitted and the mobile sales booth will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;

f. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; and

g. City regulations, permits, and approvals must be obtained and complied with.

10-4I-2 Home Occupation Permits

The purpose of this section is to facilitate small commercial ventures operated within a residence, which are appropriate in scale and impact to be operated within a residence and which could not necessarily be sustained if it were necessary for the business owner to lease commercial quarters. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home occupations are permitted in residential units (dwellings) that are owned by the person operating the home occupation or which is the primary residence of the operator of the home occupation, subject to the following standards:

A. <u>Appearance and Use of Residence:</u>

1. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business;
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification;
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval);
4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure;
5. The home occupation, including storage space, shall not occupy more than forty-nine (49) percent of the residential unit, however a home occupation may be located in an approved detached accessory building under the standards of this section; and

6. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise.

B. Storage:

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited;
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited; and
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

C. Employees:

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one employee at the home occupation site at any given time. As used in this section, the term “home occupation site” means the lot on which the home occupation is conducted;
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home; and
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs: Only one (1) unlighted wall or window sign shall be allowed and in no case shall the sign exceed 3 square feet.

E. Vehicles, Parking and Traffic:

1. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site;
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 10 p.m. to 7 a.m; and
3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 10 p.m. only, subject to Sections A and E, above.

G. Prohibited Home Occupation Uses:

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.
3. Any uses described in this section or uses with similar objectionable impacts because

of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, such as the following examples:

a. Ambulance service;

b. Animal hospital, veterinary services, kennels or animal boarding;

c. Auto and other vehicle repair, including auto painting; or

d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

4. Any business related to adult retail use establishments, adult bookstores, and adult entertainment establishments are prohibited.

H. Home Occupation Permit Approvals: Applicants shall complete and submit an application supplied by P&CD. The application shall be reviewed and processed by P&CD for compliance with this section and the permit shall be either approved or denied based on the requirements of this section. If the permit is approved, P&CD shall notify the applicant and the applicant shall pay the fee for Home Occupation Permits, as established in the adopted P&CD Department Fee Schedule and receive a copy of the approved permit.

I. Enforcement: The Director or his or her designee may visit and inspect the site of home occupations in accordance with this section to insure compliance with all applicable regulations. If a complaint or investigation request is received or if P&CD believes a violation of the home occupation permit is occurring, such inspections will be conducted during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Article 10-1D - Enforcement.

J. Exemptions.

The following activities are exempt from the home occupation permit requirements, but shall otherwise comply with the substantive requirements of this section; provided, however, a home occupation permit may be required if a complaint is received about the activity or if activities related to the occupation otherwise qualify for a home occupation:

1. Authors, composers and writers.

2. After hours paperwork and similar activities performed by residents on evenings and weekends, who have a primary office elsewhere.

3. Tutoring, teaching, music lessons, or fine arts instruction for one student or pupil or conducted not more than one time per week,

4. Services or activities that are not performed at the residence, such as newspaper delivery, babysitting, lawn care and gardening, parties for the sale of items such as Tupperware, Mary Kay, etc., and similar services.

5. Activities similar to 1 - 4 above, as determined by the Director/designee.

10-4I-3 Special Use Permits

A. Purpose. The purpose of a special use permit is to allow a permit granted by the Hearing Examiner to locate a regional land use, not specifically allowed by the zoning code applicable to the location, but that provides a benefit to the community and is compatible with other uses in the zoning district in which it is proposed. The special use permit is granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

B. Application Submittal and Contents.

1. The application for a special use permit shall be submitted to P&CD on forms provided by P&CD, along with the appropriate fees established in the P&CD Department Fee Schedule.
2. The P&CD Director may waive specific submittal requirements determined to be unnecessary for review of an application.

C. Permit Review Process. Applications for special uses shall be processed according to the procedures for Type II project permits, established in Article 10-4B.

D. Approval Criteria. A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, zoning district, or City;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety, and / or welfare of the community;
4. The proposed location shall not result in either a detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or projected traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or adverse impacts can be mitigated;
7. Neither the location, size and height of buildings, structures, walls, and fences, nor any screening vegetation for the special use shall hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Code; and
9. The special use is not in conflict with the standards of the critical areas overlay.

E. Additional Conditions. In granting any special use permit, the Hearing Examiner may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of this Code will not be violated.

F. Use of Property Before Final Decision. No business license or building permit shall be issued for any use involved in an application for approval for a special use permit until the special use permit is approved.

G. Special Use Permits – Effective Period.

1. A decision granting a special use permit shall become effective upon the date of such decision.
2. A special use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the special use permit unless:
    a. The applicant has received an extension of time for the special use permit subject to subsection H below; or

b. The special use permit approval provides for a greater time period.

H. Extension of Time. The Director may extend a special use permit, not to exceed one year, if:

1. Unforeseen circumstances or conditions necessitate the extension of the permit; and
2. Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
3. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

I. Modification of Special Use Permit. The City may initiate a modification to an approved special use permit. A modification will be processed in the same manner as a new special use permit. Through the modification procedure, the Hearing Examiner may delete, modify, or impose additional conditions upon finding that the use for which the approval was granted has been intensified, changed, or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

J. Special Use Permit to Run With the Land. A special use permit granted pursuant to the provisions of this Section shall continue to be valid upon a change of ownership of the site, business, service, use, or structure which was the subject of the permit application. No other use is allowed without approval of an additional special use permit.

K. Assurance Device. In appropriate circumstances, the City may require a reasonable performance of maintenance assurance device, in a form acceptable to the City attorney, to assure compliance with the provisions of this Code and the special use permit as approved.

L. Permit Suspension or Revocation. The City may suspend or revoke an approved special use permit only upon finding that:

1. The use for which the approval was granted has been abandoned for a period of at least one year; or
2. Approval of the permit was obtained by misrepresentation of material fact; or
3. The permit is being exercised contrary to the terms of approval.

Article 10-4J — Zoning District Map & Text Amendments

Sections:

10-4J-1 **Purpose**
10-4J-2 **Legislative Amendments**
10-4J-3 **Quasi-Judicial Amendments**
10-4J-4 **Conditions of Approval**
10-4J-5 **Record of Amendments**
10-4J-6 **Transportation Planning Rule Compliance**

10-4J-1 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the zoning district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

10-4J-2 Legislative Amendments

Legislative amendments are policy decisions made by City Council, after receiving a recommendation from the Planning Commission. They are reviewed using the Type IV procedure in Article 10-4B and the amendment process must follow the adopted GMA Public Participation Program Handbook, in addition, they shall conform to Section 10-4J-6, as applicable.

10-4J-3 Quasi-Judicial Amendments

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments, also known as property rezones shall follow the Type III project procedure, as governed by Article 10-4B, using standards of approval in Subsection "D" below. The approval authority shall be as follows:

1. The Planning Commission shall review and comment on zoning district map changes prior to the Technical Review meeting for the project, and their comments shall be added to the staff report prepared for the Hearing Examiner. The Hearing Examiner's decision shall be a recommendation to the City Council who shall decide such applications;
2. If the Comprehensive Plan land use map needs to be updated to match a property rezone, the Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment, which is a Type IV process, and would be reviewed during the yearly amendment process, unless the amendment is declared an emergency. The City Council shall decide such applications; and
3. Property rezones and Comprehensive Plan land use map amendments should be conducted concurrently during the yearly amendment process to keep consistency between zoning districts and land use categories, and the amendment process must follow the adopted GMA Public Participation Program Handbook.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;
2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances; and
3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning district map regarding the property which is the subject of the application, and the provisions of Section 10-4J-6, as applicable.

10-4J-4 Conditions of Approval

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

10-4J-5 Record of Amendments

The Director shall maintain a record of amendments to the text of this Code and the zoning districts map in a format convenient for public use.

10-4J-6 Transportation Planning Rule Compliance

A. When a development application includes a proposed Comprehensive Plan amendment or zoning district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. A significant affect would do one or more of the following:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Comprehensive Plan and Transportation Improvement Plan;
2. Change the standards implementing a functional classification system;
3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or
4. Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and Transportation Improvement Plan.

B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Comprehensive Plan and Transportation Improvement Plan (also see Section 10-4A-2 Concurrency). This shall be accomplished by one of the following remedies:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

2. Amending the Comprehensive Plan and Transportation Improvement Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.